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COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2000

VOLUME I

R E P O R T

SUBMITTED TO THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

AND THE

COMMITTEE ON INTERNATIONAL RELATIONS
U.S. HOUSE OF REPRESENTATIVES

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

SEPTEMBER 2001

Printed for the use of the Committees on Foreign Relations of the U.S. Senate and International Relations of the U.S. House of Representatives respectively

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FOREWORD

The country reports on human rights practices contained herein were prepared by the Department of State in accordance with sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961, as amended. They also fulfill the legislative requirements of section 505(c) of the Trade Act of 1974, as amended.

The reports cover the human rights practices of all nations that are members of the United Nations and a few that are not. They are printed to assist Members of Congress in the consideration of legislation, particularly foreign assistance legislation.

JESSE HELMS,
Chairman, Committee on Foreign Relations.

HENRY J. HYDE
Chairman, Committee on International Relations.

LETTER OF TRANSMITTAL

DEPARTMENT OF STATE,
Washington, DC, February 25, 2001.

Hon. JESSE HELMS,
Chairman, Committee on Foreign Relations.

DEAR MR. CHAIRMAN: On behalf of the Secretary of State, I am transmitting to you the *Country Reports on Human Rights Practices for 2000,* prepared in compliance with sections 116(d)(1) and 502B(b) of the Foreign Assistance Act of 1961, as amended, and section 505(c) of the Trade Act of 1974, as amended.

We hope this report is helpful. Please let us know if we can provide any further information.

Sincerely,

BARBARA LARKIN,
Assistant Secretary, Legislative Affairs.

Enclosure.

PREFACE

HUMAN RIGHTS REPORTS

I am pleased to transmit to the United States Congress this 25th edition of the Department of State's Country Reports on Human Rights Practices.

For the past quarter of a century, these reports have grown in breadth and stature every year. As such they reflect our country's deep and abiding commitment to universal human rights and the unprecedented growth in democracy, freedom, and human rights throughout the world.

The year 2000 saw many improvements in human rights—from the consolidation of democracy in Nigeria and Ghana to the defeat of an entrenched dictator in Serbia and the election of a new president in Mexico. At the same time, the continued deterioration of conditions in China and Cuba and the abusive policies pursued by the regimes in Iraq and Sudan and a number of other countries offer proof that the battle to promote universal human rights is far from finished. We who believe in human freedom and the rule of law must not lose sight of the challenges that lie before us.

This year's report covers 195 countries. No country, our own included, can claim a perfect human rights record; nor should any seek exemption from international scrutiny. Each nation must be accountable for the way it treats its citizens. The purpose of these reports, therefore, is to provide to the best of our ability a comprehensive and accurate report on the human rights conditions in every country.

The interest in these annual Country Reports can be seen in the hundreds of thousands of hits our web site at www.state.gov will receive from every part of the world over the next few days, and in the countless discussions, both public and private, that will follow. The Report for the year 2000 thus takes its place within the context of a new and revolutionary era of global human discourse. It is my deepest hope, therefore, that these reports can stimulate new dialogue and provide new encouragement for all countries to strengthen their commitments to universal human rights and fundamental freedoms.

I would like to thank all those who had a hand in preparing this year's Country Reports—whether overseas or in the Department of State. Without their dedication and hard work, a report of this quality and scope would simply be impossible.

COLIN L. POWELL,
Secretary of State.

OVERVIEW AND ACKNOWLEDGMENTS

HUMAN RIGHTS REPORTS

Why The Reports Are Prepared

This report is submitted to the Congress by the Department of State in compliance with sections 116(d) and 502(b) of the Foreign Assistance Act of 1961 (FAA), as amended, and section 504 of the Trade Assistance Act of 1974, as amended. The law provides that the Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by February 25 "a full and complete report regarding the status of internationally recognized human rights, within the meaning of subsection (A) in countries that receive assistance under this part, and (B) in all other foreign countries which are members of the United Nations and which are not otherwise the subject of a human rights report under this Act." We have also included reports on several countries that do not fall into the categories established by these statutes and that thus are not covered by the congressional requirement.

The responsibility of the United States to speak out on behalf of international human rights standards was formalized in the early 1970's. In 1976 Congress enacted legislation creating a Coordinator of Human Rights in the Department of State, a position later upgraded to Assistant Secretary. In 1994 the Congress created a position of Senior Advisor for Women's Rights. Congress has also written into law formal requirements that U.S. foreign and trade policy take into account countries' human rights and worker rights performance and that country reports be submitted to the Congress on an annual basis. The first reports, in 1977, covered only countries receiving U.S. aid, numbering 82; this year 195 reports are submitted.

How The Reports are Prepared

In August 1993, the Secretary of State moved to strengthen further the human rights efforts of our embassies. All sections in each embassy were asked to contribute information and to corroborate reports of human rights violations, and new efforts were made to link mission programming to the advancement of human rights and democracy. In 1994 the Bureau of Human Rights and Humanitarian Affairs was reorganized and renamed as the Bureau of Democracy, Human Rights, and Labor, reflecting both a broader sweep and a more focused approach to the interlocking issues of human rights, worker rights, and democracy. The 2000 human rights reports reflect a year of dedicated effort by hundreds of State

Department, Foreign Service, and other U.S. Government employees.

Our embassies, which prepared the initial drafts of the reports, gathered information throughout the year from a variety of sources across the political spectrum, including government officials, jurists, military sources, journalists, human rights monitors, academics, and labor activists. This information-gathering can be hazardous, and U.S. Foreign Service Officers regularly go to great lengths, under trying and sometimes dangerous conditions, to investigate reports of human rights abuse, monitor elections, and come to the aid of individuals at risk, such as political dissidents and human rights defenders whose rights are threatened by their governments.

After the embassies completed their drafts, the texts were sent to Washington for careful review by the Bureau of Democracy, Human Rights, and Labor, in cooperation with other State Department offices. As they worked to corroborate, analyze, and edit the reports, the Department officers drew on their own sources of information. These included reports provided by U.S. and other human rights groups, foreign government officials, representatives from the United Nations and other international and regional organizations and institutions, and experts from academia and the media. Officers also consulted with experts on worker rights issues, refugee issues, military and police matters, women's issues, and legal matters. The guiding principle was to ensure that all relevant information was assessed as objectively, thoroughly, and fairly as possible.

The reports in this volume will be used as a resource for shaping policy, conducting diplomacy, and making assistance, training, and other resource allocations. They also will serve as a basis for the U.S. Government's cooperation with private groups to promote the observance of internationally recognized human rights.

The Country Reports on Human Rights Practices cover internationally recognized individual, civil, political, and worker rights, as set forth in the Universal Declaration of Human Rights. There rights include freedom from torture or other cruel, inhuman, or degrading treatment or punishment; from prolonged detention without charges; from disappearance or clandestine detention; and from other flagrant violations of the right to life, liberty, and the security of the person.

Universal human rights aim to incorporate respect for human dignity into the processes of government and law. All persons have the inalienable right to change their government by peaceful means and to enjoy basic freedoms, such as freedom of expression, association, assembly, movement, and religion, without discrimination on the basis of race, religion, national origin, or sex. The right to join a free trade union is a necessary condition of a free society and economy. Thus the reports assess key internationally recognized worker rights, including the right of association; the right to organize and bargain collectively; prohibition of forced or compulsory labor; the status of child labor practices and the minimum age for employment of children; and acceptable work conditions.

Within the Bureau of Democracy, Human Rights, and Labor, the editorial staff of the Country Reports Team consists of: Editor in

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INTRODUCTION TO THE COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR THE YEAR 2000

I. THE 25TH EDITION OF THE COUNTRY REPORTS

For the past quarter of a century, the Country Reports on Human Rights Practices have chronicled the ebb and flow of human rights, bearing witness to the conditions that affect people's lives in every nation of the world. Yet despite all the suffering—or perhaps because of it—the cause of human rights is stronger now than ever.

The expansion of democracy and human freedom that the world has experienced over the past 25 years has many causes. This expansion rests on the fundamental belief that there are rights and freedoms to which every human is entitled no matter where he or she resides. This idea is so powerful and so universal that it gains strength with every passing year.

The primary focus of the Country Reports always has been events in the countries that the reports cover. If newspapers are the first drafts of history, the reports are surely the second drafts, carefully researched cross-sections of the good and bad that transpire around the world every year. But the reports are not just history. They are documents backed by the full weight of the U.S. people and Government. They speak for those who have no voice, bearing witness for those who have not had access to free trials, nor have enjoyed other fundamental human rights and protections. As the reports have done since their first appearance in March 1977, they represent the nation's commitment to respect for universal human rights and its interest in promoting these rights in every country of the world. The reports are a tangible manifestation of the Department of State's intense focus on human rights issues.

II. THE YEAR IN REVIEW

The year saw a number of advances in human rights, democracy, and fundamental freedoms. The Yugoslav people voted Slobodan Milosevic out of office in September, ending more than a decade of authoritarian rule and offering hope for a new, more tolerant and democratic era in Yugoslavia. Nigeria continued to make progress in its transition to democracy, while a peaceful transfer of authority took place in Ghana following generally free and fair elections. Ethiopia and Eritrea signed a peace accord in December, ending a conflict that created at least a million internally displaced civilians in both countries. The election of Vicente Fox marked the first time in modern Mexican history that a member of an opposition party

was elected President. Peru's decision to renew its acceptance of the compulsory jurisdiction of the Inter-American Court of Human Rights appeared to represent a renewed commitment to the rule of law. And South Korean President Kim Dae Jung's engagement policy led to some easing of tensions with North Korea.

U.N. Secretary General Kofi Annan reiterated the United Nation's support for the promotion of human rights and instructed its agencies to place emphasis on both reporting and programming initiatives that strengthened respect for human rights. The International Criminal Tribunal for the former Yugoslavia continued to try alleged war criminals, including a war crimes trial based on charges of rape and other sexual violence. The International Criminal Tribunal for Rwanda also continued to try persons for genocide-related crimes. At the regional level, a number of institutions continued to work to strengthen democratic norms and practices. The Organization of African Unity denied a seat at its summit to Cote d'Ivoire due to its 1999 coup. The Organization of American States (OAS) sent a mission to Peru in the wake of elections that international and domestic observers deemed to be seriously flawed. The Government subsequently announced new elections that are scheduled to take place in April 2001. The OAS mission also sponsored a dialog among government, opposition politicians, and civil society representatives aimed at reforming the country's beleaguered democratic institutions. The Organization for Security and Cooperation in Europe engaged in active and public human rights reporting in Kosovo and monitored elections in a number of countries. A number of member states of the Council of Europe began to publish reports of the Committee for the Prevention of Torture.

At the international level, the global spread of democracy was affirmed in both governmental and nongovernmental arenas. The Governments of over 100 countries that have chosen a democratic path and that represent every region of the world, level of development, and various historical experiences, convened a June ministerial meeting in Warsaw, Poland, under the rubric of a Community of Democracies. Participants endorsed the Warsaw Declaration, which committed their Governments to uphold democratic principles and practices. The Community of Democracies meeting sought to enhance cooperation among participating Governments through several avenues, including an informal caucus at the U.N. General Assembly to share information and support democracy-related issues and resolutions within the U.N. system.

At the same time these positive trends took place, China's poor human rights record worsened during the year, as the authorities intensified their harsh measures against underground Christian groups and Tibetan Buddhists, destroyed many houses of worship, and stepped up their campaign against the Falun Gong movement. China also sharply suppressed organized dissent. In Burma the military continued its severe repression, holding Aung San Suu Kyi under house arrest for much of the year, detaining her supporters, imprisoning many religious believers, and coercing numerous persons, including children, into forced labor. North Korea's situation remained among the worst in the world: The Government stifled all dissent and widely curtailed freedom of religion, political prisoners were held in forced labor camps, and malnutrition remained wide-

spread. In Afghanistan the Taliban continued to be a major violator of human rights, severely restricting women's and girls' access to education, medical facilities, and employment. Iraq remained under the complete domination of one of the world's most repressive regimes, as security forces routinely executed, tortured, beat, raped, or otherwise intimidated and abused any perceived political opponents. Cuba's overall human rights record remained poor, as the Government retained tight surveillance over anyone considered a potential opponent. The human rights situation in Belarus worsened in a number of areas, as the Lukashenko regime took severe measures to neutralize political opponents and repressed all calls for democracy. Turkmenistan remained one of the most totalitarian countries in the world, as the Committee on National Security maintained tight control over the country, and a personality cult centered around President Saparmurat Niyazov continued. In Israel and the occupied territories, following the outbreak of violence in September, Israeli security forces sometimes used excessive force in contravention of their own rules of engagement, killing approximately 300 Palestinians and injuring thousands in response to violent demonstrations and other clashes in Israel, the West Bank, and Gaza. Palestinian security forces and members of Fatah's Tanzim killed numerous Israeli soldiers and civilians in the cycle of violence.

Continuing internal conflict marred the human rights situation in a number of countries. In Colombia both paramilitary and guerrilla groups continued to commit acts of violence and other serious abuses in many parts of the country, with numerous massacres of civilians and the murder, kidnaping, and intimidation of human rights defenders, trade unionists, journalists, and other targeted groups. War, exacerbated by external intervention, continued to wrack the Democratic Republic of the Congo, enabling perpetrators of human rights violations to enjoy virtual impunity in large portions of the country. The Government of Sudan continued its bombing of civilian population centers, support for slave taking, and forced religious conversions, while preventing international humanitarian assistance from reaching large portions of the country. Numerous credible reports of human rights abuses by Russian forces in Chechnya, which included extrajudicial killings, torture, and rape, provoked widespread condemnation and calls for accountability; the Chechens committed numerous abuses as well, such as the execution of prisoners. In Indonesia security forces were responsible for numerous instances of indiscriminate shootings of civilians, torture, beatings, and other abuses in Aceh, Irian Jaya, and elsewhere, and the Government was ineffective in deterring social, interethnic, and interreligious violence in the Moluccas and Sulawesi.

III. Developments in Human Rights, Democracy, and Labor

Global Democratic Trends: The year witnessed new strides towards the globalization of democracy. Many, if not most, governments, civil society leaders, and multilateral institutions now pursue and promote open economies and freer societies. A majority of people in the world now live in democratic countries or countries that have begun to implement some democratic and political re-

forms. The overall trend remains one of positive, incremental change, despite some reversals.

Elections bolstered democratic transitions in Croatia, Ghana, Mexico, Suriname, and Yugoslavia during the year. An active civil society and increasingly independent media helped to ensure the success and transparency of these elections. Setbacks included continuing conflict in the Middle East and Africa, a coup in Fiji, and a breakdown of the Government and law and order in the Solomon Islands. In China, despite widespread Government abuses, important aspects of civil society continued to develop. Seriously flawed elections took place in other countries, most notably in Azerbaijan, Kyrgyzstan, Cote d'Ivoire, and Haiti.

On the nongovernmental side, increased global networking among organizations and private citizens mirrored the growth of active civil societies at the national level. The World Forum on Democracy, held jointly with the Warsaw Community of Democracies Ministerial in June, brought together an unprecedented international gathering of scholars, civic, religious, labor, and business leaders to assess the challenges to democracy. The Forum provided to the ministerial assembly recommendations that included convening the informal caucus of democracies that was launched at the United Nations in the fall. Representatives of nongovernmental organizations (NGO's) from over 80 countries also met in Sao Paulo during November to consider how to meet the challenges to democracy. They developed a list of practical steps NGO's could take in their own countries to support the democratic process.

Integrity of the Person: In Algeria reports of abuses such as torture and arbitrary detention continued to decrease during the year; however, extrajudicial killings by security forces and terrorist groups claimed the lives of many hundreds of persons. The torture of political opponents is widespread in Uzbekistan. Cameroon's security forces reportedly killed many dozens of persons over a 6-month period in the city of Douala, and the abuse of detainees throughout the country remained endemic. The brutality associated with the Revolutionary United Front (RUF) in Sierra Leone abated somewhat; however, there continued to be reports of serious abuses, such as extrajudicial killings, rapes, and beatings in the 60 percent of the country that the Government does not control. The RUF also committed human rights abuses in Guinea. The Libyan government resorted to intimidation to control the political opposition, as security forces arbitrarily arrested and detained individuals who frequently were held incommunicado or tortured.

Press Freedom: Freedom of the press remains nonexistent in such countries as Cuba, Iraq, Libya, and Turkmenistan. There were severe restrictions on the press in Sudan, Uzbekistan, and China, except in Hong Kong. The disappearance of Ukrainian Georhiy Gongadze, whose alleged remains were found late in the year, raised serious concern about press freedom in Ukraine. In Russia Kremlin efforts to gain control over a major independent television network posed a threat to hard-won press freedom as well. In Iran dozens of newspaper offices were closed, and a number of Iran's most prominent journalists and editors were arrested or harassed as hard-line elements within the Government sought to silence their critics. However, there was some easing of press restrictions

in Syria, and the press in a number of countries in North Africa continued to demonstrate more freedom.

Religious Freedom: The year saw the continuation of religious repression and discrimination in every region of the world. Based on the Department's Annual Report on International Religious Freedom 2000 (issued in September and covering the period July 1999 through June 2000), all five countries designated as "countries of particular concern" by the Secretary of State in 1999—Burma, China, Iran, Iraq, and Sudan—were redesignated. This designation reflects the particularly severe violations of religious freedom by the Governments of those countries. In each the situation remained serious; in some—notably China—religious repression increased.

In Uzbekistan, despite the release of some religious prisoners, the Government continued to incarcerate and abuse others because of their religious beliefs and practices. In particular some Muslims were vulnerable to mistreatment because of their alleged association with terrorists. The Government of Turkmenistan failed to allow non-Sunni Muslims and non-Russian Orthodox Christian believers to register, despite earlier promises to do so, and continued its crackdown on Protestant worshipers and its suppression of practitioners of other faiths for not being registered. In Russia there were concerns about the uniform implementation by local officials of federal regulations requiring the reregistration of religious groups and organizations. In Georgia there was increased discrimination against some religious minorities, including Jehovah's Witnesses. In Laos some religious prisoners were released, but the practice by certain local officials of forcing Christians to sign renunciations of their faith continued, as did the harsh treatment of Christians in prison.

In Saudi Arabia non-Muslim public worship is prohibited, and the Government detained and subsequently deported several persons whom it considered to have violated the prohibition. The Government supports the Sunni Muslim majority, and discrimination against members of the Shi'a minority persists. Pakistan's blasphemy law continued to be abused and directed against the country's religious minorities, in particular the Ahmadiya and Christian communities. In Europe some states have adopted or are considering discriminatory legislation or policies that tend to stigmatize expressions of religious faith by certain groups by wrongfully associating them with dangerous "sects" or "cults."

On a more positive note, religious life in a number of countries of the New Independent States continued to progress during the year, as some governments tried with varying degrees of success to bring local and regional officials into line with national policy. In Azerbaijan the treatment of religious groups continued to improve, as it has since President Aliyev's public commitment to religious liberty in 1999.

Women: The year saw women's human rights attract more international attention than in the past, but actual gains worldwide were limited. In Egypt women were granted the right to divorce on grounds of incompatibility. In Rwanda a law was passed that improves women's rights in inheritance, family matters, and credit. Despite some progress made in these and other areas, serious problems remain. In many parts of Africa, female genital mutilation

continued to damage the physical and psychological health of women and girls. Societal discrimination prevented women in many countries from taking advantage of economic opportunities. In Afghanistan the Taliban's restrictions on education and work continued to confine women to the home. Traditional patriarchal societies continued to devalue women and girls. In China coercive family planning practices continued to harm women and female children, despite some government experimentation with noncoercive practices. In a number of countries in the Middle East and South Asia, so-called honor killings and dowry deaths continued to be major problems.

Violence against women remained a pervasive problem, cutting across social and economic lines. Domestic and sexual violence against women is found on every continent. While governments publicly condemned violence against women, too few took concrete steps to address it.

Children: Children are among the most vulnerable of any group in society and face particular threats to their human rights. Around the world, children face dangerous and unhealthy conditions, working in factories, fields, and sweatshops, as domestic servants, or, in some cases, as prostitutes. The trafficking of children for forced labor, prostitution, and pornography is a growing and lucrative business for criminals. In many cities large numbers of street children lack shelter, food, education, and support and are vulnerable to many forms of abuse, despite the best efforts of governments and NGO's. In countries such as Colombia, Sri Lanka, Sierra Leone, and Uganda, armed rebels force children to serve as soldiers or recruit them with promises or threats. In many countries, children are denied access to education—in some cases because they cannot afford the fees for books and uniforms, in others because they must work to support their families—thereby severely reducing their chances for a better life. Many governments deny girls the opportunity to attend school or complete their schooling.

Some improvements in the lives of children took place during the year, as some governments took steps to aid children and strengthen protection of their rights. For example, in Venezuela some 500,000 children attended school for the first time when the Government prohibited registration fees. The Government of Tunisia sponsors an immunization program that targets preschool age children and reports that over 95 percent of children are vaccinated. At the end of the year, the Moroccan UNICEF chapter and the National Observatory of Children's Rights began a human rights awareness campaign regarding the plight of child maids that received widespread media exposure. The Minister of Justice in Benin established a National Commission for Children's Rights, which held its initial session in July; the Benin Government also has made serious efforts to combat child abuse and trafficking in children. In March several government agencies in the Philippines signed a memorandum of agreement on the handling and treatment of children involved in armed conflict, which treats child insurgents as victims to be rescued and rehabilitated, rather than as enemies to be neutralized and prosecuted. The United Nations opened two important documents for signature during the year: the Optional Protocol to the Convention on the Rights of the Child Con-

cerning Children in Armed Conflict and the Optional Protocol to the Convention on the Rights of the Child Concerning the Sale of the Child. NGO's also are extremely active in the field of children's rights throughout the world, advocating legal reform and providing services.

Worker Rights: During the year, there were countervailing negative and positive trends affecting worker rights. Among the positive developments, over 50 countries ratified the International Labor Organization's (ILO) Convention on the Worst Forms of Child Labor (Convention 182), the most rapid international approval for any convention in the organization's 81-year history. The U.S. Trade and Development Act of 2000 encouraged international community ratification of the convention by linking ratification to continued eligibility for Generalized System of Preferences status. The act also incorporated worker rights criteria into trade preference eligibility for African and Caribbean Basin programs.

For the first time, the ILO adopted a resolution that called for measures to secure compliance with fundamental worker rights. In November the ILO's Governing Body judged that the Government of Burma had not taken effective action to deal with the "widespread and systematic" use of forced labor. It called on all ILO member states to take appropriate measures to ensure that Burma does not perpetuate or extend its system of forced or compulsory labor.

Among negative trends during the year was the impunity with which a dramatically increasing number of trade unionists were killed, tortured, and intimidated in Colombia. Elsewhere a growing trend toward the negotiation of individual contracts between companies and workers and the resort to the formation of "cooperatives" in place of trade unions deprived workers of the protection afforded by union representation and of protection under national labor legislation.

Trafficking in Persons: Trafficking in persons poses a serious challenge to human rights. This rapidly growing global problem affects countries and families on every continent. Traffickers prey upon women, children, and men from all walks of life, and of every age, religion, and culture. Traffickers particularly exploit women and children who suffer from poverty and are marginalized within their own societies—the most vulnerable segments of the population. Trafficking has grown significantly in recent years and serves as one of the leading sources of revenue for international criminal organizations—in part because it is low-risk and high-profit. In some countries, local police and immigration and customs officials are involved or complicit in trafficking. Traffickers deprive their victims of their basic human dignity, subject them to inhuman and degrading treatment, and treat them as chattel that can be bought and sold into forced and bonded labor across international and within national borders. Victims often find themselves in a strange country, unable to speak the language, and without identification or documentation. Many are subject to violent and brutal treatment by their captors. Some come from countries in which the police and other authorities are a source of repression rather than a source of help, and they are reluctant to seek assistance. Many are threatened with retribution against themselves or

their families should they try to escape. Many victims face additional risks from dangerous working conditions, including the threat of harm from exposure to dangerous pesticides or sexually transmitted diseases.

The underground nature of trafficking makes it difficult to quantify. Reliable estimates range from 700,000 to 2 million persons trafficked globally each year. Victims are trafficked into sweatshop labor, prostitution, domestic servitude, unsafe agricultural labor, construction work, restaurant work, and various forms of modern-day slavery. Governments around the world have taken steps to combat these heinous practices, enacting legislation to criminalize trafficking and strengthen penalties against it, and taking steps to aid victims. In December 81 countries signed the Trafficking in Persons Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the U.N. Convention Against Transnational Organized Crime. More countries are expected to sign the Trafficking Protocol in the coming months. NGO's are especially active in the antitrafficking field; their efforts globally include awareness campaigns, the provision of medical and psychological support and shelter for victims, as well as job training.

Corporate Responsibility: In recent years, partnerships among governments, businesses, and civil society to promote human rights, support civil society, and address corporate responsibility needs have expanded. Two of the best-known examples are the Sullivan Principles and the U.N. Global Compact, which encourage corporations, on a voluntary basis, to recognize international human rights, labor, and environmental standards. During the year, a group of major oil, mining, and energy companies; human rights and corporate responsibility organizations; and an international trade union federation worked with the U.S. and British Governments to forge a set of voluntary principles on security and human rights. The principles provide a mechanism for a continuing dialog on important security and human rights issues.

IV. History of the Human Rights Reports

The first edition of the Country Reports was a product of its times. While the United States had been at the forefront of the international human rights movement since the end of World War II and the creation of the United Nations, the Cold War and the gradual ending of colonialism dominated the first decades of that movement. However, the early 1970s gave rise in the Congress and throughout the country to new concepts and measures of accountability. An important force behind this changing environment was an ever-growing community of NGO's whose global outlook, commitment to human rights, and access to the media helped shape public opinion and government decisionmaking.

In 1973 Representative Donald Fraser held hearings on human rights in the Committee on Foreign Affairs Subcommittee on International Organizations. That same year, a sense of Congress resolution was passed urging the Nixon Administration to link U.S. foreign assistance programs to respect for human rights within those recipient countries. The Congress amended the Foreign Assistance Act 3 years later to require the Secretary of State to transmit to

Congress "a full and complete report" every year concerning "respect for internationally recognized human rights in each country proposed as a recipient of security assistance."

Thus in March 1977, the first volume of Country Reports was submitted to Congress. The report covered 82 countries. Because it focused on nations with whom the United States had formal security assistance programs, most of them were longstanding allies and friends. The initial report was brief—only 143 pages—and at the end of each entry was a rating, taken from Freedom House, judging whether the country was free, partly free, or not free.

Like any innovation, the new report had its critics. To some the very existence of such a document harmed relations with the very nations with which the United States had established the best ties. To others the report fell short of full disclosure. Such criticism has helped improve the reports ever since. They now cover virtually every country of the world and include a level of detail that would have stunned earlier readers.

For the 1978 report, 33 additional countries that received U.S. economic assistance were added to the original 82. The next year, the Foreign Assistance Act was amended again to require an entry on each member of the United Nations. The 1979 report thus expanded to 854 pages and covered 154 countries, including for the first time discussions of Cuba, the Soviet Union, and the People's Republic of China.

By then the basic format of the report had been established, although it would undergo many modifications over time. The first section was Respect for the Integrity of the Person, and it included, as it still does, subsections on torture; cruel, inhuman, or degrading treatment or punishment; arbitrary arrest or imprisonment; denial of fair public trial; and invasion of the home. The second section was entitled Government Policies Relating to the Fulfillment of such Vital Needs as Food, Shelter, and Health Care. Third was Respect for Civil and Political Liberties. This section included separate subsections on freedom of speech, press, religion, and assembly; freedom of movement within the country for travel and immigration; and freedom to participate in the political process. Fourth was Government Attitude and Record Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.

In 1980 a subsection was added on disappearances. The following year's report saw a recasting of the section on fulfillment of vital needs as Economic and Social Circumstances. The 1982 report added subsections on political and extrajudicial killing and disappearances and expanded the discussions on freedom of speech and the press, peaceful assembly, religion, movement, and the political process. The following year, the right of citizens to change their government was added. In 1986 a new section entitled Discrimination Based on Race, Sex, Religion, Language, or Social Status was introduced, along with another section on the Status of Labor.

In 1989 a subsection was added on the use of excessive force and violations of human rights in internal conflicts. The labor section was revised to include specific discussions of the right of association, the right to organize and bargain collectively, minimum age

for employment of children, and acceptable conditions of labor. The 1993 report saw an expansion of the discrimination section to include specific discussions of the rights of women, children, the indigenous, people with disabilities, and national, racial, and ethnic minorities. In 1993 the reports appeared on the Department of State's web site for the first time, an event that dramatically increased the number of individuals who had immediate access to them. Additional coverage on refugees and asylum was added 3 years later. In 1997 the subsection on forced and bonded child labor was upgraded substantially. In 1998 the report was published for the first time in two volumes.

Later in 1998, Congress passed the International Religious Freedom Act, which mandated annual reports on the state of international religious freedom in every country. The first of these reports appeared in September 1999, the same year that Congress requested that a new section be added to the reports on trafficking in persons. The reports that year also included a new focus on access to political prisoners and genocide.

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AFRICA

ANGOLA

The Popular Movement for the Liberation of Angola (MPLA) has ruled the country since its independence from Portugal in 1975. The country's competing independence movements began a civil war immediately after independence, which lasted until the signing of the Bicesse Accords in 1991. Under the Bicesse Accords, one-party rule ended with the passage of a new Constitution that legalized opposition parties and called for U.N.-monitored elections which were held in 1992. President Jose Eduardo Dos Santos of the MPLA won a plurality of the votes cast in an election that U.N. observers considered free and fair. The National Union for the Total Independence of Angola (UNITA), under the leadership of Jonas Savimbi, rejected the results of the vote and resumed the civil war. In 1994 in an effort to end the civil war, the Government and UNITA signed the Lusaka Protocol, which called for the demilitarization of UNITA, the creation of a national army, the seating of a government of national unity and reconciliation, and the extension of state administration to areas formerly under UNITA control. The Government generally complied with its obligations under the protocol, although the conduct of the police and, to a lesser extent, military units in former UNITA areas drew widespread criticism. UNITA failed to comply with several fundamental aspects of the protocol. It maintained a significant military capability, and it refused to surrender to state administration the territory it held. At the end of 1998, fighting resumed between the Government and Jonas Savimbi's armed faction of UNITA. A splinter group of UNITA called UNITA-Renovada and another larger peaceful faction of UNITA both rejected war; during the year, the two groups continued to pursue their goals through peaceful political activity, including as members of the National Assembly. In late 1999, a massive offensive by the Angolan armed forces (FAA) destroyed the conventional military capacity of UNITA, and by January drove the rebels from their heartland on the central plateau into the country's far east and into scattered pockets elsewhere. By March the FAA had consolidated its military control of most of the nation's territory; however, UNITA reorganized itself as a guerrilla force and carried out ambushes or attacks on lightly defended targets. In June 1999, the National Assembly voted to postpone new elections indefinitely due to the renewal of conflict; during the year, the Government stated its intention to hold elections in 2001, but later postponed them until 2002. The judiciary, where it functions, is subject to the influence of the President and the MPLA in practice.

The Ministry of Interior is responsible for internal security, a function that it exercises through the Angolan National Police (ANP), the Rapid Intervention Police (PIR), which was created in 1992 as an elite paramilitary force, and other organs of state security. The Armed Forces of Angola (FAA) are responsible for protecting the State against external threats and have intervened in regional conflicts every year since 1996. The FAA claimed that it had integrated more than 10,000 UNITA soldiers since the 1999 fall offensive. With the resumption of localized hostilities within the country, the FAA became involved in counterinsurgency operations against UNITA. The FAA also is involved in similar operations, although on a smaller scale, against the Front for the Liberation of the Enclave of Cabinda-Armed Forces of Cabinda (FLEC-FAC). The Government's security forces remain firmly under civilian leadership. Security forces committed numerous, serious human rights abuses.

The security factors that inhibited the country's transition to full multiparty democracy had a similar effect on the country's transition from a directed, state-dominated economic system to one based on market principles. Forty percent of the budget remains dedicated to defense (or 22 percent of gross domestic product (GDP)). The economy was in disarray and despite abundant natural resources, output per capita is extremely low. Angola produces more than 750,000 barrels of oil per day, a total that is expected to rise to over 1 million by the end of 2002. Due

to its control of oil revenues, the parastatal oil company Sonangol plays a dominant role in both the economy and government. The country produced an estimated $600 million worth of diamonds in the areas controlled by the Government. There also are lucrative untapped mineral, agricultural, and hydroelectric resources in the country; however, corruption and mismanagement are pervasive in the public sector and widespread in the private sector. The Government has begun to liberalize its import regimes and reform its regulatory agencies to better allow the importation of the goods and services on which the economy depends. Annual per capita GDP was approximately $450. The country's wealth continued to be concentrated in the hands of a small elite who often used government positions for massive personal enrichment, and corruption continued to be a common practice at all levels. The average monthly salary of urban wage earners (approximately 20 percent of the labor force) was far below what is required for basic subsistence, and rural wages are even lower because the majority of the rural economy is dependent on subsistence agriculture and is highly vulnerable to political unrest.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remain. Citizens have no effective means to change their government. Members of the security forces committed extrajudicial killings, were responsible for disappearances, and tortured, beat, raped and otherwise abused persons. The Government often failed to pay the salaries of the majority of its security service personnel. The poor discipline and poor working conditions of the police force made it the worst offender; military units generally have better discipline and a more effective chain of command. Other than those personnel assigned to elite units, the Government gives tacit permission for security personnel to supplement their income—through the extortion of the civilian population. Prison conditions were harsh and life threatening. The Government routinely used arbitrary arrest and detention, and lengthy pretrial detention is a problem. Although the Government made some efforts to discipline members of the security services for abuses, the Government often did not punish those in the security services who were responsible for abuses. The judiciary is subject to executive influence, only functions in certain parts of the country, and does not ensure due process. The legal code and rules of procedure remain outdated. The Government infringed on citizens' privacy rights and forcibly recruited military-age males. The Government at times restricted freedom of speech and of the press, and intimidated journalists into practicing self-censorship. A Government crackdown on the independent media continued until March and resulted in the harassment, arrest, detention, and trials of journalists; however, by April the Government expanded the limits of public expression in most areas of the country. The Government restricted freedom of assembly. The Government restricted association and movement; however, it allowed some peaceful public protest. The Government continued to limit independent investigations of human rights abuses, although it allowed international human rights organizations, including Amnesty International, to conduct research in the country. Violence and discrimination against women were common; adult and child prostitution are problems; and children and the disabled continued to suffer as a result of the ongoing conflict and poor economic conditions. The Government continues to dominate the labor movement and restricts workers' rights, although there were improvements in the independent labor sector. Forced labor, including forced child labor, is a problem.

The armed faction of UNITA under Savimbi was responsible for numerous, serious abuses during the year; the other two factions of UNITA were not responsible for abuses. The armed UNITA forces, under the control of Jonas Savimbi, were responsible for killings, disappearances, torture, rape, and other abuses. UNITA military units reportedly pillaged rural areas, depopulated parts of the country, killed traditional leaders, and eliminated all opposition, real or potential. UNITA prevented freedom of speech, the press, assembly, association, and movement. UNITA refused all attempts to conduct investigations in areas under its control. UNITA continued forced military recruitment, including of underage males, and used forced labor for a large part of its local-level logistical support. The sexual abuse of women conscripted to work as porters was common in UNITA areas.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Security forces committed extrajudicial killings. Police participated in shakedowns, muggings, and carjackings. There were reports that army units engaged in a scorched earth policy during the year, burning villages and killing civilians in Cuando Cubango and Lunda Sul provinces. There were also reports that soldiers summarily executed civilians.

There were reports that Government soldiers killed civilians in Namibia. After Namibia decided in December 1999 to allow FAA to launch anti-UNITA attacks from Namibian territory, there was extensive cross-border fighting which resulted in civilian deaths and injuries. FAA soldiers killed a number of Namibian civilians during the year. On January 22, an FAA member killed Thadeus Mubili in Mushangara in western Caprivi. No further information was available on the case at year's end. On May 27, an FAA member killed Thaddeus Vili at Bagani near the Kavango and Caprivi regions. An FAA member was arrested by police in Namibia; there was no further information available on the case at year's end. In July the army executed two Namibian civilians and injured another.

Some individual members of the FAA reportedly also committed summary executions in the Republic of the Congo.

Prison conditions are life threatening due to inadequate food, medicine, and sanitation, and many prisoners died in official custody (see Section 1.c.).

In December 1999, there was an unconfirmed report that the FAA killed 47 civilians during operations in the Lunda Sul province. There was no investigation into the incident nor was any action taken by year's end. In February 1999, government forces reportedly killed several civilians after retaking the town of Mbanza Congo from UNITA. There was no investigation into the incident nor action taken by year's end.

There were no investigations into, nor was any action taken against those responsible for the extrajudicial killings of more than 40 persons during 1998, including the UNITA provincial secretary in Xa-Cessau, the UNITA communal secretary of Quibaxe, and the local UNITA secretary of Cangundu.

Numerous localities changed hands during the year, a process that often involved the extrajudicial killing of government or UNITA administrators and persons accused of collaboration. Internally displaced persons and refugees risked their lives to flee to government-held areas or neighboring countries. Undocumented Congolese workers in diamond fields were targeted by government or UNITA forces seeking to take control of alluvial diamond mining operations. An unknown number of civilians died in the course of engagements between the security services and insurgents, particularly in the Central Highlands and in the northwest. Strong anecdotal information suggested that both sides summarily executed prisoners of war (POW's).

On January 12, over 100 persons reportedly were killed in Bie province. Although there were unconfirmed reports that UNITA killed 150 persons while passing through the area, other observers claimed that these persons were killed by the Government for being too sympathetic to UNITA. There were reports that at least one mass grave was discovered in the area, which the Government attributed to UNITA.

During the year, there was a conviction in the case of the 1996 killing of state-television reporter Antonio Casimiro (see Section 2.a.).

UNITA used landmines in Namibia, which resulted in dozens of deaths and numerous injuries of civilians and security force officers. At the end of September, the Government reported that more than 130 persons had been killed or injured by landmines in Namibia. Landmine explosions killed at least 10 civilians and injured 36 others in the Kavango region of the country by the end of June.

Both Government and UNITA forces continued to use antipersonnel landmines (see Section 1.g.). According to the National Institute for the Removal of Explosive Obstacles and Devices, a government agency, 100 persons were killed and 327 were injured by landmine explosions during the first half of the year; most of the incidents occurred in areas that had been mined by UNITA. There was an unconfirmed report that on February 17, 10 persons were killed and 18 were injured when a truck hit an antitank mine. In April 33 persons were killed and 17 injured, including two young children, in two landmine attacks in the province of Uige. The Government blamed UNITA rebels for the deaths.

UNITA military units reportedly pillaged rural areas, depopulated parts of the country, killed traditional leaders, and eliminated all opposition, real or potential. UNITA troops committed numerous extrajudicial killings during attacks on villages. Interviews with many refugees indicated that UNITA committed abuses, including public extrajudicial killings, as a deliberate policy. On February 6, UNITA shelled and attacked Santa Clara in Cunene province; at least 26 civilians were killed and more than 40 were injured. There was an unconfirmed report that on March 21, UNITA rebels stoned and crucified six children for allegedly giving information to the Government. On May 20 and 21 in Bie province, UNITA attacked and looted a hospital in Camacupa. On June 7, the government press reported the discovery of 17 mass graves in the Bie province, each containing more than 100 bodies; however, the report was not confirmed by independent sources by year's end. On July 8, an orphanage in Huambo province was attacked and looted, reportedly by 100

UNITA bandits; a teenager was killed, 4 were injured, and 25 were kidnaped. On August 8, UNITA rebels killed four civilians during an attack on the town of Catete.

UNITA killed numerous civilians during attacks on civilian traffic on roads in the interior of the country; such attacks were designed to halt transportation, disrupt commerce, isolate populations, and maintain a climate of insecurity. Many such attacks occurred on the Malanje-Luanda road during the year.

UNITA forces reportedly killed 80 Christians during the year for providing information to the Government (see Section 2.c.).

During raids in the Kavango and Caprivi regions of Namibia, UNITA forces killed civilians. On January 9, suspected UNITA forces shot and killed two civilians outside of Rundu. In February UNITA forces killed three civilians and burned nine houses in Shinyungwe village.

There were reports that UNITA continued to use forced conscription and killed persons who attempted to desert (see Sections 1.b. and 1.f.).

On October 2, the body of journalist Antonio Paciencia was discovered in Zambia. The results of an investigation determined that he had been killed, but did not attribute responsibility for the killing; however, the Government and some journalists blamed UNITA for the killing.

UNITA never has accounted for the deaths of numerous senior party officials. A number of high-ranking UNITA officials who have defected revealed the extent of extrajudicial killings in UNITA-held areas. Two former UNITA secretaries general, a former head of UNITA intelligence, and others reported that Savimbi personally ordered extrajudicial killings of opponents and, in some cases, personally carried out the executions. UNITA does not allow the U.N. to investigate claims of human rights abuses in the limited areas (less than 5 percent of the country's territory) that it controls.

There were no further developments into the September 1999 case in which National Assembly Deputy Joao Ngolongombe Jacob, who was a member the non-Savimbi faction of UNITA, was killed by unknown persons. In January 1999, a U.N. chartered aircraft was shot down; there was no further information available on the case at year's end. In January 1999, Father Albino Saluaco and two catechists were killed by armed men in Huambo (see Section 2.c.); although no group claimed responsibility for the killings, there were credible reports that it was UNITA.

UNITA and the separatist group FLEC-FAC killed foreign nationals. For example, on April 27, FLEC-FAC killed a foreign national during an ambush north of Dingo.

FLEC-FAC forces tortured and killed civilians in the Cabinda region (see Section 1.a.). In May FLEC-FLAC forces kidnaped three foreign and one local employee of a construction company.

On June 2, 12 persons were killed and 52 were injured when a group of children brought a discarded missile into a refugee camp near Malanje, and it exploded.

On June 10, polio vaccination workers passing through the Huambo area discovered an ambushed truck with 7 dead persons inside.

On July 9, approximately 100 members of UNITA attacked a residential school and training center in Huambo Province; the UNITA members kidnaped 21 children, killed 1 boy, and injured at least 4 others.

On October 20, there were reports that dozens of persons were killed during an attack by unknown gunmen on two buses and a car. Reportedly a bus was set on fire with the passengers still inside; the gunmen also burned the other two vehicles.

b. Disappearance.—Persons taken into police custody often disappeared without a trace, particularly in rural areas. Suspects accused of illegal weapons ownership or collaboration with UNITA disappeared.

Civilians abducted by UNITA generally either were recruited forcibly as soldiers or support personnel, or were considered government collaborators. The frequent discovery of bodies in the aftermath of attacks suggested that suspected collaborators were executed summarily. Those who escaped UNITA custody and were able to return to government-held areas reported that they were subjected to torture, beatings, and sexual abuse (see Section 1.c.). There was an unconfirmed report that on January 29, six armed men abducted two teenage girls from a village near the border. UNITA rebels were suspected in the incident; however, no further information was available on the incident by year's end. On July 9, approximately 100 members of UNITA attacked a residential school and training center in Huambo Province; the UNITA members kidnaped 21 children, killed 1 boy, and injured at least 4 others. On July 18, UNITA kidnaped two priests, eight nuns, and five students during an armed attack on a Roman Catholic mission in Benguela Province. The kidnaped persons were released on July 26.

There were also reports that members of the FLEC-FAC separatist group kidnaped civilians. On May 25, members of FLEC-FAC kidnaped three foreign and one

local employee of a Portuguese company in Cabinda; FLEC-FAC claimed that they still were holding them at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and the Penal Code explicitly prohibit all forms of mistreatment of suspects, detainees, or prisoners; however, security forces tortured, beat, raped, and otherwise abused persons. The International Committee of the Red Cross (ICRC), the U.N., and human rights organizations reported that there was widespread government abuse of suspects.

Security service personnel frequently employed torture and other forms of cruel and degrading treatment, including rape. Police used torture and coerced confessions frequently during investigations and rarely, if ever, were punished for such abuses. Those suspected of ties to UNITA regularly are detained under inhuman conditions and are subjected to primitive and brutal forms of interrogation. Nonpolitical criminal suspects also are subjected to detention and abuse, although to a much lesser extent. There have been no cases in which an army or police official has been disciplined for the use of excessive force against an UNITA suspect. Police often beat and released suspects in lieu of trials (see Section 1.d.). Police frequently participate in shakedowns, muggings, carjackings, and killings. Police also extorted money from travelers at checkpoints, and routinely harassed refugees (see Section 2.d.).

Reports that government forces raped women in the central highlands increased during the year; government forces reportedly attacked women in their homes, while they were working in the fields, near military camps, and during searches of homes (see Section 1.f.). Rapes by government forces were reported most commonly in the Bie, Huambo and Uige provinces.

Police officers and soldiers reportedly harassed internally displaced persons (IDP's) and denied them humanitarian assistance due to misappropriation of supplies (see Section 2.d.).

There were reports that police beat protesters during demonstrations in February (see Section 2.b.).

There were numerous reports of abuses of Namibian citizens by the FAA in the border areas. A Namibian human rights organization reported that in July the army executed two Namibian civilians and wounded another (see Section 1.a.).

Some individual members of the FAA reportedly committed acts of rape and looting in the Republic of the Congo (see Section 1.a.).

Landmines laid by both sides during the conflict resulted in an increasing number of fatalities and injuries, including maiming (see Sections 1.a. and 1.g.).

The U.N. and human rights organizations report that abuse of suspects is universal in areas remaining under UNITA control. Interviews with persons who have fled UNITA-held areas revealed that UNITA uses cruel and inhuman practices, including public torture, to punish dissent and deter further acts of disloyalty. Torture is used at all levels of the UNITA forces. There have been repeated credible allegations that UNITA president Jonas Savimbi has ordered suspects tortured and executed in his presence. There were reports that UNITA engaged in reprisal attacks on civilians during the year. UNITA reportedly cut off the ears and hands of civilians in order to extract information and to discourage civilians from providing the Government with information on UNITA or from fleeing to government-controlled areas. On July 9, approximately 100 members of UNITA attacked a residential school and training center in Huambo Province; the UNITA members kidnaped 21 children, killed 1 boy, and injured at least 4 others.

There were numerous reports that UNITA forces abused Namibian citizens in the border areas.

FLEC-FAC forces tortured and killed civilians in the Cabinda region (see Section 1.a.).

Prison conditions are harsh and life-threatening. Cells are overcrowded and lack basic sanitary facilities. The prison system holds approximately five times the number of prisoners that it was built to hold. Many prisons, lacking financial support from the Government, were unable to supply prisoners with adequate food and health care. There were credible reports that many prisoners died of malnutrition and disease. For example, at the Viana Prison malnutrition and disease are pervasive problems. In November the Government and the National Assembly Committee on Human Rights acknowledged that conditions are inhuman and announced modest appropriations for improvements in the Sao Paulo Prison hospital in Luanda and Viana prison outside the capital. Members of the Committee visited both institutions and donated mattresses and other supplies to the inmates.

Prison officials routinely beat detainees. Prisoners depend on families, friends, or international relief organizations for basic support, including food; prisons often do not provide any food to prisoners. Prison officials, who are chronically unpaid, sup-

port themselves by stealing from their prisoners and extorting money from family members. Juveniles, often incarcerated for petty theft, are housed with adults and suffer abuse by guards and inmates. Female prisoners are held separately from male prisoners. There were reports that prison guards sexually abused female prisoners. Detained journalists were also housed with other prisoners.

The Government permitted foreign diplomatic personnel and local and international human rights monitors to visit prisons during the year, and unlike in the previous year, they were permitted to visit individual prisoners. A local NGO was launched to document prison conditions in Luanda (see Section 4).

The conditions of UNITA's prisons were not known; however, extensive testimony from defectors described harsh conditions of confinement and summary executions.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are serious ongoing problems. Security forces used arbitrary arrest and detention during the year. Under the law, a person caught in the act of committing a crime may be arrested and detained immediately. Otherwise, the law requires that a judge or a provincial magistrate issue an arrest warrant. Arrest warrants also may be signed by members of the judicial police and confirmed within 5 days by a magistrate. The Constitution provides for the right to prompt judicial determination of the legality of the detention. Under the law, the prosecution and defense have 90 days before a trial to prepare their case, although both sides generally have the right to request an extension of this deadline under extenuating circumstances. The Constitution also provides prisoners with the right to receive visits by family members. Such rights are frequently ignored in practice; however, the Government paid increased attention to the rights of prisoners during the year; however, there was no substantial change in practice by year's end. There is a scarcity of personnel and resources and a lack of official determination to ensure these rights. Although the Ministry of Justice is nominally in charge of the prison system, the Ministry of the Interior continued to arrest and detain persons systematically, arbitrarily, and secretly for all categories of crimes and for indefinite periods, often with no apparent intent to bring the detainees to trial.

Under the criminal law a person may not be held for over 135 days without trial. The National Security Law provides for a maximum of 180 days of preventive detention. In practice, laws regarding preventative detention frequently are ignored. Over 90 percent of inmates in Luanda still are awaiting trial, and it is believed that the national average is over 50 percent. Inmates who have been awaiting trial for 2 or 3 years are common. In many cases, police beat and then released detainees rather than make any effort to prepare a formal court case.

In February police disrupted several demonstrations; they arrested and detained protestors (see Section 2.b.).

On October 27, the Independent Union of Maritime and Association Workers of Angola (SIMA) engaged in a strike. Management threatened to fire the striking workers in retaliation, but all of the striking workers retained their jobs. Police arrested six strikers, but they were released on October 30 and acquitted of charges of disturbing the peace.

In December 1999, a journalist, Andre Domingos Mussamo, was arrested and held in preventive detention for 3 months on charges of defamation before being released on bail in March (see Section 2.a.). Although the Press Law only allows a maximum of 15 days in detention, and other laws allow for a maximum detention of 45 days, the provincial Attorney General extended Mussamo's detention to 90 days; in April Mussamo was released without a trial, and in May all criminal charges against him were dropped.

The Government holds an unknown number of suspected UNITA officials and supporters in areas where government control was regained. In past years, the Government invariably accused these persons of illegal weapons possession or collaboration with UNITA, although formal charges rarely were filed. However, the Government improved its compliance with the law, and there were no documented cases of further detentions of suspected UNITA officials and supporters during the year.

UNITA continued to kidnap and detain persons primarily from rural areas against their will. The number of such persons is unknown.

The Lusaka Protocol provides for the release, under International Committee of the Red Cross (ICRC) auspices, of persons detained for war-related reasons. Neither the Government nor UNITA regularly notified the ICRC or any other institution that it had POW's in custody. Between 10,000 and 15,000 UNITA soldiers have surrendered or been captured; most of them either entered the FAA or were released by the Government and placed in IDP camps.

The Government did not use forced exile as a form of punishment. Some UNITA members claimed that they went into self-imposed exile because the Government threatened their lives.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary, where it functions, is not independent of the President and the MPLA, and political pressure from the presidency affected the outcome of cases. In practice the court system lacked the means, experience, training, and political backing to assert its independence from the President and the ruling MPLA party. The President has strong appointive powers, including the power to appoint Supreme Court justices without confirmation by the National Assembly. The judicial system largely was destroyed during the civil war and did not function in large areas of the country. In many cases, police beat and then released detainees rather than make any effort to prepare a formal court case.

The court system consists of the Supreme Court at the appellate level plus municipal and provincial courts of original jurisdiction under the nominal authority of the Supreme Court. The Supreme Court serves as the appellate division for questions of law and fact. A Constitutional Court provided in the 1991 Constitution had not been established by year's end; the Constitution provides for judicial review of constitutional issues by the Supreme Court until the Constitutional Court is established. There are long delays for trials at the Supreme Court level.

Trials for political and security crimes are supposed to be handled exclusively by the Supreme Court; however, there were no known cases of such trials. During the trial of Rafael Marques and Aguiar Dos Santos, the judge closed proceedings to the general public (except for members of the Bar Association), although visitors were allowed to observe the closing statements and the announcements of the final ruling (see Section 2.a.).

The Constitution provides defendants with the presumption of innocence, the right to a defense, and the right to appeal. Legal reform in 1991 established the right to public trials, a system of bail, and recognized the accused's right to counsel; however, the Government does not respect these rights in practice. Trials are open to the public; however, each court has the discretion to close proceedings arbitrarily. Defendants do not have the right to confront their accusers. Judges are usually lay persons, not licensed lawyers. The judge and two lay persons elected by the full court act as the jury.

On November 24, the MPLA introduced a general amnesty bill to the National Assembly, which was approved on November 29. Although the non-Savimbi faction of UNITA introduced its own version, it later withdrew the proposal. The bill requires a voluntary request for amnesty by any individual and covers national security crimes, honesty (defamation), military crimes and common crimes. The bill also includes a 90-day period during which an individual is allowed to request amnesty. The bill was not implemented formally by year's end; however, many prisoners were released under its provisions during the year.

In the past, UNITA established a nominal military and civilian court system in territories under its control and claimed that its Civil Code is equivalent to the Portuguese Civil Code used by the Government; however, there was no indication that UNITA maintained this system during the year. The areas under UNITA's control diminished to isolated pockets that composed about 5 percent of the country, and reports during the year indicated that strict martial law applies in those areas.

There were reports that the Government holds political prisoners; however, the number is unknown. The Government denied that it holds political prisoners and insisted that persons considered by some of civil society to be political prisoners are criminals.

There are numerous confirmed reports that UNITA holds political detainees. It is not known if persons detained by UNITA were convicted by UNITA judicial procedure; decisions made by UNITA courts have no standing under the country's legal system, and persons were denied due process protections.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Government infringed on citizens' privacy rights. The Government maintained a sophisticated security apparatus dedicated to the surveillance, monitoring, and wiretapping of certain groups, including opposition party leaders, journalists, members of the National Assembly and foreign diplomats. Legal requirements for search warrants routinely are disregarded.

There were reports that army units engaged in a scorched earth policy during the year, burning villages and killing civilians (see Section 1.a.). Government forces reportedly attacked women in their homes, while they were working in the fields, near military camps, and during searches of homes (see Section 1.c.).

On June 20, armed individuals dressed as security forces visited the Voice of America (VOA) offices and demanded the addresses of the homes of several independent media correspondents; the addresses were not given to them. The Government did not acknowledge nor attribute responsibility for the incident.

The Government threatened to evict from his home a journalist who had been charged with defamation (see Section 2.a.).

To enforce laws on mandatory military service, the armed forces and police conducted forced conscription drives in many of the areas under the control of the Government, including Luanda, in which some minors may have been recruited. Under the law, military service is obligatory, but the pattern of the forced recruitment targeted poor communities and unemployed young men. Persons who could prove that they had jobs usually were released, and those with financial means could purchase an exemption from the armed forces. The Government denied that forced recruiting was taking place. Church groups, civil society institutions, and foreign embassies protested the manner of conscription.

UNITA reportedly looted and destroyed property while replenishing their supplies of food and medicine.

UNITA continued to conscript civilians, including children forcibly, for military duty (see Section 1.g.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Military operations by both the Government and UNITA continued to result in numerous human rights violations. The Government and UNITA continue to use antipersonnel landmines to strengthen defensive positions and, in the case of UNITA, to prevent residents within its own areas from fleeing to government-held areas (see Section 2.d.). Large areas have been remined since the resumption of fighting in 1999, mostly by UNITA. Military attacks have resulted in indiscriminate and summary killings, torture, abductions, destruction of property, and theft (see Sections 1.a., 1.b., and 1.c.). The provinces most affected were Lunda Norte, Lunda Sul, Malange, Bie, and Moxico, although UNITA also has mounted raids on or near the coast. There were several attacks on Congolese miners during the year. The Government's failure to pay, feed, and equip many of its army and police personnel resulted in frequent extortion and theft. Government personnel frequently confiscated food, including donated relief supplies, livestock, and personal property; however, respect for humanitarian workers and property by security forces improved during the year as the result of an order from the Armed Forces Chief of Staff and better liaison between the Government and the U.N. on such problems.

There were reports that army units engaged in a scorched earth policy, burning villages and killing civilians (see Section 1.a.).

The Government continued to use forced conscription (see Section 1.f.).

In July the local government in Kwanza Norte evicted journalist Isidoro Natalicio from his home on the grounds that his work for independent and international radio stations violated his lease (see Section 2.a.).

In May the U.N. estimated that as many as 7 million landmines have been laid in the country, and new mines were laid during the year. There were numerous injuries and deaths resulting from landmines (see Sections 1.a. and 1.c.). Various NGO's participated in landmine clearance operations during the year, and the Government implemented a Mine Action Plan.

UNITA forces routinely violated citizen's rights in pursuit of military objectives. UNITA attacks against civilian populations as a guerrilla strategy resulted in hundreds of casualties. There were continued reports of deaths resulting from UNITA attacks on villages throughout the country and executions of suspected government supporters by UNITA forces (see Section 1.a.). The Government attributed the discovery of mass graves to UNITA actions (see Section 1.a.).

The number of IDP's continued to increase (see Section 2.d.).

UNITA carried out forced recruiting, including of children, throughout all of the country's disputed territory. Recruits were taken to isolated military camps and subjected to psychological stress and extreme hardships; those who attempted to desert were executed. Women, many as young as 13 years of age, were recruited forcibly to serve as porters and camp followers, and reports of sexual assault were widespread and credible.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression and of the press and specifically provides that the media cannot be subject to ideological, political, or artistic censorship; however, the Government does not always respect this right in practice. Although the Government's respect for freedom of the press improved marginally beginning in March, the Government continued to intimidate and threaten journalists into practicing self-censorship. There were reports that the Government pays journalists to publish progovernment stories. The Government detained for up to several months or placed under investigation journalists who reported on sensitive issues, including military operations, government corruption, and UNITA, especially Jonas Savimbi. However, there was increasing

private media attention to corruption, economic mismanagement, and opposition politics; journalists acknowledge that they exercise self-censorship when reporting on the military situation, internal security, or other highly sensitive matters.

The news ban on war coverage that was instituted in 1999 remained effective; however, the strong discouragement of negative news coverage by the Government that occurred in 1999 lessened during the year.

Defamation against the President or his representatives is a criminal offense, punishable with imprisonment or fines. There is no truth defense to defamation charges; the only allowable defense is to show that the accused did not produce the actual writing alleged to have caused harm. In June journalist Gustavo Costa, the editor of a Portuguese newspaper, was convicted of defamation against the Governor of Kwanza North, Manuel Pacavira. In June the director of the independent weekly Agora, Aguiar Dos Santos, and a columnist for Folha 8, Rafael Marques, were found guilty of defamation. On October 27, the Supreme Court upheld the convictions of Marques, Aguiar Dos Santos, and Costa. Aguiar Dos Santos was sentenced to 2 months in prison, a fine, and travel restrictions; their sentences were suspended for 3 years. Costa was sentenced to 8 months for defamation, which also was suspended for 3 years, and travel restrictions were imposed on him. On December 11, the Supreme Court ordered the police to lift the travel restrictions that had been imposed on Marques, Dos Santos, and another journalist, Antonio Freitas; however, on December 12, government officials prevented Marques from leaving the country and temporarily confiscated his passport. Travel restrictions subsequently were lifted for the three journalists.

In January Rafael Marques, a columnist for the independent weekly, Folha 8 who was arrested and detained for a July 1999 article critical of President Dos Santos, was released on bail after 45 days of preventive detention (see Section 1.d.). His trial for defamation of the President in March was closed to the public (although members of the Bar Association could observe); the judge refused to allow Marques's lawyer to present evidence regarding the truth of what Marques wrote. Marques was convicted and given a suspended sentence of 6 months, the maximum under the law, as well as a large fine. On April 27, police again interrogated Rafael Marques after he wrote an article that criticized the Government for the reinstitution of the military draft.

In November 1999, Isidoro Natalicio was convicted of defamation, and his appeal was pending at year's end. During the year, the local government threatened to evict Natalicio from his home, and filed another defamation charge against him. In July the local government in Kwanza Norte evicted him from his home on the grounds that his work for independent and international radio stations violated his lease.

In August 1999 the Government banned Isaias Soares, a VOA and Radio Ecclesia journalist, from covering official events or reporting on military issues in Malange. In July and August, the Government continued to harass Soares, and the provincial government seized his motorcycle, which was his only means of transport.

In 1999 the Government harassed, arrested, and detained more than 20 journalists on charges of slander, defamation, and crimes against the security of the State; however, such incidents decreased during the year. In July individuals claiming they represented government authorities kidnaped Catholic Radio Ecclesia director Paulo and forced him to drive at gunpoint to the outskirts of Luanda, where he managed to escape unhurt. The Government later disclaimed responsibility for the assault. In December 1999, police arrested and detained in Kwanza Norte province Andre Mussamo, correspondent for Angolan National Radio and contributor to Folha 8, for "violation of a state secret." On May 31, the charges were dropped when it was shown that Mussamo had not published any material from a secret document; however, the person who provided Mussamo with the document was convicted. Mussamo reportedly still is under investigation, and he has been barred from leaving the country or from practicing journalism. The Union of Angolan Journalists criticized the Government's actions in the Mussamo case.

The majority of the media is state-run and carries very little criticism of the Government; however, the Government has tolerated progressively more criticism of its policies and actions in the independent media. There are five private weekly publications with circulations in the low thousands. There are also five commercial radio stations including the Catholic Radio Ecclesia, and Radio Lac Luanda, which openly criticized aspects of government policies and highlighted poor socioeconomic conditions. A committee composed of the Minister of Social Communication, the spokesman of the presidency, and the directors of state-run media organizations controls policy and censorship authority. The MPLA's secretary general also influences the content and tone of state-run media reporting. The Government used its control of the media to engage in a hostile propaganda campaign against UNITA, including

unconfirmed allegations of UNITA massacres, as a means of influencing local and international public opinion.

There were some attempts by the Government to improve relations with the media, including visits to independent radio and newspapers by the Vice-Minister of Social Communication. Media harassment diminished in most areas in the latter half of the year, with the exception of Kwanza Norte and Malange, where the Government continued to target journalists.

As a result of the Marques trial, the Government decided to revise the press law. In August a committee appointed by the President released a draft law for public comment. Despite wide criticism of the new text, the Government encouraged a series of public seminars, and radio and television programming on the topic. In September the Government extended the original 6-week review period by 3 weeks to accommodate public feedback. The draft was criticized widely for not allowing the expansion of political dialog and discussion and for increasing the criminal penalties for defamation. The Committee to Protect Journalists (CPJ) recommended the withdrawal of the draft law. In October the Government suspended the drafting process, withdrew its draft, and announced its intention to appoint a committee consisting of both government and nongovernment representatives to reconsider the drafting process; however, the process had not begun by year's end.

The Government generally did not restrict the activities of foreign media, including the British Broadcasting Corporation (BBC) and VOA; however, it continued to refuse to allow direct retransmission of their broadcasts. Foreign journalists must obtain authorization from the Ministry of the Interior in order to obtain access to government officials or to travel within the country. Media requests to travel to areas that were not controlled by the Government were routinely denied. The Government placed no abnormal visa restrictions on foreign journalists and allowed them freedom to report on all aspects of society.

During the year, there was a conviction in the case of the 1996 killing of state-television reporter Antonio Casimiro (see Section 1.a.).

UNITA does not permit freedom of expression in the areas under its control.

Academic life has been circumscribed severely by the civil war; however, there is academic freedom, and academics do not practice self-censorship.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly; however, the Government strictly controls this right in practice, although official tolerance for public protest increased. The law requires a minimum of 3 days' prior notice before public or private assemblies are held, and makes participants liable for "offenses against the honor and consideration due to persons and to organs of sovereignty." Applications for progovernment assemblies are granted routinely without delay; however, applications for protest assemblies rarely are granted.

On February 18, 25 members of the Party for the Support of Democracy and Progress in Angola (PADPA) members demonstrated in front of the Carmo Church in downtown Luanda in a highly publicized hunger strike against an increase in fuel prices. Police dispersed the demonstration on the grounds that the police had not received the required 3-day notification prior to the demonstration, and police detained 12 protesters. There also were allegations of police assault against protestors. On February 23, police dispersed a demonstration outside the Luanda Provincial Government and reportedly beat some demonstrators. On February 24, police with rifles dispersed a demonstration, arrested 10 protestors, including the leaders of 2 opposition parties, and reportedly beat some of the protestors. On February 25, the police issued an apology for the arbitrary arrests.

The Government became more tolerant of public protest during the latter half of the year. On March 11, officials permitted an opposition march by 100 members of opposition parties against high fuel prices; this was the first authorized opposition demonstration since 1992.

The Constitution provides for the right of association; however, the Government restricts this right in practice. Legislation allows the Government to deny registration to private associations on security grounds; however, in practice the Government accepts virtually all applications, including those for political parties. However, there are informal government constraints on the operation of associations. The Government arbitrarily limits organized activities deemed adverse to its interests, by refusing to grant licenses and through other means.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

The Government does not require religious groups to register. Colonial era statutes banned all non-Christian religious groups from the country; while those statutes still exist, they are no longer enforced.

Members of the clergy in government-held areas regularly use their pulpits to criticize government policies.

While in general UNITA permits freedom of religion, interviews with persons who left UNITA-controlled areas reveal that the clergy does not enjoy the right to criticize UNITA policies.

In January 1999, unknown gunmen killed Father Albino Saluaco, a Catholic parish priest, and two catechists in a town in the province of Huambo that was under UNITA military occupation. No group had claimed responsibility for the incident by year's end (see Section 1.a.).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement and residence, and freedom of exit from and entry into the country; however, the Government does not respect these rights in practice. A network of government security checkpoints throughout the country interfered with the right to travel. Such checkpoints serve also as the principal source of income for many of the country's security service personnel. Extortion at checkpoints is routine in the center of Luanda and pervasive on major commercial routes. Police routinely harassed refugees at checkpoints (see Section 1.c.). The Government routinely cuts off access to areas of the country that are deemed insecure or beyond the administrative authority of the State. Insecurity prevented persons from transporting goods during the year. The Government did not place restrictions on emigration and repatriation; however, there were reports that immigration officials harassed and extorted money from foreign businessmen.

Journalists who were convicted of defamation were temporarily prohibited by the Government from traveling outside of the country (see Section 2.a.).

Landmines are a major impediment to the freedom of movement. UNITA used landmines primarily on roads and trails to disrupt transportation, and to control village populations. Government mining generally was confined to strategic positions around towns for defensive purposes. Estimates of the total number of landmines deployed throughout the country range into the millions. Fear of injury and death from landmines effectively imprisoned and impoverished entire communities. There were at least 100 fatalities due to landmine explosions during the year, and there are over 80,000 survivors of landmine explosions (see Section 1.g.).

In April the Angolan Ministry of Assistance and Social Re-Insertion (MINARS) estimated that there were 3,800,000 IDP's in the country. In the same month, the U.N. reported 1,480,942 confirmed IDP's and a total of 2,299,314 reported IDP's in the country. There are 120 IDP camps in the country, 35 of which were inaccessible due to their distance from urban centers, and there is a lack of adequate water supply in these areas. Many IDP's are former returnees from neighboring countries who were reintegrated into the country from 1994 to 1998. There were instances in which IDP's were harassed by police officers and soldiers, and denied humanitarian assistance due to misappropriation by the authorities. IDP's were conscripted forcibly in both Government and UNITA controlled areas (see Section 1.f.). Provincial governments in the country at times relocated IDP's to areas with security problems. On June 2, 9 persons were killed and 50 were injured when a discarded missile exploded in an IDP camp (see Section 1.a.). There have also been reports of male IDP's being forced by authorities to leave IDP camps and return to their places of origin. However, the IDP's overall situation improved during the year. Many IDP's were moved from transit camps and urban warehouses with poor conditions to rural, safe security areas, and provided with homes, small land parcels, medical care, and education by the Government and UNHCR. In November the UNHCR began new IDP assistance programs and now provides protection and assistance in three provinces.

Approximately 170,000 citizens sought refuge in the Democratic Republic of the Congo (DRC) as a result of the conflict. In November the UNHCR reported that between 15,000 and 18,000 citizens gathered near the border with DRC; they remained near the border at year's end. Thousands of citizens reportedly crossed into Namibia during the year.

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees. The Government provides first asylum to refugees. An eligibility committee to evaluate asylum claims meets regularly to evaluate asylum requests. According to UNHCR, the country has approximately 12,000 refugees, 90 percent of whom are from the DRC.

There were no reports of the forced expulsion of persons with valid claims to refugee status.

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

The Constitution provides all adult citizens with the right to vote by secret ballot in direct multiparty elections to choose the President of the Republic and deputies in the 220-seat National Assembly; however, in practice citizens have no effective means to change their government. The Lusaka Protocol establishes the mechanism for returning the country to an electoral calendar. The Constitutional Committee of the National Assembly continued to work on a new constitution and a new electoral law; however, the process was not completed by year's end. During the year, the Government announced that elections were scheduled for 2001, but later postponed them until 2002. Opposition parties complained of harassment and intimidation by the Government.

The President is elected by absolute majority. If no candidate wins such a majority, a runoff must take place between the two candidates with the most votes. Of the 220 deputies in the National Assembly, 130 are elected on a national ballot, and 90 are elected to represent the provinces. The Electoral Law also calls for the election of three additional deputies to represent citizens living abroad; however, those positions were not filled in the 1992 elections.

Ruling power is concentrated in the President and other members of the Council of Ministers, through which the President exercises executive power. The Council can enact decree-laws, decrees, and resolutions, thereby controlling most functions normally associated with the legislative branch. Although the Constitution establishes the position of Prime Minister, the President dismissed the Prime Minister during the MPLA Party Congress at the end of 1998, assumed the position himself by decree, and continued to hold the position at year's end. The National Assembly has, since its inception, served as a rubber stamp for the Council of Ministers. Nevertheless, with opposition deputies holding about 43 percent of National Assembly seats, substantive debates sometimes took place on issues ranging from the peace process to the Government's budgeting priorities and accountability. In August the parliamentary opposition held a 3-day conference in a National Assembly annex with the specific objective of organizing an electoral coalition; the conference included 300 activists from seven opposition parties.

The 1992 elections were the first multiparty democratic elections in the country's history; they were conducted with U.N. supervision and financial support. MPLA president Jose Edardo Dos Santos won a plurality of votes cast in the presidential election (49 percent), and UNITA leader Jonas Savimbi finished second (40 percent). Although local and international observers declared the election to be generally free and fair and called on UNITA to accept the results, UNITA claimed that the elections were fraudulent, rejected the results, and returned the country to civil war. The runoff election between Dos Santos and Savimbi was never held. The Lusaka Protocol stated that it would take place following a U.N. determination that requisite conditions exist. The National Assembly voted in June 1999 to cancel the runoff election, pending a determination that conditions are appropriate for a new election.

In 1997 UNITA and 10 smaller opposition parties joined the ruling MPLA in a government of national unity and reconciliation. In 1998 UNITA officials assumed 4 ministerial and 7 vice-ministerial positions, and 70 UNITA deputies took their seats. UNITA governors, vice governors, and local administrators were nominated, but remaining positions were filled by members of a splinter UNITA group, UNITA-Renovada, which is recognized and assisted by the Government. The National Assembly promulgated a special status for Savimbi, declaring him to be the leader of the largest opposition party and providing him with 5 official residences and a bodyguard contingent of 400 personnel. The National Assembly revoked Savimbi's status in 1998 for abrogating his duties under the Lusaka Protocol. In 1999 the Government declared Savimbi a war criminal and issued a warrant for his arrest; the warrant remained outstanding at year's end.

There are no legal barriers to the participation of women in the political process; however, women are under represented in government and politics. Women occupy 10 of 83 cabinet positions, 35 of 220 seats in the National Assembly, and none of the 9 places on the Supreme Court.

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

The Government does not prohibit independent investigations of its human rights abuses; however, it fails to cooperate and often uses security conditions as a false justification to deny access to affected areas.

There were more than 120 registered NGO's operating in the country; approximately 45 were domestic NGO's. Local NGO's actively promoted human rights dur-

ing the year. In October a local NGO, Maos Livres, was launched to document and expose prison conditions in Luanda. During the year, Maos Livres also provided free legal counsel to detained strikers from an independent longshoremen's union (see Section 6.a.).

Several international organizations have a permanent presence in the country including the ICRC and the human rights division of the U.N. Human Rights Watch visited the country three times during the year.

The Constitution provides for the creation of an Office of the Provider of Justice, or Ombudsman, designated by the National Assembly for a 4-year-term, to defend citizens' rights and liberties. However, this office had not been established at year's end.

During the year, U.N. activities in the country resumed with a limited mandate and staff.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Under the Constitution, all citizens are equal before the law and enjoy the same rights and responsibilities regardless of color, race, ethnicity, sex, place of birth, religion, ideology, degree of education, or economic or social condition. The Government does not have the ability to enforce these provisions effectively.

Women.—Violence against women was widespread. Credible evidence indicated that a significant proportion of homicides was perpetrated against women, usually by spouses. In 1997 the Ministry of Women and Family was created to deal in part with violence against women. The Government continued its project to reduce violence against women and improve the status of women, and efforts during the year included public education campaign. Allegations of rape by Government forces in the central highlands increased during the year (see Section 1.c.). There were some unconfirmed reports of rape by UNITA forces.

The Constitution and Family Code provide for equal rights without regard to gender; however, societal discrimination against women remained a problem, particularly in rural areas. In addition a portion of the Civil Code dates to colonial times and includes discriminatory provisions against women in the areas of inheritance, property sales, and participation in commercial activities. There are no effective mechanisms to enforce child support laws, and women carry the majority of responsibilities for raising children. Due to poor economic conditions, an increasing number of women engaged in prostitution. The law provides for equal pay for equal work; however, in practice, women rarely are compensated equally. Some women hold senior positions in the armed forces (primarily in the medical field) and civil service, but women mostly are relegated to low-level positions in state-run industries and in the small private sector. In much of the country, women constituted a growing percentage of the disabled, as they were most likely to become victims of landmines while foraging for food and firewood in agricultural areas. Under the law, adult women may open bank accounts, accept employment, and own property without interference from their spouses. Upon the death of a male head of household, the widow automatically is entitled to 50 percent of the estate with the remainder divided equally among legitimate children.

A series of national conferences on women's rights, partially funded by foreign donors, continued to produce calls for the Government to amend the Civil Code to end women's legal inequality, create a social welfare program, and strengthen enforcement mechanisms for existing legislation.

Children.—Approximately 50 percent of the population is believed to be under the age of 15; however, the Government gave little attention to children's rights and welfare. The Ministry of Education barely functioned due to a lack of resources and corrupt administration. Private religious, community, or corporate groups have been unable to fill this vacuum. Although primary and secondary education was free, students often have to pay significant additional expenses. Although primary education was compulsory, there were not enough schools and many children had to work to support their families. Teachers were chronically unpaid and often demanded unofficial payment or bribes from students. Teachers engaged in strikes in provinces throughout the country during the year (see Section 6.a.). The net enrollment rate of school-age children is 40 percent; however, while 50 percent of children 5 to 14 years of age are in school, only 30 percent of children remain in school after grade 5. There was an 18 percent enrollment rate gap favoring boys over girls. Almost 1 million children are estimated to be out of school, with no prospect of integrating them into the education system. Most of the educational infrastructure was either partially or totally damaged and lacks basic equipment and teaching materials. Only 42 percent of the population was literate, and the illiteracy rate for women is almost twice that of men.

UNITA and the Government allowed 8,000 child soldiers to be demobilized in 1996-97. The Government has not brought any significant numbers of children back into the armed forces, although some children have been caught up in forced recruitment campaigns (see Section 1.f.). There were credible reports that UNITA often forcibly recruits children as young as 10 years of age into its armed forces.

Children often were victims in the civil war. Government and UNITA forces killed, kidnaped, and injured children during attacks throughout the year (see Sections 1.a., 1.b., and 1.c.). Children were killed and injured by landmine explosions in increasing numbers (see Section 1.a.).

The U.N. Children's Fund in 1998 estimated that there were approximately 5,000 street children in Luanda; some were orphans or abandoned while others ran away from their families or government facilities that were unable to support them. Living conditions in government youth hostels are so poor that the majority of homeless children preferred to sleep on city streets. Street children shine shoes, wash cars, and carry water, but many resort to petty crime, begging, and prostitution in order to survive (see Section 6.d.). An international NGO that works with street children estimated that there are 500 to 1,000 underage prostitutes in Luanda. There are no laws that specifically prohibit child prostitution; however, child prostitution is prohibited by a general criminal statute. The age of sexual consent is 12 years, and any sexual relations with a child under 12 years of age is considered rape. Sexual relations with a child between the ages of 12 and 17 can be considered sexual abuse. There are no laws specifically against child pornography; however, pornography is prohibited statutorily. The Ministry of Family and Women's Affairs enforces and oversees special family courts, and the National Institute for Assistance to Children has daily responsibility for children's affairs.

The government-sponsored National Institute for Children was established in the late 1980's to enforce child protection, but it lacks the capacity to work adequately with international NGO's to assist dispossessed youth. The Government publicized the problems of street and homeless children during the year. There are no active private children's rights advocacy groups.

People with Disabilities.—The number of the physically disabled persons includes an estimated 80,000 disabled landmine survivors. While there was no institutional discrimination against the disabled, the Government did little to improve their physical, financial, or social conditions. There is no legislation mandating accessibility for the disabled in public or private facilities, and, in view of the degradation of the country's infrastructure and high unemployment rate, it was difficult for the disabled to find employment or participate in the education system.

National/Racial/Ethnic Minorities.—Years of war and internal dislocation have produced substantial integration of ethnic and linguistic groups, particularly in the coastal areas, where as much as half of the population resides. The largest ethnolinguistic group, about 40 percent of the country's population, is Ovimbundu, whose traditional region includes much of the south-central part of the country. Although they form the base for UNITA, there is little evidence of systematic discrimination against them by the Government or other groups. Other important ethno-linguistic groups include the Bakongo in the north; Kimbundu in the north-central area; and Chokwe in the far east. The coastal population centered in Luanda and, to a lesser extent, Benguela-Lobito, predominantly speaks Portuguese as a first language. The Portuguese-speaking group includes a large minority of "Mesticos" of mixed European and African ancestry and a small, white, predominantly Portuguese-descended population. In addition about 30,000 Portuguese citizens live in the country, forming the bulk of the nonrefugee expatriate community.

The population also includes 1 to 2 percent of Khoisan and other linguistically distinct hunter-gatherer tribes scattered through the provinces of Namibe, Cunene, and Cuando Cubango. There is no evidence that they suffer from official discrimination or harassment, but they do not participate actively in the political or economic life of the country, and they have no ability to influence government decisions concerning their interests.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to form and join trade unions, engage in union activities, and strike; however, the Government does not respect these rights consistently in practice. The Government dominates the National Union of Angolan Workers (UNTA), which is the labor movement affiliated with the ruling MPLA party; however, there are two independent unions, the General Center of Independent and Free Labor Unions of Angola (CGSILA) and the small Independent Union of Maritime and Related Workers (SIMA). The CGSILA has a membership of approximately 50,000 members, and UNTA claims to have over 400,000 members. There are tensions between the two organizations. The law

requires that labor unions be recognized by the Government. Restrictions on civil liberties potentially prevent any labor activities not approved by the Government; however, the major impediment to labor's ability to advocate on behalf of workers is the 60 percent formal sector unemployment rate.

The Constitution provides for the right to strike. Legislation passed in 1991 provides the legal framework for, and strictly regulates, that right. The law prohibits lockouts and worker occupation of places of employment and provides protection for nonstriking workers. It prohibits strikes by armed forces and police personnel, prison workers, and fire fighters. The law does not prohibit employer retribution against strikers effectively.

There were several strikes during the year by teachers. On August 7, teachers in four provinces engaged in strikes to protest lack of training and low wages (see Section 5).

In September the Angolan Teachers Union organized a protest to demand a salary increase and back pay. Although teachers were paid arrears in Benguela, Lobito, and Kwanza South, other provinces claimed they were unable to make payments, and teachers returned to work by year's end. On October 27, the Independent Union of Maritime and Association Workers of Angola (SIMA) engaged in a strike. Management threatened to fire the striking workers in retaliation, but all of the striking workers retained their jobs. Police arrested six strikers, but they were released on October 30 and acquitted of charges of disturbing the peace. On December 12, UNTA organized a 3-day strike for an increase in the minimum wage. The CGSILA refused to cooperate and openly criticized UNTA for coopting CGSILA's long-standing support for a minimum wage increase, but demanding half of the amount that the CGSILA had advocated. The minimum wage had not been increased by year's end. In 1999 the National Union of Teachers, affiliated with CGSILA, twice called for a national strike to demand better and regular pay in order to correct the Government's chronic failure to pay teachers on schedule. On the first occasion, the Government negotiated with the union, but on the second occasion some members of the union were arrested and tried for acts against the State, although none were convicted or imprisoned as a result.

Unions have the right to affiliate internationally.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to organize and for collective bargaining; however, the Government generally does not respect those rights in practice. The Government dominates the economy through state-run enterprises. The Ministry of Public Administration, Employment, and Social Security sets wages and benefits on an annual basis. Legislation prohibits discrimination against union members and calls for worker complaints to be adjudicated in regular civil courts. Under the law, employers found guilty of anti-union discrimination are required to reinstate workers who have been fired for union activities. In practice neither the Labor Code nor the judicial system are capable of defending these rights.

On November 5, several railroad workers were ordered home after they reportedly attempted to change their union affiliation from UNTA to CGSILA; none of the workers were fired, and they continued to belong to UNTA at year's end.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law permits the Government to force workers back to work for breaches of worker discipline and participation in strikes, and has been cited by the International Labor Organization (ILO) as an example of forced labor in violation of ILO conventions. There were reports that the army forcibly conscripted persons (see Section 1.f.). The law prohibits forced or bonded child labor, and there are no reports that such labor occurs in government-held areas; however, the Government does not have the capacity to enforce this legislation in nongovernment-held areas.

UNITA forces regularly abducted children for military service and other forms of forced labor (see Sections 1.b., 1.f., and 5). UNITA depended on forced labor for much of its logistical support. Refugees and internally displaced persons reported that rural women frequently were forced to work as porters for UNITA military units and kept in life-threatening conditions of servitude. There continued to be some reports of sexual assault of abductees during the year.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment is 14 years. Children between the ages of 14 and 18 may not work at night, in dangerous conditions, or in occupations requiring great physical effort, and children under 16 years of age are prohibited from factory work; however, these provisions generally are not enforced. The Inspector General of the Ministry of Public Administration, Employment, and Social Security is responsible for enforcing labor laws. Although child labor law enforcement is under the jurisdiction of the courts, in practice, the court system does not provide adequate protection

for children. Child labor violations were punishable with fines and restitution. There is no formal procedure for inspections and investigations into child labor abuses outside of the family law system, although private persons can file claims for violations of child labor laws. The ministry maintains employment centers where prospective employees register, and the center screens out applicants under the age of 14; however, many younger children work on family farms, as domestic servants, and in the informal sector as street vendors. Family-based child labor in subsistence agriculture is common. Children under 12 years of age work for no reimbursement for their families and in apprenticeships. Poverty and social upheavals have brought large numbers of orphaned and abandoned children, as well as runaways, into unregulated urban employment in the informal sector. The Government has not ratified ILO Convention 182 on the worst forms of child labor; however, there are no reports that such child labor exists in the country.

The law prohibits forced or bonded child labor; however, the Government is unable to enforce these provisions, and children were regularly abducted by UNITA forces for forced labor (see Section 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The minimum wage set by the Ministry of Public Administration, Employment, and Social Security was approximately $30 (600 kwanzas) per month during the year; however, the Government does not enforce this standard. The majority of urban workers earn less than $10 (200 kwanzas) per month. Most workers hold second jobs, engage in subsistence agriculture, rely on aid from relatives, or engage in corruption to supplement their incomes. Neither the minimum wage nor the average monthly salary, which are estimated at $20 (400 kwanzas) to $200 (4,000 kwanzas) per month, are sufficient to provide a decent standard of living for a worker and family. As a result, most wage earners depend on the informal sector, subsistence agriculture, corruption, or support from abroad to augment their incomes. The Government took no measures to rectify the national system of setting the minimum wage during the year. Employees receiving less then the legal minimum wage have the right to seek legal recourse; however, it is uncommon for workers to do so.

A 1994 government decree established a 37-hour work week; however, the Ministry of Public Administration was unable to enforce this standard, just as it was unable to enforce existing occupational safety and health standards. Workers cannot remove themselves from dangerous work situations without jeopardizing their continued employment.

f. Trafficking in Persons.—The Constitution prohibits trafficking in persons; however, there continued to be allegations that UNITA abducted persons, including children, for forced labor, and abducted women for use as sex slaves. There were reports that the Government forcibly recruited persons (see Section 1.f.). There were credible reports that UNITA forcibly recruited children into its military (see Section 5).

BENIN

The Republic of Benin is a constitutional democracy headed by President Mathieu Kerekou, who was inaugurated on April 4, 1996, after elections that observers generally viewed as free and fair. President Kerekou, who ruled Benin as a Socialist military dictator from 1972 to 1989, succeeded his democratically elected predecessor and continued the civilian, democratic rule begun in the 1990-91 constitutional process that ended his previous reign. The next presidential election is scheduled for March 2001. There are 19 political parties represented in the unicameral, 83-member National Assembly. The March 1999 parliamentary elections, which were free, fair, and transparent, resulted in significant gains by the opposition, notably the party of former President Nicephore Soglo, which gained 27 seats in Parliament. Although a loose alliance of progovernment deputies holds a 42 to 41 seat majority, some progovernment deputies side with the opposition, depending on the issue. Consequently, legislative power is shared between opposition and progovernment forces. For example, the President of the National Assembly belongs to an opposition party. The Government respects the constitutional provision for an independent judiciary; however, the executive has important powers in regard to the judiciary, and the judiciary is inefficient and susceptible to corruption at all levels.

The civilian-controlled security forces consist of the armed forces, headed by the Minister Delegate for Defense Matters in the Office of the President, and the police force under the Interior Minister. The Ministry of Defense supervises the gendarmerie, which exercises police functions in rural areas while the Ministry of Interior supervises other police forces. The armed forces continued to play an apolitical role in government affairs despite concerns about lack of morale within its ranks and

an ethnic imbalance within the forces. Members of the police committed some human rights abuses.

Benin is an extremely poor country with average yearly per capita income below $400. The economy is based largely on subsistence agriculture, cotton production, regional trade (including transshipment of goods to neighboring countries), and small-scale offshore oil production. The port of Cotonou serves as a major conduit for goods entering neighboring Nigeria legally and illegally. The Kerekou administration maintained the austerity program begun by its predecessor; privatized state-owned enterprises; reduced fiscal expenditures; and deregulated trade. In spite of an inefficient bureaucracy and widespread unemployment, the country's economic recovery continued under liberal economic policies instituted since the return to democracy. Although the economy expanded, real growth was lower than in the previous year. The Government estimated the growth rate at 5 percent for the year; however, approximately 2 percent of this growth can be credited to major infrastructure projects, such as road construction, that were funded by foreign aid. Inflation was 4 percent at year's end, prompted by price hikes for imported oil and derivative products. In July the Minister of Finance took the newly privatized state-owned oil company, Sonacop, to court over improper financial operations in the acquisition of the company by tycoon, Sefou Fagbohoun, a close associate of the President. Also the Government announced delays in the privatization of the port of Cotonou and the cotton parastatal, Sonapra.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. There were credible reports that police sometimes beat suspects, and at times the authorities arbitrarily arrested and detained persons. The most prominent human rights problems continued to be the failure of police forces to curtail acts of vigilantism and mob justice; harsh and unhealthy prison conditions; serious administrative delays in processing ordinary criminal cases with attendant denial of timely, fair trials; judicial corruption; violence and societal discrimination against women; and trafficking in and abuse of children. The practice of female genital mutilation (FGM) and, to a lesser extent, infanticide also remain problems. Child labor continues to be a problem. The Constitutional Court has demonstrated independence.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no confirmed reports of political or other extrajudicial killings by government officials.

In September Amnesty International-Benin reported that police had conducted a regular investigation in the 1998 deaths of Florent Adoko and Alexandre Adjakieje (the date of the investigation was not available). They allegedly died as a result of abusive force used by the police, but the Government did not follow up the investigation nor were the results of the investigation released publicly by year's end.

On May 4, a riot in the Lokossa prison (Mono Department) resulted in the death of three prisoners and severe injury to a magistrate who attempted to mediate the dispute; prisoners rioted over lengthy pretrial detention.

As in the previous year, incidents of mob justice were reported by the media and other sources. Most often these were cases of mobs killing or severely injuring suspected criminals, particularly thieves caught in the act. Although a number of these incidents occurred in urban areas and were publicized in the press, the Government apparently made no concerted attempt to investigate or prosecute anyone involved. In 1999 a rural popular leader, the self-styled Colonel Devi, incited mobs to lynch more than 100 suspected criminals in the southwestern part of the country. Most of the victims were burned alive, many after being abducted, beaten, and tortured by Devi's followers. Although the number of such killings decreased during the year, reliable reports indicate that incidents of mob justice by Devi's followers persisted, despite a promise Devi made in 1999 to order his followers to cease lynching suspected wrongdoers and instead turn them over to the authorities. Individual incidents of mob justice continued to occur nationwide, and police most often ignored vigilante attacks. On March 18, a mob took a convicted thief, "DeGaulle," from the automobile of the director of the Lokossa prison and burned him death.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were credible reports that police sometimes beat criminal suspects. For example, in June the police shot a man twice in the pelvis, handcuffed him, and left him for several hours without medical attention. The press reported the incident; however, the Government took no action

against the police. The Government continued to make payments to victims of torture under the military regime that ruled from 1972 to 1989.

An investigation was completed in the case of the March 1999 beating of Deputy Sacca Fikara. The incident reportedly occurred in daytime when the police stopped Fikara's car for an alleged traffic infraction but did not recognize him. The Attorney General did not render a decision regarding this incident by year's end.

Mob justice resulted in serious injuries to a number of persons (also see Section 1.a.).

Prison conditions continued to be extremely harsh. Extensive overcrowding and lack of proper sanitation and medical facilities posed a risk to prisoners' health. The prison diet is seriously inadequate; malnutrition and disease are common. Family members are expected to provide food for inmates to supplement prison rations. Prisoners are allowed to meet with visitors such as family members, lawyers, and others.

Some progress was made in 1998 with the opening of three modern facilities in the departments (provinces) of Borgou, Mono, and Atacora through foreign funding. The prisons provided, for the first time, separate units for men, women, and minors. However, by April two out of three of the new prisons already were overcrowded. These, like other prisons, at times were filled to more than three times their capacity. The prison in Natitingou (in Atacora province) was the only one of eight prisons nationwide below full capacity.

Efforts to complete a facility in Misserete (in Oueme) for 1,000 prisoners were delayed because of funding problems. On July 31, the night before the country's 40th Independence Day, President Kerekou announced that some prisoners who were convicted of minor crimes, such as petty theft, between August 2, 1998, and August 1, 1999, could have their prison sentences reduced. The presidential pledge had to be approved by the Council of Ministers and other government bodies; however, by year's end, the majority of the prisoners were released.

The Government permits prison visits by human rights monitors. In February a delegation headed by the president of the Commission Beninoise des Droits de L'Homme toured prison facilities in Cotonou. In April the president of the Beninese chapter of Amnesty International also visited several prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits the arbitrary arrest and detention; however, at times the authorities arbitrarily arrested and detained persons. The Constitution prohibits detention for more than 48 hours without a hearing by a magistrate whose order is required for continued detention. However, there were credible reports that authorities exceeded this 48-hour limit in many cases, sometimes by as much as a week, using the common practice of holding a person indefinitely "at the disposition of" the public prosecutor's office before presenting their case to a magistrate. Approximately 75 percent of persons in prison are pretrial detainees.

The Constitution prohibits forced exile of citizens, and it is not practiced. Many citizens who went into exile prior to the establishment of democratic rule have returned.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice; however, the executive has important powers in regard to the judiciary, and the judiciary remains inefficient in some respects and is susceptible to corruption at all levels.

The President appoints career magistrates as judges in civil courts, and the Constitution gives the Ministry of Justice administrative authority over judges, including the power to transfer them. Inadequate facilities, poorly trained staff, and overcrowded dockets result in a slow administration of justice. The low salaries of magistrates and clerks have a demoralizing effect on their commitment to efficient and timely justice and make them susceptible to corruption.

A civilian court system operates on the national and provincial levels. There is only one court of appeals. The Supreme Court is the court of last resort in all administrative and judicial matters. The Constitutional Court is charged with deciding on the constitutionality of laws and on disputes between the President and the National Assembly and with resolving disputes regarding presidential and National Assembly elections. Its rulings in past years against both the executive and legislative branches, which were respected by both branches, demonstrated its independence from both these branches of government. The Constitution also provides for a High Court of Justice to convene in the event of crimes committed by the President or government ministers against the State. Under the Constitution, the High Court is to consist of members of the Constitutional Court (except for its president), six deputies elected by the National Assembly and the Supreme Court, and the Chairman of the Supreme Court. Implementing legislation to create the High Court of Justice was passed in 1996. On August 11, after several years of legislative delays,

the National Assembly elected six deputies by an absolute majority to serve on the first High Court of Justice. Only a new Chairman of the Supreme Court, currently awaiting appointment, must be chosen by the President. However, at year's end, the law had not been promulgated. Inefficiency and corruption particularly affect the judiciary at the trial court and investigating magistrate levels. Military disciplinary councils deal with minor offenses by members of the military services, but they have no jurisdiction over civilians.

The legal system is based on French civil law and local customary law. The Constitution provides for the right to a fair public trial. A defendant enjoys the presumption of innocence and has the right to be present at trial and to representation by an attorney, at public expense if necessary. In practice the court provides indigent defendants with court-appointed counsel upon request. A defendant also has the right to confront witnesses and to have access to government-held evidence. Trials are open to the public, but in exceptional circumstances the president of the court may decide to restrict access to preserve public order or to protect the parties.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, and government authorities generally respect these prohibitions in practice. The Government denied charges of wiretapping involving former President Soglo, and the National Assembly investigation into the case was hampered by Soglo's absence from the country for much of the year. Police are required to obtain a judicial warrant before entering a private home, and they usually observed this requirement in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. The government entity with oversight responsibility for media operations is the High Authority for Audio-Visual Media and Communications (HAAC), which requires broadcasters to submit weekly lists of planned programs and requires publishers to deposit copies of all publications with it. However, this requirement is not observed by the media in practice.

The law provides for sentences of imprisonment involving compulsory labor for certain acts or activities related to the exercise of the right of free expression (see Section 6.c.).

There is a large and active privately owned press consisting of more than a dozen daily newspapers. These publications criticize the Government freely and often, but their effect on public opinion is limited because of their urban concentration. The majority of citizens are illiterate and live in rural areas; they largely receive their news via radio. A nongovernmental media ethics commission (ODEM) was established in May 1999 and censured a number of journalists in 1999 and during the year for unethical conduct, as well as commending some journalists for adherence to the standards of their profession.

In 1999 a trial court sentenced five journalists to various jail terms not exceeding 1 year and fines for criminal libel in several cases that did not involve criticism of the Government. For example, Vincent Foly, a reporter for Le Point au Quotidien, was arrested in January 1999 following a tough editorial and sentenced to 1 year in prison in August 1999. At year's end, none of these 1999 sentences had been executed and appeals remained pending. Foly was arrested again on January 27, following his publication of an editorial critical of a court's decision to dismiss narcotics trafficking charges against a senior government official, and released approximately February 1. No charges were brought against Foly in this incident.

Journalists sought during the year to eliminate jail sentences as a penalty for violating the libel law, but the Government has not responded. In December at the opening of the U.N.-sponsored Fourth International Conference on New and Reestablished Democracies, the President admonished the press for its lack of professional standards and indicated that journalism should be improved.

New privately owned radio and television stations began broadcasting in 1997. Throughout the year, they broadcast programs that criticized the Government without interference. It is unclear what effect the private electronic media have on public opinion; however, an increase in the number of "call-in" and panel shows during the year contributed to significantly increased public involvement in political affairs and a heightened awareness of important national problems.

The Government continued to own and operate the media that were most influential in reaching the public because of its broadcast range and infrastructure. Radio is probably the most important information medium, given that half of the population is illiterate. Until 1997, it owned the only radio stations that transmitted locally. The Benin Office of Radio and Television (ORTB) transmits on the FM and

AM bands and by short wave, in French and local languages. Radio France International (RFI) also transmits on a local FM band under an agreement with the Government. In 1999 the British Broadcasting Corporation began French and English language broadcasting in Cotonou. Five rural radio stations governed by local committees broadcast several hours a day exclusively in local languages. These stations receive support from the ORTB.

A similar arrangement exists for television transmissions: the ORTB broadcasts 5 hours per day on a signal that is easily received in urban areas. Approximately 80 percent of the ORTB's television programming is in French. TV5, a commercial venture with investments by television broadcasting organizations in France, Canada, Belgium, and Switzerland, broadcasts locally 24 hours per day entirely in French under an agreement with the Government. A new privately owned television station, LC-2, began broadcasting in Cotonou in 1997. LC-2 is owned entirely by a local businessman and features light entertainment and news, although news coverage requires payment in many circumstances. Although neither television station broadcasts partisan programs in support of, or unduly critical of, the Government, the vast majority of news programming centers on government officials' activities, government—sponsored conferences, and international stories provided by French television or other foreign sources.

The Government does not censor works by foreign journalists, authors, or artists.

HAAC regulations govern satellite reception equipment and movie and video clubs. There is little enforcement of these regulations.

Internet service is available in major cities; there are no restrictions on its use.

In general academic freedom is respected. University professors are permitted to lecture freely, conduct research, and publish their work.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice. The Government requires permits for use of public places for demonstrations and generally grants such permits; however, during the year, the mayor of Cotonou denied permits to protesters angry over rising gasoline prices, and in at least two instances, citing the visit of a foreign head of state (see Section 6.a.). In other instances, gasoline price protest permits were granted.

In June police dispersed a march to protest the rising gas prices (see Section 6.a.).

The Constitution provides for freedom of association, and the Government generally respects this right in practice. The Government requires associations to register and routinely grants registrations. In August the Government published a list of 167 schools that it claimed were operating as nonregistered organizations; it suspended these institutions until they registered. The Government closed a few of the schools; however, most continued to operate despite being listed as nonregistered. Others reopened after completing the fairly complicated registration process. By year's end, schools were operating normally.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. Persons who wish to form a religious group must register with the Ministry of Interior. Registration requirements are identical for all religious groups. There were no reports that any group has been refused permission to register or has been subjected to untoward delays or obstacles in the registration process. Religious groups are free from taxation.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice; however, the presence of police, gendarmes, and illegal roadblocks impedes domestic movement. Although ostensibly meant to enforce automotive safety and customs regulations, many of these checkpoints serve as a means for officials to exact bribes from travelers. The Government maintained previously implemented measures to combat such petty corruption at roadblocks.

The Government's policy toward the seasonal movement of livestock allows migratory Fulani herdsmen from other countries to enter freely; it does not enforce designated entry points. Disputes have arisen between the herdsmen and local landowners over grazing rights.

The Government does not restrict international travel for political reasons, and those who travel abroad may return without hindrance.

The law contains provisions for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Historically, the Government has cooperated closely with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, including those in need of first asylum. The Government provided first asylum to up to 200,000 citizens of Togo during the 1993 political violence in that country. While most have returned to Togo, in December there were 991 refugees at the Kpomasse camp and a total of 1,519 Togolese in the country.

Despite severe economic pressures that limit its ability to provide education for children, the Government has allowed these Togolese to enroll their children in local schools and to participate in some economic activities. During the year, the Government welcomed about 731 at-risk refugees from the Democratic Republic of the Congo destined for eventual resettlement in another country.

In contrast the UNHCR estimates that 250 Ogoni refugees from Nigeria, disadvantaged because they do not speak French, cannot work, nor can their children attend schools. UNHCR officials have directed them to remain within the confines of the Kpomasse refugee camp to avoid potential confrontations with local inhabitants and to maintain administrative control over their activities.

In addition there are lesser numbers of other refugees from Nigeria, Algeria, Burundi, Cameroon, the Central African Republic, Chad, the Republic of Congo, the Democratic Republic of the Congo, Ethiopia, Niger, Liberia, Rwanda, Sudan, and Sierra Leone. The UNHRC estimated that, as of November, there were 5,628 refugees of different nationalities in the country and that approximately 2,800 persons resident in the country were requesting asylum.

There were no reports of the forced expulsion of persons having a valid claim to refugee status.

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

The Constitution provides citizens with the right to change their government peacefully. Citizens exercised this right in legislative elections in 1991, 1995, and in presidential elections in 1991 and 1996, all of which were considered free and fair. The Constitution provides for a 5-year term of office for the President (who is limited to two terms) and 4-year terms for National Assembly members (who may serve an unlimited number of terms). The next presidential election, which will take place in two rounds, is scheduled for March 2001.

Women participate actively in the political parties but are under represented in government and politics. Following a Cabinet reshuffle in June 1999, there are 2 women in the 19-member Cabinet, 1 less than in the previous 18-member Cabinet. There are 5 female deputies in the 83-member, unicameral National Assembly, including the leader of the largest opposition party. The previous legislature consisted of 82 deputies with 6 female members. The President of the Constitutional Court and the Solicitor General (which is not a cabinet position) are women.

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

A number of human rights groups, both domestic and international, operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views.

The Beninese branch of Amnesty International and other nongovernmental organizations (NGO's) continued to report without government interference on the alleged discovery of hundreds of bodies of victims of Togolese security forces washed up on Beninese beaches in 1998. Investigation by a joint U.N.-Organization of African Unity commission into this case continued. A three-person team visited the country in November and held several interviews with regard to the problem, despite continued reluctance by witnesses to come forward.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, and religion, but societal discrimination against women continued.

Women.—While no statistics are available, violence against women, including wife beating, occurred. At times the press reports incidents of abuse of women, but judges and police are reluctant to intervene in domestic disputes, considering such disputes a family matter.

Although the Constitution provides for equality for women in the political, economic, and social spheres, women experience extensive societal discrimination, especially in rural areas where they occupy a subordinate role and are responsible for much of the hard labor on subsistence farms. In urban areas, women dominate the trading sector in the open-air markets. By law women have equal inheritance and property rights, but local custom in some areas prevents them from inheriting real property. Women do not enjoy the same educational opportunities as men, and female literacy is about 18 percent (compared with 50 percent for males). However, elementary school pass rates in recent years highlighted significant progress by girls in literacy and scholastic achievement.

There are active women's rights groups that have been effective in drafting a family code that would improve the status of women and children under the law. The draft code has yet to be adopted by the National Assembly, although it has been on the legislature's agenda for 6 years and has been considered by parliamentary committees. Many observers believe that consideration of the draft was postponed because of provisions that would threaten male prerogatives, which is a highly volatile political issue. Action on the draft code is not anticipated until after a president is elected in March 2001 and the next regular session of the legislature convenes in April 2001.

Children.—The Ministry of Labor and Social Affairs is responsible for the protection of children's rights, primarily in the areas of education and health. The National Commission for Children's Rights and the Ministry of Family and Social Protection have oversight roles in the promotion of human rights issues with regard to children and their welfare. In April the Minister of Justice established a National Commission for Children's Rights, which held its initial session in July.

Education is neither free (although the charge is nominal) nor compulsory. In particular the Government is trying to boost primary school enrollment, which is approximately 78 percent for males and only approximately 46 percent for females nationwide. In some parts of the country, girls receive no formal education.

Some traditional practices inflict hardship and violence on children, including most prominently the custom of "vidomegon," whereby poor, often rural, families place a child, primarily a daughter, in the home of a more wealthy family to avoid the burden the child represents to the parental family. The children work, but the arrangement is voluntary between the two families. There is considerable, but an unquantified amount of abuse in the practice, and there are instances of sexual exploitation. Ninety to 95 percent of the children in vidomegon are young girls. Children are sent from poorer families to Cotonou and then some of the children are sent to Gabon, the Cote d'Ivoire, and the Central African Republic to help in markets and around the home. The child receives living accommodation, while income generated from the child's activities is split between the child's parents remaining in the rural area and the urban family that raises the child. In July 1999, the Ministry of Justice launched a nationwide publicity campaign to alert parents to the risks of placing their children in vidomegon and to inform adults with vidomegon children of their responsibilities and of the children's rights. In August in conjunction with UNICEF, the Ministry of Family and Social Protection sponsored a 4-day workshop on educating vidomegon children about their rights.

During the year, the parents of a young female house servant to the daughter-in-law of President Kerekou filed a formal complaint regarding the abuse of their daughter by Kerekou's daughter-in-law. The parents of the child reportedly requested a preliminary inquiry, and reportedly the case was closed without further action.

In the 1996 case of an official detained for beating a 12-year-old maid to death that year, a criminal court found the defendant, Mrs. Christine Tchitchi, ex-wife of a former Minister of Culture, guilty in 1996. The former Minister of Culture was not detained. The court sentenced her to 5 years imprisonment. Already confined in pretrial detention, she was given credit for time served, completed her sentence, and was released.

Other traditional practices include the killing of deformed babies, breech babies, and one of two newborn twins (all of whom are thought to be sorcerers in some rural areas). There is also a tradition in which a groom abducts and rapes his prospective child bride (under 14 years of age). Criminal courts mete out stiff sentences to criminals convicted of crimes against children, but many such crimes never reach the courts due to lack of education and access to the courts or fear of police involvement in the problem.

Forced child labor and the trafficking in Beninese children for purposes of forced labor or prostitution in other countries remains problems (see Sections 6.c. and 6.f.).

The Government, in concert with NGO's, made serious efforts to combat child abuse and trafficking in children, including media campaigns, programs to assist street children, greater border surveillance, and a conference on trafficking (see Section 6.f.). Despite such efforts, the abuse of children remained a serious human rights problem.

The Government has been less successful in combating female genital mutilation, which is not illegal. FGM is widely condemned by international health experts as damaging to both physical and psychological health. FGM is practiced on females ranging from infancy through 30 years of age and generally takes the form of excision. Surveys, including one conducted by the World Health Organization in 1999, reliably placed the estimate of the number of women who had undergone FGM at approximately 50 percent. A prominent NGO, the Benin chapter of the Inter-African

Committee, has made progress in raising awareness of the dangers of the practice; the Government has cooperated with its efforts. According to recent research, there is a strong profit motive in the continued practice of FGM by those who perform the procedure, usually older women. The Government, in cooperation with NGO's, held workshops during 1999 aimed at eradicating the practice, and several NGO's continued the effort during the year. One international NGO (Intact) paid those who perform the procedure to abandon their profession. Another local NGO also was active. In January Dignite Feminine collected 60 excision knives from practitioners of FGM in the northern section of the country who renounced the practice voluntarily. In April the Social Affairs Minister attended a ceremony in which 17 women turned in their cutting tools in exchange for small grants (worth approximately $176 (123,200 CFA).

Trafficking in children is a problem (see Section 6.f.).

People with Disabilities.—Although the Constitution provides that the State should care for people with disabilities, the Government does not mandate accessibility for them. It operated a number of social centers for disabled persons to assist their social integration. Nonetheless, many are unable to find employment and must resort to begging to support themselves.

The 1998 Labor Code includes provisions to protect the rights of disabled workers. The code was enforced with moderate effectiveness during the year.

National/Racial/Ethnic Minorities.—There is a long history of regional rivalries. Although southerners are preeminent in the Government's senior ranks, many prominent military officers come from the north. During the year, the imbalance was reduced by new appointments. The south has enjoyed more advanced economic development, a larger population, and has traditionally held politically favored status. In the 1996 elections, a northerner was elected President.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides workers with the freedom to organize, join unions, meet, and strike, and the Government usually respects these rights in practice. A new Labor Code went into effect in January 1999. The code was approved after long discussions between the Government, labor unions, and the National Assembly. The labor force of approximately 2 million is engaged primarily in subsistence agriculture and other primary sector activities, with less than 2 percent of the population engaged in the modern (wage) sector.

Although approximately 75 percent of the wage earners belong to labor unions, a much smaller percentage of workers in the private sector are union members. There are several union confederations, and unions generally are independent of government and political parties. The Economic and Social Council, a constitutionally mandated body established in 1994, includes four union representatives.

Strikes are permitted; however, the authorities can declare strikes illegal for stated causes, for example, threatening to disrupt social peace and order, and require strikers to maintain minimum services. The Government declared two strike-related marches illegal during the year, but it did not declare the strikes illegal.

During the year, there were several major peaceful strikes over increases in the price of gasoline, which significantly reduced workers' purchasing power. For example, in June a strike at the port of Cotonou succeeded in reversing a government decision to privatize the port. During strikes unions generally called for higher wages, lower fuel prices, and the dismissal of the mayor of Cotonou, who refused to issue permits to march during a visit by the Libyan head of state in June (see Section 2.b.). One such march began before police dispersed it without violence. During an authorized march in July, President Kerekou addressed the workers and rebuked the unions for failing to recognize their relative well-being in relation to that of neighboring countries. Labor unions continued to oppose the Government's merit-based promotion scheme. Unions also opposed a 1969 decree (which is still in effect) permitting the Government to dock the wages of striking public sector employees.

There were no known instances of efforts by the Government to retaliate against union activity; however, the ICFTU alleged that hostility to trade unions persisted and that union members were intimidated. A company may withhold part of a worker's pay following a strike. Laws prohibit employer retaliation against strikers, and the Government enforces them effectively.

Unions may form freely or join federations or confederations and affiliate with international bodies. The two major labor confederations are known to be affiliated with the Brussels-based Confederation Internationale de Syndicats Libres.

b. The Right to Organize and Bargain Collectively.—The Labor Code provides for collective bargaining, and workers freely exercised these rights. Wages in the private sector are set in negotiations between unions and employers.

The new Labor Code permits unions to become affiliated with international organizations. It also includes a section on the rights of disabled workers. The Government sets wages in the public sector by law and regulation.

The Labor Code prohibits employers from taking union membership or activity into account regarding hiring, work distribution, professional or vocational training, or dismissal. The Government levies substantial penalties against employers who refuse to rehire workers dismissed for lawful union activities.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Labor Code prohibits forced or compulsory labor and specifically prohibits forced and bonded labor by children; however, forced child labor and trafficking in children are problems (see Section 6.f.). Some financially desperate parents indenture their children to "agents" recruiting farm hands or domestic workers, often on the understanding that money paid to the children would be sent to the parents. According to press reports, in some cases, these agents take the children to neighboring countries for labor (see Section 6.f.). The Government has taken steps to educate parents and to prevent such kidnapings of children. Also, many rural children are sent to cities to live with relatives or family friends, often on the understanding that in return for performing domestic chores, they would receive an education. Host families do not always honor their part of the bargain, and the abuse of child domestic servants occurs. The Government has taken some steps to curb abuses, including media campaigns, regional workshops, and public pronouncements on child labor problems.

The law provides for sentences of imprisonment involving compulsory labor for certain acts or activities related to the exercise of the right of free expression (see Section 2.a.); however, no such sentences were imposed during the year.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code prohibits the employment or apprenticeship of children under 14 years of age in any enterprise; however, child labor remains a problem. The Ministry of Labor enforces the Labor Code in only a limited manner (and then only in the modern sector), due to the lack of inspectors. To help support their families, children of both sexes—including those as young as 17 years old—continue to work on rural family farms, in small businesses, on construction sites in urban areas, in public markets, and as domestic servants under the practice of vidomegon. In February one report estimated that 75 percent of apprentices working as seamstresses, hairdressers, carpenters, and mechanics were younger than 15 years of age. Most of these apprentices are also under the legal age of 14 for apprenticeship. Children also commonly work as street vendors.

The Government did not ratify ILO Convention 182 on eliminating the worst forms of child labor; however, it was before the National Assembly at year's end.

The law prohibits forced and bonded labor by children; but the Government is unable to enforce these prohibitions except in the modern sector, and there are reports of forced child labor (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The Government administratively sets minimum wage scales for a number of occupations. In July the Government raised the minimum wage to approximately $35 (CFA francs 25,000 per month) increased from CFA francs 21,924 in April 1997. The decision was made in consultation with trade unions. However, this increase is not adequate to cover the costs for food and housing even of a single worker. Many workers must supplement their wages by subsistence farming or informal sector trade. Most workers in the wage sector earn more than the minimum wage, although many domestics and other laborers in the informal sector earn less.

The Labor Code establishes a work week of from 40 to 46 hours, depending on the type of work, and provides for at least one 24-hour rest period per week. Domestic and agricultural workers frequently work 70 hours or more per week. The authorities generally enforce legal limits on work weeks in the modern sector. The code establishes health and safety standards, but the Ministry of Labor does not enforce them effectively. The code does not provide workers with the right to remove themselves from dangerous work situations without jeopardy to continued employment. The Ministry of Labor has the authority to require employers to remedy dangerous work conditions but does not do so effectively.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in children is a problem. Article 15 of the Constitution provides for fundamental civil rights, and long-standing provisions of the criminal code prohibit kidnaping. Laws dating to 1905 but still in force prohibit trafficking in persons in general and in underage females in particular. Trafficking in children, which remained a problem, continued to be the subject of considerable media coverage. Most victims are abducted or leave home with traffickers who promise educational opportunities or other incentives. They are taken to places in foreign countries (according to the

press, principally located in Nigeria, Cameroon, Cote d'Ivoire, and Gabon) and sold into servitude in agriculture, as domestics, or as prostitutes. In addition hundreds of children are taken across the border to Togo and Cote d'Ivoire to work in plantations.

According to a survey of child labor conducted by the Government in 1999, the World Bank, and INSAE (a nutritionally focused NGO), 49,000 rural children, constituting 8 percent of the rural child population between the ages of 6 and 16, work abroad, primarily as agricultural workers on plantations in the Cote d'Ivoire and as domestic workers in Gabon. Only children who had been trafficked explicitly for labor purposes were counted among the 49,000 children that were estimated to be victims of trafficking. However, the children who left "for other reasons" may conceal an additional number of trafficked children and bring the number close to 80,000. Of the trafficked children, 61 percent were boys and 39 percent were girls. Certain villages have been particularly victimized by organized child traffickers, and there were villages where up to 51 percent of children were trafficked.

The Minor Protection Brigade, under the jurisdiction of the Interior Ministry, combats crimes against children. The media reported that during the year, the brigade, in addition to gendarmes and police, intercepted and arrested a number of traffickers trying to smuggle children into and out of the country.

On January 14, according to press reports, authorities arrested an adult male citizen attempting to smuggle six children, all younger than 10 years old, out of the country reportedly to work on farms in Nigeria. The press also reported the arrest of 13 adults on April 25 as they were attempting to smuggle 26 children into Togo for work as domestics and farm hands. At year's end, there were no reports on subsequent legal action against the traffickers.

In 1998 the Justice Minister stated that in 3 years a total of 1,363 children had been intercepted and returned to their parents. There was no further information during the year on additional interceptions by the Government. The Government worked with NGO's to combat trafficking in children, including media campaigns and greater border surveillance (see Section 5); however, police complained that they lacked equipment to monitor trafficking adequately.

In July a 4-day subregional workshop, sponsored by the International Labor Organization and the International Program on the Elimination of Child Labor, on child trafficking in West and Central Africa was held in Cotonou and featured speeches by Justice Minister Joseph Gnonlonfoun, Labor Minister Ousmane Batoko, and foreign representatives.

BOTSWANA

Botswana is a longstanding, multiparty democracy. Constitutional power is shared between the President and a popularly elected National Assembly. The House of Chiefs, representing all of the country's major tribes and some smaller ones, has no legislative power but may offer its views to both the President and National Assembly on legislation. Festus Mogae, who, as Vice President, became President upon former president Sir Katumile Masire's retirement in 1998, continued to lead the Botswana Democratic Party (BDP), which has held a majority of seats in the National Assembly continuously since independence. In October 1999 elections generally regarded as largely free and fair, despite initial restrictions on opposition access to radio and press reports of ruling party campaign finance improprieties, the BDP increased its majority in the National Assembly and elected President Mogae to a second term. The Government respects the constitutional provisions for an independent judiciary.

The civilian Government exercises effective control over the security forces. The military, the Botswana Defense Force (BDF), is responsible for external security only, unlike in past years when the BDF at times performed internal security functions. The Botswana National Police (BNP) are responsible for internal security. Members of the security forces, in particular, the police, occasionally committed human rights abuses.

The economy is market oriented with strong encouragement for private enterprise, and has achieved rapid sustained real per capita economic growth since independence. Per capita gross domestic product (GDP) is slightly more than $2,681 (14,495 pula). Diamond exportation provided over two-thirds of the country's export income and much of the revenue of the Government, which owned half of a company engaged in the production of diamonds from existing mines. Nearly 50 percent of the population is employed in the informal sector, largely subsistence farming and

animal husbandry. Rural poverty remains a serious problem, as does a widely skewed income distribution.

The Government generally respected the human rights of its citizens; however, problems continued in several areas. There were credible reports that the police sometimes beat or otherwise mistreated criminal suspects in order to obtain evidence or coerce confessions. The authorities took action in some cases against officials responsible for such abuses. Prison conditions were poor; however, unlike in the previous year, there were no reports of torture and deaths under suspicious circumstances in prisons. In many instances, the judicial system did not provide timely fair trials due to a serious backlog of cases. The Government continued to dominate domestic radio broadcasting, although to a lesser extent than in the previous year. At times the Government held newly arrived refugees from neighboring countries in local jails or special areas in prisons until they could be interviewed by refugee officials. Violence against women remained a serious problem, and women continued to face legal and societal discrimination. Some citizens, including groups not numbered among the eight "principal tribes" of the Tswana nation, the majority ethnic group, still did not enjoy full access to social services and, in practice, remained marginalized in the political process. Trade unions continued to face some legal restrictions, and the Government did not always ensure that labor laws were observed in practice.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

Unlike in previous years, there were no instances of suspicious deaths in prisons.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution explicitly forbids torture, inhuman, and degrading treatment or punishment, and the authorities generally respect this prohibition in practice; however, instances of abuse occur. In some cases, the authorities have taken disciplinary or judicial action against persons responsible for abuses. While coerced confessions are inadmissible in court, evidence gathered through coercion or abuse may be used in prosecution. There were credible reports that police sometimes beat persons and used intimidation techniques in order to obtain evidence or elicit confessions. In general, however, beatings and other forms of extreme physical abuse remained rare.

There were reports that BDF soldiers at the Dukwe refugee camp beat and abused Dukwe residents. One refugee applicant claimed that BDF soldiers beat him on December 1 for allegedly stealing a bag of sugar. The refugee applicant received medical treatment for his injuries. The Acting Station Commander at Dukwe has stated that his office is investigating the case (see Section 2.d.).

Some international NGO's reported that government game wardens abused the Basarwa (Bushmen) in the Central Kalahari Game Reserve (CKGR) (see Section 4).

Customary courts continued to impose corporal punishment sentences in the form of lashings on the buttocks, generally against young offenders in villages for crimes such as vandalism, theft, and hooliganism. The Government in 1999 refused to adopt a motion submitted by the House of Chiefs to reinstate flogging across the back rather than the buttocks.

Prison conditions were poor; however, unlike the previous year, there were no reports of torture and deaths under suspicious circumstances. A December 1999 report by the Gaborone Prison Visiting Committee cited "appalling" conditions in prisons, and these conditions did not change during the year. With the country's high incidence of HIV/AIDS and tuberculosis, prison overcrowding constitutes a serious health threat. The 21 prisons across the country have a capacity of 3,198 but held 7,000 at year's end. To alleviate overcrowding, the Government began constructing 2 new prisons that are scheduled to be completed in 2001; these would bring prison capacity to over 4,000. Construction of a third prison for male juvenile offenders was delayed due to lack of funds, but is scheduled to begin in 2001. In July Parliament passed a bill that would give the Prison Commissioner authority to release terminally ill prisoners and prisoners in the last 12 months of their sentences (under current law, the Commissioner only can grant an early release to prisoners in the last 6 months of their sentences). The bill also would grant the Commissioner authority to allow prisoners with sentences of 12 months or less to perform "extramural" labor. The President signed the bill into law during the year. The Government estimated that as many as 1,492 prisoners could be released under the program.

The Commissioner of Prisons ordered full investigations into the management and conditions of prisons covered in the GPVC report. A report was completed and submitted to the Commissioner during the year which reportedly cleared the Government of responsibility for the conditions; however, the report was not publicly released by year's end. The December 1999 report by the Gaborone Prison Visiting Committee cited the suspicious deaths in prison of two inmates during 1999. The Commissioner of Prisons stated that a post-mortem examination conducted by medical authorities in 1999 supported prison officials' statements that Boitumelo Nthoiwa died of pneumonia and Andrew Molefe died after taking an illegal substance smuggled in by another inmate. Human rights organizations in the country have not challenged either case.

The Prisons Act, which covers both prison officials and prisoners, makes it illegal for prison officials to mistreat prisoners. In September the Minister of Presidential Affairs and Public Administration stated that stiff penalties would be imposed upon prison officials who treat inmates improperly. When there is an allegation or suspicion of mishandling of prisoners by prison officials, the Department of Prisons is required to forward the case to the police for investigation. Three prison officials appeared before a magistrate in early December for alleged abuse of prisoners in previous years. In December the magistrate discharged one of the officials, and the other two officials were scheduled to appear before the magistrate again in March 2001.

The Prisons Act provides for a governmental visiting committee for each prison, the members of which are appointed by the Minister of Labor and Home Affairs. Members of these committees serve 1-year terms and must visit their prison four times within their first term and issue a report both to the Commissioner of Prisons and the Minister of Labor and Home Affairs. These reports normally are not released to the public. During the year, the committees visited each prison every 3 months and last issued their last report in December.

While the Prisons Act grants relatives, lawyers, magistrates, and church organizations the right to visit prisoners for "rehabilitative purposes," the Commissioner of Prisons has the authority to decide whether domestic and international human rights organizations may visit. In practice the Commissioner does not generally allow such visitations; however, some local human rights organizations have been granted access to visit specific prisoners. In 1999 the Botswana Center for Human Rights was permitted to make prison visitations. There were no visitation requests from human rights organizations during the year.

d. Arbitrary Arrest, Detention, or Exile.—Under the Constitution, "every person in Botswana" is entitled to due process, the presumption of innocence, and freedom from arbitrary arrest; and the authorities respected these provisions in practice. Suspects must be informed of their legal rights upon arrest, including the right to remain silent, to be allowed to contact a person of their choice, and generally to be charged before a magistrate within 48 hours. A magistrate may order a suspect held for 14 days through a writ of detention, which may be renewed every 14 days. Most citizens charged with noncapital offenses are released on their own recognizance; some are released with minimal bail. Detention without bail is highly unusual, except in murder cases, where it is mandated.

Detainees have the right to hire attorneys of their choice, but in practice most are unable to afford legal counsel. However, poor police training and poor communications in rural villages make it difficult for detainees to obtain legal assistance, and authorities do not always follow judicial safeguards. The Government does not provide counsel for the indigent, except in capital cases. One NGO, the Botswana Center for Human Rights, provides free legal services, but its capacity is limited. Another NGO, the University of Botswana Legal Assistance Center, provides free legal services in civil, but not criminal, matters. Constitutional protections are not applied to illegal immigrants, although the constitutionality of denying them due process has not been tested in court.

Pretrial detention has been prolonged in a large number of cases. In Gaborone Central Prison, the average wait in prison before trial was 1 year. The Government is attempting to alleviate the backlog of cases by temporarily hiring more judges.

The Government sometimes held newly arrived refugees and asylum seekers in local jails until they could be interviewed by the Botswana Council for Refugees (BCR) or the U.N. High Commissioner for Refugees (UNHCR). Once persons were granted refugee status, the Government transferred them to the Dukwe Refugee Camp. An illegal immigrant internment center, which is to house foreigners awaiting repatriation, is currently under construction and is scheduled to open by February 2001. However, even with this new facility, refugees would continue to be housed first in local jails and then in Dukwe. Approximately 60 refugees from Namibia's Caprivi Strip who had left the Dukwe Camp or were involved in disturb-

ances and were being held in Mahalapye Prison were released back to Dukwe. At year's end, six detainees were being held in protective custody at Mahalapye Prison; they were transferred from Dukwe after they committed criminal offenses while at the camp. Five of the detainees were released by year's end, and one detainee continued to serve a sentence for a narcotics conviction. A Namibian asylum seeker in extradition proceedings has accused the Government of unfair detention and violations of human rights. He successfully challenged his detention in court and was released in June (see Section 2.d.).

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice.

The judiciary consists of both a civil court (including magistrates' courts, a High Court, and a Court of Appeal) and a customary (traditional) court system.

The law provides for the right to a fair trial. However, the civil courts remained unable to provide for timely, fair trials in many cases due to severe staffing shortages and a backlog of pending cases. Most trials in the regular courts are public, although trials under the National Security Act (NSA) may be held in secret. Those charged with noncapital crimes are tried without legal representation if they cannot afford an attorney. As a result, many defendants may not be informed of their rights in pretrial or trial proceedings. In October 1999, a High Court judge declared a mistrial in the case of two Basarwa (Bushmen) men who had been convicted in 1995 of a murder that occurred the same year, and were awaiting execution. A human rights group claimed that the two did not understand the language used at the trial and that translations were poor. It also questioned whether the accused understood their rights or the charges against them, and noted that attempts by the men to change their court-appointed lawyers had been disregarded. Ruling that the two had been deprived of their constitutional rights, the judge ordered a new trial. A date had not yet been set for the new trial by year's end (see Section 5).

Most citizens encounter the legal system through the customary courts, under the authority of a traditional leader. These courts handle minor offenses involving land, marital, and property disputes. In customary courts, the defendant does not have legal counsel and there are no precise rules of evidence. Tribal judges, appointed by the tribal leader or elected by the community, determine sentences, which may be appealed through the civil court system. The quality of decisions reached in the traditional courts varies considerably. In communities where chiefs and their decisions are respected, plaintiffs tend to take their cases to the customary court; otherwise, persons seek justice in the civil courts.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice; however, the State continues to dominate domestic radio broadcasting, although to a lesser extent than in the previous year.

The independent press is small but growing, and has a long tradition of vigorous, candid, and unimpeded discourse. It actively covers the political arena and is frequently critical of the Government and the President. The circulation of privately owned print media continues to be limited mostly to the main cities and towns. At year's end, six privately owned weekly newspapers were published in Gaborone and distributed to the country's main cities and towns. One privately-owned weekly newspaper was published in Francistown, the country's second-largest city. Nine privately-owned magazines were published monthly. These publications reported and editorialized without fear of closure or censorship.

Government officials sometimes complain of bias in the private press. However, government officials and other public figures have recourse to the courts if they believe that they have been libeled. Libel is a civil law matter; there are no criminal libel laws.

The Government's Botswana Press Agency (BOPA) provides most of the information found in the media owned and operated by the Government - the free Daily News newspaper, Radio Botswana, which broadcasts nationally to almost all of the country, and the new Botswana Television. News coverage in the state-owned media focuses on the activities of government officials and supports government policies and actions. The Daily News also publishes general coverage of current events and issues, and includes a second front page in Setswana, the most commonly spoken tribal language.

Radio remained the most important medium of public communication; the circulation of privately owned print media continued to be limited mostly to the main cities and towns. In past years, the state monopolized domestic radio broadcasting; however, in 1999 the Government granted licenses to two private radio stations, Yarona FM and Gabz FM, and they began broadcasting in June and November 1999, respectively. Both broadcast in a 56-mile radius of Gaborone, an area that includes 5 of the country's 10 largest cities; state-owned radio continued to be the only domestic radio service broadcasting to the rest of the country. Both private radio stations have a news component to their programming, with no discernible policy of supporting a particular political party. A 1998 broadcast law provides for issuance of broadcast licenses to private companies and provides copyright protection of broadcast material. The law also mandates the establishment of a National Broadcast Board, which grants broadcast licenses. On November 30, the Board held its first meeting at BTA offices in Gaborne.

On July 31, the Government opened its new national television station, Botswana Television (BTV), amid skepticism from the public and some parliamentarians over delays and overspending. BTV began broadcasting with technical and programming assistance from the British Broadcasting Corporation (BBC), and an emphasis on the Setswana language service. Transmission extends south from Gaborone to Lobatse, north to Serowe and Francistown, and is scheduled to be available across the country within the next few years.

The debut of BTV generated considerable discussion among members of the public, parliamentarians, and government officials about whether its status as a government-owned station would interfere with its ability to function independently, especially with respect to reporting the news. During the opening ceremony, the Acting Minister for Presidential Affairs and Public Administration stated that editorial policies of the station would not be subject to government influence; however, according to newspaper reports in August, BTV management was criticized by the Government for reporting on the eviction of squatters by the Ministry of Lands and Housing. A Permanent Secretary in the Office of the President responded by convening a press conference on August 30 on the private Yarona FM radio station and stating that it was important for BTV to broadcast news that promoted government policies and not reports that "encourage trouble and criticize the government."

Responding to calls for the privatization of BTV after it began operations on July 31, the Government announced that it was considering turning the Department of Information and Broadcasting into a parastatal. However, on December 1, the Minister of Presidential Affairs and Public Administration, Thebe Mogami, stated that BTV would remain under government control. This proposal would affect BTV, Radio Botswana, the Daily News and BOPA. The opposition Botswana Congress Party has criticized government control over media and has urged that they be privatized or turned into parastatals.

The privately-owned Gaborone Broadcasting Company (GBC), which has operated since 1987, broadcasts mostly foreign-made programming and is the only other television station operating in the country. GBC broadcasts reach viewers only in the capital area.

Independent radio and television from neighboring South Africa are received easily. An analogue television service from South Africa, which had been available free to viewers, was discontinued on October 1, when the signal was scrambled and viewers were required to pay to receive the service. Satellite television from a South African-based company is readily available, although its cost prevents many persons from subscribing to the service.

Internet access is spreading quickly. The Government does not restrict e-mail or Internet usage. Four Internet service providers are available to the domestic market: three of them are private companies, and one, Botsnet, is the commercial arm of the parastatal Botswana Telecommunications Corporation.

During the 1999 election campaign, opposition candidates initially had limited access to state-owned media, including state-owned radio, which was the only domestic radio service and the sole domestic source of news for most of the rural population. During the first part of the campaign season, the state-owned media gave opposition candidates less news coverage than ruling party candidates. When opposition politicians complained about this, the Government initially countered that the activities of ministers and other government figures were inherently more newsworthy and therefore deserving of more coverage. However, the Government subsequently changed its policy, and during the latter part of the election campaign season the state-owned media gave balanced news coverage to the main opposition parties and included stories about the smaller political parties as well. Opposition leaders expressed the view that government media practices seriously disadvantaged opposition parties relative to the ruling party during the election campaign.

On occasion the Government has taken steps, under loosely defined provisions of the National Security Act, to limit publication of information that in its view impinged on national security; however, there were no such incidents during the year.

Academic freedom is not restricted.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for these rights, and the Government respects them in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The Constitution provides for the suspension of religious freedom in the interests of national defense, public safety, public order, public morality, or public health. However, any suspension of religious freedom by the Government must be deemed "reasonably justifiable in a democratic society."

All religious organizations must register with the Government. To register a group submits its constitution to the Ministry of Home Affairs. After a generally simple bureaucratic process, the organization is registered. There are no legal benefits for registered organizations. Unregistered groups are potentially liable to penalties including fines up to $192 (1,000 Pula), up to 7 years in jail, or both. Except for the case of the Unification Church, there is no indication that any religious organization has ever been denied registration.

The Unification Church was denied registration (but not suspended) in 1984 by the Ministry of Home Affairs on the public order grounds stipulated in the Constitution. The Government also perceived the Unification Church as anti-Semitic and denied registration because of another constitutional provision, which protects the rights and freedoms of individuals to practice their religion without intervention. In the intervening 16 years, although it has petitioned unsuccessfully the offices of the President and Vice President, the Unification Church has made no move to challenge the Ministry's decision in the courts.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice. There are no formal barriers to domestic and international travel or emigration.

Some human rights organizations continued to assert that the Government has pressured several Basarwa (Bushmen) communities within the Central Kalahari Game Reserve (CKGR) into relocating to partially built settlements outside of the Reserve. Government officials maintained that the "voluntary" resettlement was necessary in order to provide the Basarwa with better public services and to avoid conflicts between wildlife and humans within the CKGR. When the Basarwa arrived at the new settlements, beginning in 1995, services and facilities were substandard or nonexistent. Although conditions later improved, they remain very basic. The Government permits relocated Basarwa to return to the CKGR, but does not provide services within the reserve. Some international NGO's reported that government game wardens abused the Basarwa in the CKGR; however, no further information was available by year's end.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The Government has maintained a policy of considering asylum requests only from refugees from bordering countries; although in practice, the Government often considers refugee applications from Angolans. Although the Government sometimes held newly arrived refugees and asylum seekers in local jails until they could be interviewed by BCR or UNHCR officials, it transferred persons granted refugee status to the Dukwe Refugee Camp, pending resettlement or voluntary repatriation (see Section 1.d.). There were 3,409 refugees at Dukwe by year's end; they were primarily from Namibia, Angola, and Somalia. A small number of refugees were being held in "protective custody" in Mahalapye Prison. At year's end, there were six refugees from Uganda, Kenya, Nigeria, Somalia, and Burundi being held in Mahalapye Prison. The Government strictly applies a policy of first asylum. Refugee applicants who are unsuccessful in obtaining asylum are allowed to remain at Dukwe until the Government refers their cases to the UNHCR for resettlement.

There were reports that BDF soldiers at Dukwe beat and abused Dukwe residents. One refugee applicant claimed that BDF soldiers beat him on December 1 for allegedly stealing a bag of sugar. The refugee applicant received medical treatment for his injuries. The Acting Station Commander at Dukwe has stated that his office is investigating the case (see Section 1.c.).

There were no reports of the forced return of persons to a country where they feared persecution.

More than 2,500 refugees from the Caprivi Strip in neighboring Namibia have fled to the country since late 1998. Many were armed and linked to the ethnically based opposition groups based in the Caprivi Strip of Namibia. Male refugees linked to such groups requested asylum based on their claim that they were being forced into the Namibian army to fight in the Democratic Republic of the Congo. The Government provided first asylum to all such persons. In consultation with the UNHCR in 1999, the Government began negotiations with the Government of Namibia to facilitate the voluntary return of Nambian refugees. During the year, five persons were returned voluntarily to Namibia. UNHCR experienced problems obtaining permission from Namibia to return other such persons. In August 1999, the Government detained members of a Caprivi separatist group who had fled into the country after a military offensive in Katima Mulilo in Namibia. The group's leader, Meshake Muyongo, was resettled in a third country. Eight of Muyongo's group of 15 Democratic Turnhalle Alliance (DTA) leaders and their families who feared for their safety in Namibia were awaiting adjudication of their resettlement applications by year's end.

During the year, the Government's Refugee Advisory Committee, which includes a UNHCR representative, found that 19 Namibian asylum seekers failed to qualify for asylum. In September the Government filed for the extradition of 15 of these individuals, 13 of whom appeared in court (one was ill, and another fled). One of the 15 accused the Government of unfair detention and violations of human rights and successfully challenged his detention in court (see Section 1.d.). The extradition process was continuing at year's end; three of the cases were returned to Namibia for further documentation, and one other application was dismissed. The 19 failed asylum seekers were being detained in various local jails at year's end. Their trial began in December and was ongoing at year's end.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, generally free and fair elections held on the basis of universal adult (18 years of age) suffrage. The President is elected by the National Assembly and is limited to two 5-year terms in office. Members of the BDP have held a majority of seats in the National Assembly, and as a result also the presidency, continuously since independence.

Elections for the National Assembly were held in October 1999 and generally were regarded as largely free and fair by domestic and international observers, despite preferential access for BDP candidates during much of the campaign to state-owned media including state-owned radio, the sole domestic source of news for most of the rural population, and despite press reports of large anonymous campaign contributions to the ruling party, purportedly by international diamond interests (see Section 2.a.). The BDP increased its majority in the National Assembly from 31 to 37 of 44 seats, thereby ensuring the election of its presidential candidate, incumbent President Mogae. In 1998 Mogae, then Vice President, had succeeded Sir Ketumile Masire as President upon the latter's retirement. Of the 7 seats won by opposition parties in October, the Botswana National Front (BNF) won 6 and the Botswana congress Party (BCP) won 1 seat.

The House of Chiefs, an advisory body with limited powers, is restricted constitutionally to the eight "principal tribes" of the majority Tswana ethnic group and four elected chiefs representing smaller tribes, including the Bakalanga, Lozi, Humbukush, and Bakgalagadi. Consequently, other groups, for example, the Basarwa, Herero, Baloi, or Bayei are not represented there. Given the limited authority of the House of Chiefs, the impact of excluding other groups of citizens is largely symbolic, but some non-Tswana view it as important in principle (see Section 5). Members of the National Assembly are required to speak English.

The State is highly centralized. There are 406 district governments with elected councilors, but they have no fiscal autonomy and must rely on the central Government for revenue.

In practice women are underrepresented in the political process. However, the 1999 elections doubled the number of women serving in the National Assembly, from 4 to 8 of 44 members. The number of women serving in the cabinet also increased from 3 to 4 of 15 members. Of the 13 High Court justices, 1 was a woman.

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

Domestic and international human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Ditshwanelo, the Botswana Center for Human Rights, actively promotes human

rights and investigated alleged abuses. The Metlhaetsile Women's Information Center, Emang Basadi, and Women Against Rape are active on issues concerning women's rights, particularly rape and domestic violence. Government officials are generally cooperative and responsive to these groups. The Government does not have a human rights office.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution forbids State discrimination on the basis of ethnicity, race, nationality, creed, sex, or social status, and these provisions are implemented in practice by government authorities. However, neither the Constitution nor any known law prohibits discrimination by private persons or entities.

Women.—Violence against women remains a serious problem. Domestic abuse is one area of concern. Under customary law and in common rural practice, men have the right to "chastise" their wives. Police rarely are called to intervene in cases of domestic violence. Reports of sexual exploitation, abuse, and criminal sexual assault are increasing, and public awareness of the problem generally is growing. The national police force has begun training officers in handling domestic violence problems to make them more responsive in such cases. Rape is another grave national problem, and the Government acknowledged in 1999 that, given the high incidence of HIV/AIDS, sexual assault has become an even more serious offense. In 1998 Parliament enacted legislation that increased all penalties for rape, incest, and other forms of sexual assault by imposing minimum sentencing requirements where none existed previously. The minimum sentence for rape is now 10 years, with the minimum increasing to 15 years with corporal punishment if the offender is HIV positive and to 20 years with corporal punishment if the offender knew of his or her HIV status. In 1999 a High Court ruled unconstitutional a provision in the new law that allowed the detention of rape suspects without bail. The law does not address the issue of marital rape. A recent study of rape by the police service urges police to develop improved methods of rape investigation, including the use of DNA tests in all rape cases. The police force purchased new equipment and an officer was trained to use it during the year.

Although the Government has become far tougher in dealing with criminal sexual assault, societal attitudes toward other forms of domestic violence remain lax. Half the murders of women were linked to histories of domestic violence. Human rights activists estimate that 6 women in 10 are victims of domestic violence at some time in their lives.

Sexual exploitation and harassment continue to be problems as well, with men in positions of authority, including teachers, supervisors, and older male relatives, pressuring women to provide sexual favors. Greater public awareness and improved legal protection have led more victims of domestic violence and sexual assault to report incidents to the authorities. In March 1999, the Women's Affairs Department submitted the Report on the Study of Socio-Economic Implications of Violence Against Women in Botswana to the Attorney General's office, which is working with all of the ministries to further investigate these problems.

Women legally enjoy the same civil rights as men; however, in practice discrimination persists. A number of traditional laws enforced by tribal structures and customary courts restrict women's property rights and economic opportunities. A woman married under traditional law or in "common property" is held to be a legal minor, requiring her husband's consent to buy or sell property, apply for credit, and enter into legally binding contracts. Under a law enacted in 1996, women married under an intermediate system, referred to as "in community of property,—are permitted to own immovable property in their own names; however, their husbands still retain considerable control over jointly-held assets of the marriage. The law was a step toward equalizing a husband's and a wife's legal control over property held in community of property. Moreover, the 1998 Deeds Registry Act stipulates that neither spouse can dispose of joint property without the written consent of the other party.

Women have, and increasingly are exercising, the right to marriage "out of common property," in which case they retain their full legal rights as adults. Polygyny is still legal under traditional law with the consent of the first wife, but it rarely is practiced. In September 1998, consultants submitted to the Labor Ministry a report identifying provisions of existing law that potentially discriminate against women.

Well-trained urban women enjoy growing entry level access to the white-collar job market, but the number of opportunities decreases sharply as they rise in seniority. Discrimination against women is most acute in rural areas where women engaged primarily in subsistence agriculture have weak property rights.

Young women do not have access to military or national service training. Military service is voluntary for men only, and available to very few young women who serve as clerical workers. The Government abolished its national service program in April, a program that previously allowed male and female high school graduates to serve in government departments, mostly in rural areas. Government officials recently announced that there are no plans to recruit women into the Botswana Defense Force, due to infrastructure concerns such as lack of adequate living quarters and training facilities that made integration impracticable; the statement prompted women's rights activists to claim a denial of equal opportunity.

The Government and interested NGO's meet regularly to implement the long-term plan of action described in the National Policy on Women adopted in 1996. The plan identifies six critical areas of concern, prioritized as follows:(1) women and poverty, (2) women and powersharing and decisionmaking, (3) education and training of women, (4) women and health, (5) the girl child, and (6) violence against women. The Women's Affairs Department of the Ministry of Labor and Home Affairs, in conjunction with the United Nations Development Program, developed the Program Support Document (PSD) in 1997, which provides a framework for implementation of the national policy on women through 2002. Its five target areas include: (1) institutional strengthening at the national level, (2) advocacy and social mobilization, (3) institutional strengthening of NGO's, (4) research and information sharing, and (5) economic empowerment.

A number of women's organizations have emerged to promote the status of women. The Government has entered into a dialog with many of these groups. While some women's rights groups reportedly felt that the Government has been slow to respond concretely to their concerns, women's NGO's state that they are encouraged by the direction of change and by the increasingly collaborative relationship with government authorities. Major women's NGO's include the Emang Basadi Women's Association, which promotes the social, economic and legal status of women; the Metlhaetsile Women's Information Centre, which provides legal assistance to poor women; and the Botswana Council of Women.

Children.—The Government provides 7 years of free primary education for children, although attendance is not compulsory. Government estimates of the proportion of children who never attend school have ranged from 10 to 17 percent, and fewer than 20 percent of children complete secondary school; school attendance and completion rates are highest in urban areas, and lowest in remote rural areas, especially those inhabited chiefly by Basarwa (San or Bushmen). The national literacy rate is 69 percent: 70 percent for females and 67 percent for males. However, in some cases, girls are denied schooling because of religious or customary beliefs. The Government continued to allocate the largest portion of its operating expenditures to the Ministry of Education, and the second-largest portion to the Ministry of Local Government, Lands, and Housing, which administered primary education. It also continued to allocate a large part of its investment expenditures to construct primary and secondary schools, so that children have ready access to education.

It was estimated during the year that 35.8 percent of adults are infected with HIV/AIDS, and due largely to deaths from HIV/AIDS, 60,000 orphans were registered by the Ministry of Health countrywide. Increasing numbers of children, mostly believed to be orphans, were observed begging or engaging in prostitution in urban areas. Orphans infected with HIV/AIDS also were denied inheritance rights by their relatives.

The rights of children are addressed in the Constitution and the 1981 Children's Act. Under the act, The country has a court system and social service apparatus designed solely for juveniles. The Government launched a 10-year program of action for children in 1997, incorporating the seven major global goals identified at the 1990 U.N. World Summit for Children. In 1996 the Ministry of Labor and Home Affairs transferred responsibility for children to the Social Welfare Department in the Ministry of Local Government, Lands, and Housing. Laws pertaining to children continued to be under review to align them with the UN Convention on the Rights of the Child. The Adoption Act also continued to be reviewed to ensure that adopted children are provided for and not exploited as cheap labor.

There is no societal pattern of abuse against children, although incest and other forms of child abuse have received increased attention from the media and from local human rights groups.

The problem of sexual harassment of students by teachers is a national concern. Reports of rape and sexual assault of young women, and cases of incest and "defilement" of young girls appear with greater frequency in the news. The age of sexual consent is 16. Child prostitution and pornography are criminal offenses, and 1998 amendments increased penalties for "defilement" of persons under 16.

People with Disabilities.—The Government does not discriminate on the basis of physical or mental disability, although employment opportunities for the disabled remain limited. The Government does not require accessibility to public buildings and public conveyances for persons with disabilities, and the NGO community only recently has begun to address the needs of the disabled. In 1997 Parliament adopted a national policy that provides for integrating the needs of disabled persons into all aspects of government policymaking. The Government funded NGO's that provide rehabilitation services and supported small-scale work projects by disabled workers.

Indigenous People.—The Basarwa (also known as San), who now inhabit chiefly the Kalihari Desert, are the earliest known inhabitants of the country, and were the only inhabitants until Bantu groups arrived during the 16th century. They are physically, linguistically, and culturally distinct from the rest of the population. They remain economically and politically marginalized; they have lost access to their traditional land in fertile regions of the country and are vulnerable to exploitation by their non-Basarwa neighbors. Their isolation, ignorance of civil rights, and lack of political representation have stymied their progress. The estimated 52-55,000 Basarwa persons represent about 3 percent of the country's total population. Although the Baswara traditionally were hunter-gatherers, most Basarwa now are employed as agricultural workers on farms or at cattle posts belonging to other ethnic groups. The formation of the 20,000 square mile Central Kalahari Game Reserve (CKGR) by the colonial government in 1961 on traditional Basarwa lands set the stage for conflict between the Basarwa's pursuit of their traditional way of life and wildlife conservation. The Government in the past followed a policy of prohibiting human habitation in the CKGR with the goal of wildlife preservation, but has made accommodation for the estimated 1,000 to 3,000 Basarwa who still pursue hunting and gathering there. The Government has provided very limited social services within the CKGR, and has encouraged those living there to leave the reserve for permanent settlements; there were some reports that the Government sometimes forced Baswara to leave the reserve. However, the Government has made little real progress since international attention in 1996 focused on the intractable problem of resettling Basarwa living in the CKGR. Both the Basarwa and the Government are seeking out concerned NGO's to assist with the resettlement process and to address the larger issue of improving the Basarwa's standard of living without sacrificing what remains of their traditional way of life.

National/Racial/Ethnic Minorities.—Well over half of the country's 1.5 million inhabitants belong to the Tswana ethnic group, of which the Constitution recognizes eight principal tribes, and which has a tradition of peacefully coexisting with non-Tswana groups. Some non-Tswana ethnic groups are more numerous than the Tswana in some rural areas of the country: the Kalanga and Lozi in areas of the north; the Bayei and Herero in the Okavango Delta region; and the Baswara in the arid west. There are also communities of persons of Asian and European descent.

Apart from the lack of schooling in their own languages and their present lack of representation in the House of Chiefs (see Section 3), the country's non-Tswana communities are not subject to discrimination by the State. Societal discrimination also is limited. Intermarriage between Tswana and non-Tswana ethnic groups is common. Urban neighborhoods are not ethnically segregated. There generally is little correlation between income and ethnicity among persons of African descent, although many persons of Asian and European descent are prominent in the commercial sector.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of association. In practice all workers are free to join or organize unions of their own choosing. The country ratified ILO Convention 151 during the year, which permits government employees to organize their own unions. The industrial or wage economy is small, and unions are concentrated largely in mineral extraction and to a lesser extent in the railway and banking sectors. There is only one major confederation, the Botswana Federation of Trade Unions (BFTU), but there are no obstacles to the formation of other labor federations.

Unions are independent of the Government and are not closely allied with any political party or movement. Unions may employ full-time administrative staff, but the law requires elected union officials to work full time in the industry that the union represents. This rule severely limits union leaders' professionalism and effectiveness, and has been criticized by the International Confederation of Free Trade Unions (ICFTU).

The law also severely restricts the right to strike. Legal strikes are theoretically possible after an exhaustive arbitration process, but in practice none of the country's strikes has been legal. Sympathy strikes are prohibited.

Unions may join international organizations, and the BFTU is affiliated with the ICFTU. The Minister of Labor must approve any affiliation with an outside labor movement, but unions may appeal to the courts if an application for affiliation is refused.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for collective bargaining for unions that have enrolled 25 percent of a labor force. In reality only the mineworker unions have the organizational strength to engage in collective bargaining. Elected labor union officials are required by law to work full time in whatever industry they represent; consequently, there are no full-time elected labor leaders in the country. However, unions may employ full-time staff.

Workers may not be fired for union-related activities. Dismissals may be appealed to labor officers or civil courts, but labor offices rarely do more than order 2 months' severance pay.

The country has only one export processing zone, located in the town of Selebi-Phikwe, and it is subject to the same labor laws as the rest of the country.

c. Prohibition of Forced or Compulsory Labor.—The constitutional provision prohibiting forced or bonded labor applies to all citizens, although there are no laws that specifically prohibit forced or bonded labor by children; there were no reports of forced or bonded labor.

d. Status of Child Labor Practices and Minimum Age for Employment of Children.—Although education is not compulsory, the Government provides 7 years of free primary education to every child, and most children take advantage of this opportunity. Only an immediate family member may employ a child age 13 or younger, and no juvenile under age 15 may be employed in any industry. Only persons over age 16 may be hired to perform night work, and no person under age 16 is allowed to perform hazardous labor, including mining. District and municipal councils have child welfare divisions, which are responsible for enforcing child labor laws. Two laws focus on the protection of orphans and adopted children from exploitative labor. The Adoption Act ensures that adopted children are not exploited as cheap labor, and the Employment Act protects orphans from exploitation as cheap labor or coercion into prostitution. Because research on the issue of child labor is limited, it is difficult to state whether child labor laws are enforced effectively. However, there is general agreement among the Labor Commissioner, officials of the Ministry of Local Government, Lands, and Housing, and UNICEF that the child labor problem is limited to young children in remote areas who work as cattle tenders, maids, or babysitters.

The Government ratified ILO Convention No. 182 on the worst forms of child labor on January 3, and is in the process of bringing its national laws into compliance with international treaty obligations. The Government launched a 10-year program of action for children in 1997; however, implementation has proceeded slowly.

The constitutional provision prohibiting forced or bonded labor applies to all citizens, although there are no laws that specifically prohibit forced or bonded labor by children (see Section 6.c.); there were no reports of forced or bonded labor by children.

e. Acceptable Conditions of Work.—The minimum daily wage for most full time labor in the private sector was $3.15 (17 Botswana pula), which remained less than 50 percent of what the Government calculates is necessary to meet the basic needs of a family of five. Wage policy is determined by the Cabinet, which decides on recommendations made by the National Economic, Manpower and Incomes Committee (NEMIC), which consists of government, BFTU, and private sector representatives. The Ministry of Labor is responsible for enforcing the minimum wage, and each of the country's districts has at least one labor inspector. Civil service disputes are referred to an ombudsman for resolution. Private labor disputes are mediated by labor commissioners, but insufficient numbers have resulted in 1 to 2 year backlogs. In 1999 the Ministry of Labor received over 9,000 labor disputes and referred a small but undisclosed number of them to the Industrial Court for its review, which currently has a 9-18 month backlog.

Formal sector jobs almost always pay well above minimum wage levels. Informal sector employment, particularly in the agricultural and domestic service sectors, where housing and food are included, frequently pay below the minimum wage. There is no mandatory minimum wage for domestic workers, and the Ministry of Labor no longer recommends a minimum wage for them. Illegal immigrants from poorer neighboring countries, primarily Zambians and Zimbabweans, are exploited easily in labor matters, as they would be subject to deportation if they filed grievances against their employers.

The law permits a maximum 48-hour workweek, exclusive of overtime, which is payable at time and a half for each additional hour. Most modern private and public sector jobs are on the 40-hour workweek.

The law provides that workers who complain about hazardous conditions may not be fired. However, the Government's institutional ability to enforce its workplace safety legislation remains limited by inadequate staffing and unclear jurisdictions between different ministries. Nevertheless, employers generally provide for worker safety, with the occasionally notable exception of the construction industry.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, although penal code provisions cover such related offenses as abduction and kidnaping, slave trafficking, compulsory labor, and procuring women and girls for the purpose of prostitution. There were no reports that persons were trafficked to, from, within, or through the country.

BURKINA FASO

President Blaise Compaore continued to dominate the Government of the Fourth Republic, assisted by members of his party, the Congress for Democracy and Progress (CDP), despite increasing challenges from a number of fronts within society. In spite of the existence of dozens of political parties, there is little viable opposition to the President and his Government. The Government includes a strong presidency, a Prime Minister, a Council of Ministers presided over by the President, a two-chamber National Assembly, and the judiciary. In November 1998, President Compaore was reelected to a second 7-year term with 88 percent of the vote; 56 percent of the electorate voted. Both national and international observers described the presidential election as substantially free and fair and an improvement over the 1997 legislative elections, particularly with regard to the logistical organization of the balloting and the functioning of the polling stations; however, there were a limited number of voting irregularities. The national observers identified a number of systemic weaknesses in the electoral code that precluded the serious assurance of a perfectly regular and transparent vote, and a coalition representing a number of opposition parties boycotted the election. The CDP now controls 102 of 111 seats in Parliament. International observers considered the 1997 legislative elections to be substantially free and fair, although a collective of 14 local nongovernmental organizations (NGO's) cited generalized and systematic corruption and voter list irregularities. In November President Compaore and representatives from the opposition parties that agreed to participate in the Government signed a protocol that, among other items, ceded one-third of the cabinet posts to the opposition. The judiciary is subject to executive influence.

The security apparatus consists of the armed forces and the gendarmerie, both of which are controlled by the Ministry of Defense; the national police, controlled by the Ministry of Territorial Administration; and the municipal police, controlled by municipalities. Some members of the security forces committed human rights abuses.

Over 80 percent of the population of approximately 11.4 million persons engages in subsistence agriculture. Frequent drought, and limited communication and transportation infrastructures, in addition to a 77 percent illiteracy rate, are longstanding problems. The 50 percent devaluation of the CFA franc in 1994 made imports more expensive for salaried workers and civil servants, but improved the competitiveness of livestock and cotton exports. Since 1991 the Government has adopted a series of structural adjustment programs designed to open the economy to market forces and to reduce government deficits, while shifting resources to the education and health sectors. In recent years, the country has registered strong gains in life expectancy, literacy, and school attendance rates, although it remains a very poor country with annual per capita income of about $240.

The Government's human rights record remained poor in a number of areas; although there were improvements in a few areas, serious problems remain. The continued dominance of President Compaore and his ruling party limited citizens' right to change their government, although the 1998 presidential election represented a further step toward democratic government. The security forces were responsible for at least one extrajudicial killing and continued to mistreat detainees. Prison conditions remained harsh. Arbitrary arrest and detention are problems, and authorities do not ensure detainees due process. Although the Government continued attempts to improve its respect for human rights, a general climate of impunity for members of the security forces and members of the President's family, along with a lack of progress in identifying or punishing those responsible for abuses committed, continued to tarnish its record. Courts are subject to executive influence, and authorities do not ensure fair trials. At times authorities restricted media activity, and the media practices self-censorship. The death of internationally respected journalist

Norbert Zongo, his brother, and two other men in a suspicious car fire in December 1998 remained a focus of public concern during the year. The Government restricted freedom of assembly. Violence and discrimination against women persisted. Violence against children, particularly female genital mutilation (FGM), remained a problem. The Government took steps to educate citizens about the dangers of FGM. Child labor is a problem and there were occasional reports of trafficking of women and children. Killings of criminal suspects by vigilante mobs remained a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings; however, there was one extrajudicial killing. On December 6, gendarmes shot and killed Flavien Nebie, a 12-year-old student, while forcibly dispersing a student demonstration in the town of Bousse (see Section 2.b.). The Government characterized the killing as accidental and, at year's end, promised an investigation.

In August 1999, police officers shot and killed mechanic Mamadou Kone when he was in their custody in Banfora, a village in the province of Comoe. Kone had been arrested as a result of an investigation involving stolen car engines; while he was being booked, Kone struck at two police officers in an attempt to escape. He then was shot by a third police officer. The policeman accused of assaulting and killing Kone was indicted for involuntary homicide in September 1999 and held in custody until he was released on bail in March. At year's end, a trial date had not been set.

The January 1998 extrajudicial killing of David Ouedraogo, the chauffeur of President Compaore's brother Francois, was resolved in August. Ouedraogo, along with two other domestic employees of Francois Compaore, had been taken to the Presidential Guard barracks in December 1997 after being accused of stealing money from the home of the President's brother. Francois Compaore's refusal to cooperate with judicial authorities impeded the official investigation, and he was never arrested. In March 1999, the civil court handling the case declared itself incompetent to rule on the matter since Ouedraogo died at the hands of members of the Presidential Guard within their barracks. As a result, the case was sent to a military tribunal.

Six members of the Presidential Guard were implicated in the Ouedraogo killing. One died in a road accident before criminal charges could be filed against him; five were arrested in 1999. On August 19, the military tribunal found three of the defendants guilty of assaulting and killing Ouedraogo; two of the convicted defendants received 20-year prison sentences, and the other received a 10-year sentence. The military tribunal acquitted the final two defendants, the lowest ranking of the accused Presidential Guards, on the basis of insufficient evidence. Warrant Officer Abdoulaye Siemde, who admitted falsifying a police report in the David Ouedraogo case, died on May 26 in the mental ward of Ouagadougou's main hospital under unknown circumstances.

The Independent Investigatory Commission examining the deaths of journalist Norbert Zongo, his brother, and two other men in a suspicious car fire in December 1998 released its report in May 1999. The report determined that the four died for "purely political motives" and postulated that the probable reason for Zongo's murder was to stop the articles that he was writing on the January 1998 killing of David Ouedraogo. The Commission stated that the six members of the Presidential Guard implicated in the Ouedraogo case also were "serious suspects" in the Zongo murder. The Commission also noted that official documents from the Presidential Guard and the army that might have shed light on the whereabouts of the six Presidential Guard members on the day of the murders could not be found and probably were destroyed intentionally. During the year, the Zongo case remained a highly divisive issue. Despite the convictions of three of the five accused Presidential Guard members for the apparently related killing of David Ouedraogo and despite strong public sentiment favoring a trial of Zongo's alleged killers, by year's end, no one was charged in the Zongo case.

In its report on the Zongo case, the Independent Investigatory Commission also recommended that the separation of functions between the police and the military be enforced; that the Presidential Guard limit its duties to the protection of the Chief of State; that unresolved cases of disappearances and killings in the recent past be settled; and that the National Assembly pass a law to eliminate any time limit for resolving the Zongo case. At year's end, the separation of functions between the police and military was being enforced; however, the Presidential Guard had not limited officially its duties to protecting the President nor had it been reorganized, no unresolved cases of disappearances and killings in the recent past were settled,

and the National Assembly had not passed a law to eliminate any time limit for resolving the Zongo case.

In May 1999, in response to the Independent Investigatory Commission's report, the President announced the creation of a Council of Wisemen to review the political crimes that have taken place since the country's independence, and to make recommendations for restoring social peace in the wake of the Zongo killings. In August 1999, the Council of Wisemen issued its final report which recommended reform of the judicial system; creation of a temporary, consensual commission to review certain articles of the Constitution; formation of a government of national unity; creation of a truth and justice commission to direct the nation's reconciliation process; and dissolution of the National Assembly. By year's end, only the recommendation to restructure the government had been accepted (see Section 3).

No progress was made in punishing those responsible for abuses reported in previous years. The major problem with law enforcement remains a general climate of impunity for human rights abusers and members of the President's family, fostered by the failure of government investigations to result in guilty findings and appropriate sanctions. Inquiries tend to continue until they are overshadowed by subsequent incidents or quietly shelved. Appeals by human rights organizations generally go unanswered.

On December 21, the trial of a gendarme accused of fatally shooting two unarmed high school demonstrators in the city of Garango in 1995 was delayed indefinitely to permit a new government investigation; the original investigation was seriously flawed.

In June militiamen who claimed allegiance to Naba Tigre, the traditional chief of the city of Tenkodogo, killed trader Mamadou Kere, reportedly for showing disrespect to Naba Tigre. The victim actually had criticized Naba Tigre's son, a parliamentarian who supported the CDP. Although Naba Tigre was temporarily held in police custody from July 7 to 19, he was released, and at year's end, no one had been charged in Kere's killing.

Killings by vigilante mobs and self-styled militias remained a problem nationwide. The vast majority of such killings targeted suspected thieves and other alleged criminals, who typically were burned or beaten to death. On several occasions during the year, vigilantes destroyed the property of persons accused of sorcery and expelled them from their communities.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits the mistreatment of detainees; however, members of the security forces continued to mistreat persons and suspects are often subject to beatings, rough handling, and threats, frequently to extract confessions. There are credible reports that officials at Maco prison continued to employ degrading treatment subjecting prisoners to overcrowded, unsanitary conditions and providing inadequate food. The Government is not known to have taken any disciplinary action against those responsible, and the climate of impunity created by the Government's failure to prosecute abusers remains the largest obstacle to ending abuses.

On April 8, police used tear gas and batons to disperse a march, injuring 20 persons (see Section 2.b.). On April 10, while dispersing continued violent protests, security forces arrested several marchers and shaved their heads while they were in custody (see Section 2.b.).

On April 12 to 13, police arrested 20 demonstrators and shaved the heads of several demonstrators while they were in detention (see Section 2.b.).

On August 30, police used tear gas to disperse refugees peacefully demonstrating for improved living conditions and transfer to other countries (see Section 2.d.).

On November 30, gendarmes detained approximately 15 students, reportedly beat them, stripped them to their undergarments, and subsequently left them in a park near the outskirts of the city (see Sections 1.d. and 2.b.).

On December 6, police used tear gas and fired upon a student demonstration in Bousse, killing a boy (see Sections 1.a. and 2.b.).

Prison conditions are harsh, overcrowded, and can be life threatening. The federal prison in Bobo-Dioulasso, built in 1947, houses approximately 1,000 prisoners, although it was designed to hold less than half that number. The prison diet is poor, and inmates often must rely on supplemental food from relatives. There are separate facilities for men, women, and children.

According to human rights monitors, prison visits are granted at the discretion of prison authorities. Permission is granted routinely, and advance permission is not required.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention were problems, and authorities did not ensure due process. The Constitution provides for the right to expeditious arraignment and access to legal counsel. The law limits de-

tention for investigative purposes without charge to a maximum of 72 hours, renewable for a single 48-hour period; however, in practice police rarely observe these provisions. The average time of detention without charge is 1 week, and the law allows judges to impose an unlimited number of 6-month preventive detention periods. It is not unusual for defendants without access to legal counsel to be imprisoned for weeks or months before appearing before a magistrate. In some cases, prisoners were held without charge or trial for a longer period than the maximum sentence that they would have received if convicted of the alleged offense.

On November 30, gendarmes detained approximately 15 students during a peaceful demonstration in Ouagadougou. After forcibly removing the students from a church, gendarmes reportedly beat the students, stripped them to their undergarments, and subsequently left them in a park near the outskirts of the city (see Sections 1.c. and 2.b.).

In November 1998, eight armed policemen temporarily detained opposition Party for Democracy and Progress (PDP) deputy Gerard Karambiri and a PDP supporter. Police awakened both men in their respective homes in the early hours of the morning. The officers lacked the required warrants and entered their homes at times other than the 6 a.m. to 9 p.m. "legal hours." Police took them to headquarters, interrogated them for about 2 hours, and then released them. Parliamentarians believed that the detention of Deputy Karambiri violated the parliamentary immunity granted to all deputies under the Constitution. Several days later, after demanding that the detentions be investigated fully, PDP deputies walked out of the National Assembly in protest. The governing CDP parliamentary group expressed support for the PDP, and National Assembly President Melegue Traore addressed a letter to the Prime Minister asking that the incident be investigated. At year's end, the Government has not responded.

While dispersing violent protesters on April 10, security forces arrested several marchers and shaved their heads while in custody (see Section 1.c.). On April 12 to 13, the police arrested 6 prominent leaders and approximately 12 members of the Collective of Mass Democratic Organizations and Political Parties following a demonstration.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary is subject to executive influence. The President has extensive appointment and other judicial powers. The Constitution stipulates that the Head of State is also the President of the Superior Council of the Magistrature, which can nominate and remove some high-ranked magistrates and can examine the performance of individual magistrates.

The Zongo killing (see Section 1.a.) and its aftermath have focused attention on the severe weaknesses in the justice system, including removability of judges, outdated legal codes, an insufficient number of courts, a lack of financial and human resources, and excessive legal costs.

The Constitution provides that the Supreme Court is the highest court in the country. Beneath the Supreme Court are 2 Courts of Appeal and 10 provincial courts ("de grande instance"). There is also a High Court of Justice, with jurisdiction to try the president and senior government officials for treason and other serious crimes. In 1995 the National Assembly passed legislation reforming the military court system, making military courts less susceptible in principle to executive manipulation; however, their independence has not yet been demonstrated.

In addition to the formal judiciary, customary or traditional courts, presided over by village chiefs, handle many neighborhood and village problems, such as divorce and inheritance disputes. The population generally respects these decisions, but citizens also may take a case to a formal court.

The Constitution provides for the right to public trial, access to counsel, and has provisions for bail and appeal. While these rights generally are respected, the ability of citizens to obtain a fair trial remains circumscribed by their ignorance of the law—78 percent of the population is illiterate—and by a continuing shortage of magistrates. Amendments to the Penal Code to make it more relevant to modern requirements, such as the revision making FGM a crime, were adopted by Parliament in 1996 and entered into effect in 1997.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for these rights, and in practice the authorities generally do not interfere in the daily lives of ordinary citizens. However, in national security cases a law permits surveillance, searches, and monitoring of telephones and private correspondence without a warrant. By law and under normal circumstances, homes may be searched only with the authority of a warrant issued by the Attorney General.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The 1991 Constitution and the 1990 Information Code provide for freedom of speech and of the press; however, in practice these freedoms still remain circumscribed both by government action and by a certain degree of self-censorship. The President and his Government remain sensitive to criticism. Provisions in the code granting the Government strong legal powers to intimidate the press through a broad interpretation of defamation were removed in 1993. As a result, journalists charged with libel may defend themselves in court by presenting evidence in support of their allegations. The independent press, particularly the written press, continued to exercise greater freedom of expression. However, the suspicious death of internationally respected journalist and newspaper editor Norbert Zongo in December 1998 raised serious questions on the limits to the exercise of this freedom (see Section 1.a.). Zongo was well known for his investigative reports on government scandals.

All media are under the administrative and technical supervision of the Ministry of Communication and Culture. The audiovisual media are regulated further by the Superior Council of Information (CSI).

The official media, including the daily newspaper Sidwaya, and the national radio and television displayed progovernment bias. The independent press includes five daily and approximately a dozen weekly newspapers; some newspapers appear only occasionally. There are more than 50 independent radio stations and a religious television station. The only private commercial television station ceased to broadcast in 1999, due to financial difficulties. These media outlets included stations that are critical of the Government.

In 1998 the CSI released new regulations for private and independent radio and television; which entered into effect in 1999. The regulations allowed reinstatement of call-in shows, which were suspended in 1997. However, radio stations are held responsible if their call-in programs threaten the public order or the rights of any third party. On April 14, the Government permanently suspended call-in programs, which allowed criticism of the Government, on two private FM stations. The Government also temporarily closed one of the stations, Radio Horizon, from April 16 to June 17. In May 1999, employees from two radio stations were questioned by the police after broadcasting a call-in show on the Zongo killings that featured the secretary general of Reporters Without Borders, Robert Menard. After being threatened with formal expulsion, Menard involuntarily left the country. In September 1999, he was denied entry into the country.

National and international observers reported that the CSI effectively fulfilled its responsibilities under the Electoral Code to assure equal media treatment of the candidates during the period prior to the November 1998 presidential election. The collective of independent election observers stated after the election that the press generally was open to the different candidates. Press reporting on candidates' campaigns, with the exception of the national television and state-owned newspaper, which initially gave the President more attention than that provided to the other two candidates, became more balanced after a complaint presented to the CSI early in the campaign by Green Party candidate Ram Ouedraogo.

Academic freedom is respected. In April the Government closed the University of Ouagadougou and primary and secondary schools in Ouagadougou and several other cities in response to political demonstrations by students. The primary and secondary schools reopened in approximately a week, and the University reopened several weeks later. In October the Government again closed the University in response to a series of strikes, walkouts, and violent confrontations between riot police and student groups. After instituting a series of reforms and conceding to the concerns of teachers and student groups, University registration began in late December. The University was scheduled to reopen early in 2001.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, at times the Government restricted this right in practice. Police forcibly dispersed several demonstrations, and in December the Government banned all public demonstrations or gatherings except for weddings, funerals, and religious ceremonies. At year's end, the ban remained in effect.

Previously, political parties and labor unions were allowed to hold meetings and rallies without requesting Government permission. However, the law requires that authorities be notified in advance of planned demonstrations and gives the executive the right to invoke the need to preserve public order to forbid demonstrations. Penalties for violations include 2 to 5 years imprisonment. Permits must be obtained from municipal authorities for political marches. Applicants must indicate the date, time, duration, and itinerary of the march or rally, and authorities may alter or deny requests on grounds of public safety. Denials or modifications may be appealed before the courts.

On April 8, security forces dispersed a march protesting the impunity from prosecution of members of the President's family and entourage. The police used tear gas and batons to disperse the demonstrators, injuring 20 persons.

Protests continued on April 10 for progress on the Zongo case and expanded political freedom and a more effective justice system.

While dispersing violent street demonstrations, police arrested several persons and shaved their heads while they were in custody. From April 12 to 13, the Collective of Mass Democratic Organizations and Political Parties led largely peaceful demonstrations to demand truthful information in both the Zongo and David Ouedraogo cases (see Section 2.b.). The police arrested approximately 12 members and 6 prominent leaders of the collective, including human rights leader Halidou Ouedraogo; lawyer Benewende Sankara; union leader Tole Sagnon; and Sankarist party leader Norbert Tiendrebeogo. The police detained them (without charge) for 3 days and shaved their heads while they were in custody.

On August 30, police used tear gas to disperse refugees demonstrating for improved living conditions (see Section 2.d.).

In October civil servants widely observed a peaceful general strike called by opposition parties to demand truth in the Zongo case, although it was ignored generally by the private sector (see Section 6.a.).

On November 30, gendarmes detained approximately 15 students during a peaceful demonstration in Ouagadougou, reportedly beat them, stripped them to their undergarments, and left them in a park near the outskirts of the city (see Sections 1.c. and 1.d.).

On December 6, students from Ouagadougou University demonstrated in the town of Bousse against proposed government reforms at the university. Gendarmes used tear gas to disperse the demonstration and fired upon the demonstrators, killing a boy. The Government subsequently banned all public demonstrations until further notice.

Despite the ban on demonstrations, a small group of protesters marked the second anniversary of Zongo's death on December 13; security forces dispersed them with tear gas.

Journalists and human rights activists were not permitted to hold public meetings during the International Press Freedom Festival in Ouagadougou on December 12 to 16. The Government also refused to permit a number of foreign journalists and human rights activists to enter the country to attend the festival.

The Constitution provides for freedom of association, and the Government generally respects this in practice. Since early 1990, political parties and labor unions usually have been permitted to organize without seeking government permission.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

The Government requires that religious groups register with the Ministry of Territorial Administration. Registration establishes a group's legal presence in the country but entails no specific controls or benefits. There are no penalties for failure to register.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement, and authorities generally respect this right in practice. Gendarmes routinely stop travelers for identity and customs checks and the levying of road taxes at police and military checkpoints; some foreign journalists were not permitted to enter the country. There is no restriction on foreign travel.

Following the Government's December ban on demonstrations (see Section 2.b.), progovernment vigilantes intimidated human rights activists and forced some to flee from cities such as Koudougou (see Section 4).

The law includes provisions for granting refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Refugees are accepted freely. The Government provides first asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Most refugees departed voluntarily for neighboring countries; however, a few hundred refugees from the Great Lakes region remained in the country at year's end. The majority of these refugees come from the Democratic Republic of the Congo, Congo Brazzaville, and Chad; they live singly or in small groups in Ouagadougou.

During the year, 30 of the 600 refugees from several Francophone Africa countries who were resettled in the country in 1998 by the UNHCR held a sustained protest regarding their harsh living conditions. They accused the Foreign Ministry's National Committee for Refugees of misappropriating large sums of money intended for the refugees. On August 30, police used tear gas to disperse demonstrating refugees.

There were no reports of the forced return of persons to a country where they feared persecution. There were no reports of the forced expulsion of persons with a valid claim to refugee status.

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

Citizens have the constitutional right to change their government through multiparty elections; however, although the November 1998 presidential election represented a further step toward democratic government, in practice citizens are unable to exercise this right fully due to the continued dominance of the President and his ruling party. President Compoare won 88 percent of the vote; 56 percent of the eligible voters went to the polls. The irregularities cited by observers in the actual voting process were limited in number and scope and did not appear to affect the ultimate outcome of the election. However, the national observers identified a number of systemic weaknesses in the electoral code that precluded a perfectly regular and transparent vote, and a coalition representing a number of opposition parties boycotted the election. Nevertheless, neither of the two candidates opposing President Compaore contested the results.

In October 1999, President Compaore instructed the Prime Minister to reshuffle and broaden the Government. The new cabinet included four members from small opposition parties; however, the major opposition bloc, the Group of 14 February (G-14), refused to participate. In October 1999, the Council of Ministers passed decrees creating a Commission for Political Party Consultations and a Commission of National Reconciliation. The Commission issued a final report in December 1999. The President announced in his traditional 1999 New Year's Eve address that he would accept all of the report's recommendations, including designating a formal leader of the opposition in Parliament and reintroducing presidential term limits beginning in 2005. He said that he would call new parliamentary elections "if necessary." At year's end, he had taken none of the recommended steps.

In November President Compaore and representatives from the opposition parties that agreed to participate in the Government signed a protocol that ceded one-third of the cabinet posts to the opposition. Ernest Yonli was designated Prime Minister. The protocol also set out a commitment to strengthen dialog with opposition parties, civil society, associations, and trade unions, and to strengthen ethics in political life. Members of the opposition held 12 of 36 posts, but members of the largest opposition party, the Party for Democracy and Progress (PDP) as well as the other parties belonging to the G-14 bloc, refused to participate in the Government.

The 1997 legislative elections gave the ruling CDP 101 out of 111 parliamentary seats. (The CDP now controls 102 seats because of a defection to the ruling party by an opposition deputy.) The victory reflected both general support for policies of the governing party and a lack of viable opposition alternatives. While international observers described the elections as substantially free and fair, a collective of 14 local NGO's cited generalized and systematic corruption and voter list irregularities. The Supreme Court annulled the results in four constituencies because of these irregularities.

In May 1998, the National Assembly approved the establishment of an independent National Electoral Commission (CENI), funded by the Government. Although developing electoral lists remains the responsibility of the Ministry of Territorial Administration and Security, the CENI is responsible for creating a census bureau, installing voting stations, training poll workers, organizing election observation, ensuring election security, and distributing election material. During the 1998 presidential election, the CENI was unable to carry out its functions in some areas due to inadequate staffing. On May 17, the Government promulgated a new electoral code that gave the CENI more independence. Under the revised code, the CENI has full responsibility for managing its budget and is the only organization responsible for monitoring elections and referendums. However, during the September 24 municipal elections, the CENI appeared to defer to the Government on important questions such as postponing the elections and candidate eligibility.

The CDP won over 70 percent of the seats in nationwide municipal elections held on September 24, but lost its majority in Koudougou, the third largest city. The CDP won the majority of seats, and thus the mayor's office, in 42 of the country's 49 communes. Despite some allegations of fraud, the vote was held without disruption and the CENI generally had adequate staff and personnel to perform its duties. Nationwide turnout was approximately 60 percent of registered voters, but less than half of eligible voters were registered. Seventeen parties participated in the elections; however, 8 opposition parties actively boycotted them.

The Compaore Government includes a strong presidency, a Prime Minister, a Council of Ministers presided over by the President, a two-chamber National Assem-

bly, and the judiciary. The legislature is independent, but it remains susceptible to external influence from the executive branch.

In November 1999, a presidential decree established a Commission on Political Reforms. Pursuant to the Commission's recommendation in December 1999, Article 37 of the Constitution was amended in April to provide that the presidential term of office be 5 years, renewable once, starting in 2005; the provision is not retroactive. Previously the Constitution allowed the President to run for an unlimited number of terms.

There are no restrictions in law or practice on the participation of women or minority group members in politics; however, women are underrepresented in government and politics. Only 4 of the 36 ministers and 8 of the 111 National Assembly deputies are women. The President of the Social and Economic Council is a woman. In part because of the important role that women played in reelecting President Compaore in 1998, the Congress for Democracy and Progress voted at its first ordinary Congress held in July 1999 to increase the number of women on its National Executive Council from two to six.

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

In general the Government did not interfere with the activities of local human rights organizations during the year. A number of such groups operated during the year according to monitors, including the Burkinabe Movement for Human Rights (MBDHP), GERDES, and the Association of Christians for the Abolition of Torture (ACAT).

In March 1999, the Council of Ministers terminated the agreement that had existed between the Government and the InterAfrican Human Rights Union (UIDH) since 1995. The Council stated in 1999 that UIDH head Halidou Ouedraogo, who also served as president of the Burkinabe Movement for Human Rights (MBDHP) and as president of the collective, had mixed politics with human rights and thus acted in ways incompatible with the agreement. The Council also considered illegal the UIDH's participation on a parallel inquiry commission that was set up in January 1999 by the Collective to investigate the Zongo killings. Under the 1995 agreement, the UIDH benefited from tax exemptions, a government subsidy that paid $500 (300,000 CFA) a month to rent temporary offices for the organization; Ouedraogo, a Burkinabe national, had enjoyed diplomatic immunity as head of an international organization. In May the President promised to reinstate the agreement providing a tax exemption and subsidy to the UIDH; however, these actions had not taken place by year's end.

The Government again failed to answer inquiries from international human rights organizations concerning past abuses.

Amnesty International (AI) still is awaiting the results of the Government inquiry into the 1995 killings in Garango, but the Government has not responded to AI's request for information.

Following the Government's December ban on demonstrations (see Section 2.b.), progovernment vigilantes intimidated human rights activists and forced some to flee from cities such as Koudougou.

The Government permitted international human rights groups to visit and operate in the country. The MBDHP is affiliated with the InterAfrican Human Rights Union (UIDH) and representatives of other human rights groups visited the country during the year.

In 1994 the Government announced the creation of the Office of Ombudsman, called "Mediateur du Faso." Retired General Marc Garango was appointed to the position, which is responsible for mediating disputes between the state and its citizens. In June 1998, the Ombudsman's Office issued its first activity report, which indicated that half the cases brought before it dealt with career problems of civil servants and the other half with a variety of issues, including land questions and bureaucratic inaction. On July 20, Garango issued another report and retired effectively on November 10. The report attempted to resolve approximately 300 outstanding citizen complaints against the Government and urged the Government to pay compensation in a number of cases.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, religion, or ethnic origin. Minority ethnic groups, like the majority Mossi, are represented in the inner circles of the Government, and government decisions do not favor one group over another.

Women.—Violence against women, especially wife beating, occurs frequently. Cases of wife beating usually are handled through customary law and practice. There are no statistics on rape, although it is recognized as a crime. Spousal rape is not discussed. There are organizations that counsel rape victims, including Catholic and Protestant missions, the Association of Women Jurists in Burkina, the Burkinabe Movement for Human Rights, the Association of Women, and Promofemmes, a regional network that works to combat violence against women. The Government is attempting to change attitudes toward women, using education through the media. The Penal Code explicitly prohibits sexual harassment, but it has no special laws protecting women against violence other than general laws dealing with violence.

Forced marriage is prohibited by law with specific penalties under the Penal Code for violators. Polygyny is permitted, but both parties must agree to it prior to a marriage, and the woman maintains the power to oppose further marriages by her husband if she can provide evidence that he abandoned her and her children. Either spouse can petition for divorce; custody of children is granted to either parent on the basis of the children's best interests.

Although the law provides equal property rights to women and some inheritance benefits depending on other family relationships, in practice customary law prohibits women from the right to own property, particularly real estate. In rural areas, land belongs to the family of the man whom a woman marries. Customary law does not recognize inheritance rights for women and regards the woman as property that can be inherited upon her husband's death.

There are no specific constitutional provisions or laws protecting women, who face extensive discrimination. In general women continue to occupy a subordinate position and experience discrimination in such areas as education, jobs, property, and family rights. Overall, women represent 45 percent of the work force; however, in the modern sector women make up one-fourth of the government work force, although they usually are found in lower paying positions. Women still do much of the subsistence farming work. After the May 1997 parliamentary elections, the Government created a Ministry of Women's Affairs and appointed a woman as minister; the minister actively promoted women's rights during the year.

There were occasional reports of trafficking in women (see Section 6.f.).

Children.—The Constitution nominally protects children's rights. The Government has demonstrated its commitment to improving the condition of children by continuing a national policy to revitalize primary health care through the privatization of hospitals, which provided greater autonomy in hospital management. The Government has stated its commitment to improve access to primary education and as of 1996 had raised the literacy rate to 22 percent. Although the law provides for free compulsory primary education, the Government lacks the means to provide universal, free primary instruction; many children, especially girls, do not attend school. A 1995 estimate indicated that about 30 percent of males and 9 percent of females were literate. The Government devoted approximately 21 percent of its budget to education and provided free primary school education to all children. If a child qualifies on the basis of grades and social condition (that is, the family is "poor"), free education can continue through junior high and high school. In practice the family condition requirement often is ignored, giving many children a free education through high school.

Females constitute approximately one-third of the total student population in the primary school system and are represented in the secondary and higher educational systems, although the percentage decreases significantly beyond the primary level. Schools in rural areas have disproportionately fewer female students than schools in urban areas. The Government has set up a scholarship program for female secondary students to encourage them to stay in school.

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, still is practiced widely, especially in many rural areas, and usually is performed at an early age. The percentage of females who have undergone this procedure may be as high as 70 percent. The Government has made a strong commitment to eradicate FGM through educational efforts, and The National Committee for the Fight Against Excision campaigns against the practice. The Penal Code was revised in 1996 to make FGM a crime, with stricter punishments for those involved in its practice. Perpetrators are subject to 6-months to 3-years imprisonment and a significant fine. The Government continued its sensitization campaign regarding the deleterious effects of this practice. According to press reports in 1999 and during the year, some persons who have practiced FGM and the victims' parents were arrested, and some FGM practitioners were prosecuted and received prison sentences under the 1996 law forbid-

ding FGM. Another form of mutilation, scarification of the faces of both boys and girls of certain ethnic groups, gradually is disappearing.

There were occasional reports of trafficking in children (see Sections 6.c. and 6.f.).

People with Disabilities.—While there are modest government subsidies for workshops for the disabled, there is no government mandate or legislation concerning accessibility for the disabled. There is no legislation to protect persons with disabilities from discrimination. Programs to aid the disabled are limited, but human rights groups are not aware of any discrimination against the disabled.

Section 6. Worker Rights

a. The Right of Association.—The 1962 Labor Code has been amended several times during the past decade. During the year, the Government repealed provisions requiring public servants to respect the revolutionary order under penalty of disciplinary sanctions. Under this legislation, workers, including civil servants, traditionally have enjoyed a legal right of association, which is recognized under the Constitution. There are 4 major labor confederations and 12 autonomous trade unions linked by a national confederal committee. They represent a wide ideological spectrum; the largest and most vocal member espouses socialist doctrine. Approximately 85 percent of the workforce is engaged in subsistence agriculture. Of the remainder, approximately 50 percent of private sector employees and 60 percent of public sector employees are union members. Essential workers, such as police, may not join unions.

The Constitution provides for the right to strike, and workers use strike actions to achieve labor goals. Many strikes were called throughout the year both by labor organizations to advance workers' objectives, and by the Collective of Mass Organizations and Political Parties to press for justice in the aftermath of the Zongo killings. The Government allowed peaceful strikes on a number of occasions, including in the health and banking sectors. University and medical students also struck on several occasions, including strikes in February and May protesting for improved study and working conditions, better food, and subsidized transportation. In October civil servants widely observed a peaceful general strike called by opposition parties to demand truth in the Zongo case (see Section 1.a.), although it was ignored generally by the private sector (see Section 2.b.).

Labor unions may affiliate freely with international trade unions. The National Confederation of Burkinabe Workers is affiliated with the Brussels-based World Confederation of Labor.

b. The Right to Organize and Bargain Collectively.—Unions have the right to bargain for wages and other benefits, both directly with employers and with industry associations. These negotiations are governed by minimums on wages and other benefits contained in the Interprofessional Collective Convention and the Commercial Sector Collective Convention, which are established with government participation. If no agreement is reached, employees may exercise their right to strike. Either labor or management may refer an impasse in negotiations to labor tribunals. Appeals may be pursued through the Court of Appeal to the Supreme Court, whose decision is binding on both parties. Collective bargaining is extensive in the modern wage sector, but it encompasses only a small percentage of workers.

The Labor Code prohibits antiunion discrimination. The Labor Ministry handles complaints about such discrimination, which the plaintiff may appeal to a labor tribunal. If the tribunal sustains the appeal, the employer must reinstate the worker. Union officials believe that this system functions adequately.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, there were occasional reports of trafficking in women for forced prostitution or domestic service (see Section 6.f.).

The Government prohibits forced and bonded labor by children; however, there were occasional reports of trafficking in children for forced prostitution or domestic service (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code sets the minimum age for employment at 14 years, the average age for completion of basic primary school. However, the Ministry of Employment, Labor, and Social Security, which oversees labor standards, lacks the means to enforce this provision adequately, even in the small wage sector. Children commonly work with their parents in rural areas or in family-owned small businesses in villages and cities. Most children actually begin work at an earlier age on small, family subsistence farms, in the traditional apprenticeship system, and in the informal sector. There are no reports of children under the age of 14 employed in either state or large private companies. The Government prohibits forced or bonded child labor; however, there were reports of trafficking in children (see Sections 6.c. and 6.f.).

In December the National Assembly unanimously ratified ILO Convention 182 on the worst forms of child labor, but at year's end, the President had not yet signed the bill into law. The Ministry of Labor is expected to be responsible for its enforcement.

e. Acceptable Conditions of Work.—The Labor Code mandates a minimum monthly wage, a standard workweek of 40 hours with at least one 24-hour rest period for nondomestic workers and a 60 hour workweek for household workers, and establishes safety and health provisions. The minimum monthly wage in the formal sector, about $41 (28,911 CFA), does not apply to subsistence agriculture, which employs about 85 percent of the population. The Government last set a minimum wage in 1996. It is not adequate for an urban worker to support a family. Wage earners usually supplement their income through reliance on the extended family, subsistence agriculture, or trading in the informal sector.

A system of government inspections under the Ministry of Employment, Labor, and Social Security and the labor tribunals is responsible for overseeing health and safety standards in the small industrial and commercial sectors, but these standards do not apply in the subsistence agricultural sector. However, the Government's Labor Inspector Corps does not have sufficient resources to fulfill its duties adequately. Every company is required to have a work safety committee. If a workplace has been declared unsafe by the Government's Labor Inspection Office for any reason, workers have the right to remove themselves from dangerous work without jeopardy to continued employment. In practice there are indications that this right is respected, but such declarations are relatively rare.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were occasional reports of trafficking in women and children for the purposes of forced prostitution or domestic service. The country is an occasional source country for women who travel to Europe, believing they are going to work as domestics, but who, upon their arrival, are forced to work as prostitutes.

The country is a source and transit point for trafficking, most frequently of children destined for agricultural labor, usually in Cote d'Ivoire. In many instances, children voluntarily travel to Cote d'Ivoire to work as agricultural laborers to escape poverty at home; however, in other cases, children are lured to plantation work in Cote d'Ivoire by false promises of generous remuneration, only to be forced to work under very harsh conditions for little or no payment. Some children are forced to work long hours without pay, allegedly to repay costs of their transport to Cote d'Ivoire and the costs of food and housing on the plantation.

The Government only has limited resources to combat trafficking in women or children. During the year, a number of children destined for plantations in Cote d'Ivoire were intercepted by the authorities, and the traffickers were arrested; however, none were prosecuted during the year. The Government provided initial shelter to the children and helped return them to their homes. Some children asserted that they were going voluntarily to Cote d'Ivoire in search of work.

BURUNDI

Burundi is ruled by an authoritarian military regime led by self-proclaimed interim President Pierre Buyoya, who was brought to power in a bloodless coup by the largely ethnic Tutsi armed forces in 1996 and who abrogated the Constitution. Buyoya holds power in conjunction with a political power structure dominated by members of the Tutsi ethnic group. In 1998 the Buyoya regime reached a political agreement with the opposition-dominated National Assembly, which adopted a Transitional Constitutional Act and a transitional political platform. The agreement brought the predominantly ethnic Hutu opposition party FRODEBU into the Cabinet. Political parties operate under significant restraints. Since 1993 the civil war has caused thousands of civilian deaths and mass internal displacement. In June 1998, the Government and opposition parties began peace negotiations in Arusha, Tanzania. On August 28, the Buyoya regime and other groups present at the peace talks signed a peace agreement, which was ratified by the National Assembly on November 30. The agreement proposes extensive reforms of the security forces, the judiciary, and the country's political institutions. Several of the parties signed with reservations parts of the agreement, including the key issues of leadership of the transitional government, integration of the army, and the electoral system. Negotiations were ongoing at year's end. The two major armed rebel groups declined to join the peace process. The judiciary is controlled by the ethnic Tutsi minority and is not impartial.

The security forces are controlled by the Tutsi minority and consist of the army and the gendarmerie under the Ministry of Defense, the judicial police under the Ministry of Justice, and the intelligence service under the presidency. Members of the security forces continued to commit numerous serious human rights abuses.

The country is poor and densely populated, with 92 percent of the population dependent on subsistence agriculture. Many internally displaced citizens have been unable to grow food and depend largely on international humanitarian assistance. Per capita income fell from $200 in the early 1980's to $121 in 1999, according to the Ministry of Development and Reconstruction. The civil war has caused severe economic disruption, especially to the small modern sector of the economy, which is based mainly on the export of coffee, tea, and cotton. The Government has announced plans to privatize publicly owned enterprises, but made little progress during the year.

The Government's human rights record was poor. Citizens do not have the right to change their government. Security forces continued to commit numerous extrajudicial killings. The armed forces killed armed rebels and unarmed civilians, including women, children, and the elderly. Rebel attacks on the military often were followed by army reprisals against civilians suspected of cooperating with the insurgents. Despite Buyoya's stated commitment to end abuses by the military, numerous abuses were committed and perpetrators were not punished. Impunity for those who commit serious human rights violations, and the continuing lack of accountability for those who committed past abuses, remained key factors in the country's continuing instability. There were credible reports of disappearances, and the security forces continued to torture and otherwise abuse persons. Soldiers raped women. Despite some improvements, prison conditions remained life threatening. Arbitrary arrest and detention, and lengthy pretrial detention were problems, and there were reports of incommunicado detention. The court system suffers from a lengthy case backlog; however, the Government took steps to diminish the backlog. The dysfunctional justice system was unable to resolve pressing issues of detention and impunity because of its lack of independence, inefficiency, a lack of resources, systemic corruption, administrative disruption due to the war, and the partiality of Tutsi officials. Authorities infringed on citizens' privacy rights. The Government controlled the media and restricted freedom of speech and of the press. It restricted freedom of assembly and did not permit political demonstrations by government opponents. The Government restricted freedom of association and freedom of movement. Since 1993 the civil war has caused thousands of civilian deaths and mass internal population displacement. During the first half of the year, the army continued its forced regroupment policy, requiring an estimated 330,000 persons (mostly Hutus) to live in forced regroupment camps to prevent rebel attacks on the nearby capital, Bujumbura; however, by August the Government had closed all regroupment camps. The armed forces sometimes limited access to certain areas by human rights observers, citing dangerous security conditions. Violence and discrimination against women continued. The Government was unable to protect the rights of children, and child prostitution is a problem. Discrimination against the disabled also is a problem. The indigenous Twa (Pygmy) people remain marginalized economically, socially, and politically. Incidents of ethnically motivated property destruction and killing occurred throughout the country. State discrimination against Hutus was widespread. Soldiers required persons who were regrouped forcibly, including children, who were mostly Hutus, to perform forced labor. Child labor was a problem.

Hutu rebels also continued to commit numerous serious abuses against civilians, including killings, rapes, theft, and forced labor.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Security forces committed numerous extrajudicial killings. On February 15, a police officer allegedly tortured to death a domestic servant who insulted the officer's wife (see Section 1.c.). The officer was arrested later that day, but released on March 15. The U.N. protested his release.

On April 1, a soldier killed a local Bujumbura government official and four members of the official's family, allegedly in retaliation for four soldiers killed by rebels. The soldier was arrested for the murders and he remained in detention pending trial at year's end.

In early May, members of the security forces tortured and decapitated a man who had thrown stones at them while they looted houses in the forced regroupment camp Kavumu, in Bujumbura Rural province (see Sections 1.c., 1.f., and 2.d.). The Government began an investigation into this incident, but did not complete it by year's end.

On June 24-25, soldiers killed 69 persons in Taba commune, Gitega province, on the suspicion that the residents were cooperating with rebels.

On July 22-23, soldiers killed 53 persons in Butaganzwa commune, Ruyigi province. Observers believe that the killings were in response to intense pressure from the Government to combat rebels and their supporters in the province.

On August 19, in Nyambuye zone, Bujumbura Rural province, soldiers killed 35 civilians who had sought refuge in Bujumbura on August 17 after 2 days of confrontations between the army and rebels. Apparently the civilians were trying to go home when they encountered the rebels on August 19. Soldiers shot the civilians as they fled, ostensibly having mistaken them for rebels.

On October 3, soldiers shot and killed Antonio Bargiggia, a Catholic brother from Italy, who ran a hospital in Mutoyi (see Section 2.c.). On October 19, two soldiers, including Napoleon Manirakiza, who was convicted of killing Bargiggia, were executed for murder without having had legal representation during their trial or a chance to appeal their convictions (see Section 1.e.). The other soldier, Rene Rukemanganisi, was convicted of killing Caritas Nahimana, the director of the Gitega medical school, and her two sons. These were the first executions since July 1999.

Fighting between security forces and rebels resulted in a number of deaths. On February 14, there were reports that three rebel attacks on a regroupment camp in Kavumu commune, near Bujumbura, resulted in the deaths of at least six civilians (see Section 2.d.). It is unclear whether they were killed during fighting between security forces and rebels or as a result of security forces firing into the camp. On September 15, at least 11 persons reportedly were killed in Bujumbura's northern neighborhoods of Kamenge, Ngagara, and Gikizi, during fighting between security forces and rebels. It is unknown who initiated the fighting, although some reports place the blame on rebels. On November 16, there were reports that several civilians were killed during fighting between security forces and rebels after security forces forced approximately 100 men to remove foliage from near the battleground (see Sections 1.c. and 6.c.).

Unlike in the previous year, there were no reports that soldiers shot and killed some persons who tried to leave regroupment sites to which Hutus were relocated forcibly starting in September 1999 (see Sections 1.f. and 2.d.).

Deaths in prisons continued due to disease and malnutrition (see Section 1.c.); however, the number of such deaths decreased during the year.

Comprehensive and accurate information about landmines was hard to obtain; however, the armed forces apparently used landmines to prevent rebels from accessing government territory. There were reports that the security forces mined the border with Tanzania in order to prevent rebels from crossing the border. An international organization received reports of 9 antipersonnel landmine incidents in the first 7 months of the year, a decrease from the 47 incidents reported during the previous 12 months. The decline in reported incidents may be due in part to self-imposed limitations on the movement of U.N. personnel during the year. Other sources reported that in midApril a landmine that exploded on a footpath on the northeastern edge of the capital killed two women and three children.

There were no developments in the October 1999 case of the soldier who killed six persons at the Ruyaga regroupment site. The Government did not conclude its investigation into reports that government soldiers killed 50 persons in August 1999, in Kanyosha on the outskirts of Bujumbura, or its investigation into reports that in December 1999 soldiers shot and killed an unarmed FRODEBU Hutu parliamentarian. By year's end, the Government had not released the findings of an investigation into a January 1999 case in which soldiers killed more than 55 civilians in Mubone, Kabezi commune, Bujumbura Rural province, nor was any action taken against those responsible. There was no investigation nor action taken in a May 1999 case in which soldiers killed 11 Hutu civilians, including women and children, most of whom lived in the household of a man suspected of participating in the 1993 killing of Tutsis. There was no investigation nor action taken in a July 1999 case in which soldiers killed 30 civilians in Kanyosha commune, Bujumbura Rural province.

In September the U.N. formally protested the release of a lieutenant accused in the November 1998 killing of up to 200 persons in Mutambu commune, Bujumbura Rural province.

In May 1999, the media reported a judgment in the trial of the 1993 assassination of President Melchior Ndadaye. The Supreme Court sentenced 5 members of the army to death and 23 others to prison. Another 38 persons were acquitted, 10 cases were sent back to the court for further review, and 5 cases were dropped because the suspects had died. No high-ranking army officers were convicted, although charges originally were brought against many past and present senior army mem-

bers. The new Attorney General, who is a Hutu, announced in June 1999 that the case would be reopened; new trials are scheduled for January 2001.

There was no investigation nor action taken in a January 1999 case in which 178 civilians were killed either by rebels or because they were caught in a crossfire between rebels and the army.

Media and NGO reports indicate that about 200,000 persons, mostly civilians, have been killed in ethnic violence between October 1993 and the end of the year; however, the source of this figure is unclear. No credible countrywide casualty figures were available. The Government and security forces frequently have prevented journalists and human rights observers from going to areas where casualties occurred, making it difficult to gather information about the perpetrators and the victims. Much of the extrajudicial killing and property destruction during the year was concentrated in the province around the capital and in the southern and eastern provinces of Bururi, Makamba, Rutana, and Ruyigi.

There were urban bombings during the year. For example, on August 23, at least two persons were killed and several others were injured when a hand grenade exploded in the Buyenzi market, a suburb of Bujumbura. No suspect had been identified by year's end; however, in August the twin brother of a labor organizer was arrested for involvement in the attack (see Sections 1.d. and 6.a.).

In October there were reports that unidentified attackers killed an Italian nun in Gitega (see Section 2.c.). No suspect had been identified by year's end.

Rebels killed persons near regroupment camps, sometimes during battles with government troops. Hutu rebels also killed Hutu and Tutsi civilians; Hutu rebels sometimes deliberately targeted and killed Tutsis. There are no definitive statistics available on how many persons were killed by Hutu rebels; the Government stated that rebels were responsible for the majority of civilian casualties. Rebels reportedly often kill persons for suspected collaboration with the regime and for their refusal to pay "taxes" to rebels. There were numerous reports throughout the year that Hutu rebels ambushed minibuses carrying persons on national highways, and robbed and killed the occupants. U.N. security forces reported 146 ambushes in the first 7 months of the year; however, this figure probably does not represent all incidents.

On March 5, rebels killed six persons in an ambush in the southern province of Makamba, on National Highway 3 between Mabanda and Nyanza Lac communes. On March 25, rebels killed seven Tutsi women and children in Bukeye commune, Muramvya province. Over the weekend of April 22 to 23, rebels reportedly killed 3 persons in Bubanza province, 7 persons on National Route 1 in Bujumbura Rural province, and 16 persons in a camp for internally displaced Tutsis in Makamba province (see Section 2.d.).

On December 24 and 25, there were reports that hundreds of suspected rebels attacked the town of Bukemba, Rutana province, killed 15 civilians, and injured 6 persons.

On December 28, rebels shot and killed 20 persons and injured 20 others on a road north of Bujumbura when they ambushed a civilian bus traveling from Kigali, Rwanda, to Bujumbura. By year's end, no one had claimed responsibility for the attack, nor had any perpetrator been identified.

There were unconfirmed reports that rebels took landmines planted by government forces and later used them against the army.

Government authorities blamed rebels for the October 1999 killings of two U.N. foreign staff members and seven others in Rutana province, and stated that the rebels had fled to Tanzania after the attack. No arrests were made in the case. Rebels accused the armed forces of committing the killings.

b. Disappearance.—Human rights groups reported that abductions and disappearances occurred during the year, but no credible overall figures were available. There were no developments in the disappearance of three men in September 1999. Rebels were responsible for many of the disappearances, although credible reports suggest that such abductions were infrequent; rebels kidnaped and raped women (see Section 1.c.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Transitional Constitution Act prohibits these abuses; however, members of the security forces continued to torture and otherwise abuse persons. On February 15, a police officer allegedly tortured to death a domestic servant who insulted the officer's wife (see Section 1.a.). The officer was arrested later that day, but released on March 15. The U.N. protested his release. On February 26, police officers reportedly beat several persons while forcibly dispersing a demonstration against the peace talks; a number of persons were arrested (see Sections 1.d. and 2.d.). In early May, members of the security forces tortured and decapitated a man who threw stones at them because they were looting houses in the forced regroupment camp Kavumu,

in Bujumbura Rural province (see Sections 1.f. and 2.d.). On November 16, there were reports that several civilians were injured during fighting between security forces and rebels after security forces forced approximately 100 men to remove foliage near the battleground (see Sections 1.a. and 6.c.). According to press reports, in December six university students were injured when security forces used tear gas to forcibly disperse a group of students demonstrating against exam schedules (see Sections 2.a. and 2.b.). Government soldiers raped women in regroupment camps (see Sections 1.f. and 2.d.). There were no known prosecutions of members of the security forces for these abuses.

Government troops used excessive force in areas where there were civilians and often fired on Hutu civilians, stating that it was difficult to distinguish them from rebels.

Landmine explosions resulted in some casualties (see Section 1.a.). For example, the domestic human rights organization, Iteka, reported that four persons from a forced regroupment camp in Bujumbura Rural province surrounding the capital were injured in a landmine explosion while working in their fields during the year (see Section 2.d.). It is unknown if the landmine was laid by government forces or by rebels.

There also were reports that soldiers used children for forced labor (see Sections 5, 6.c., and 6.d.).

At the end of the year, signs emerged of renewed government support for policing of the capital and countryside by armed civilians, which raised fears of the return of the militias created in 1995 to destabilize the then Hutu-led government. There have been unconfirmed reports that the Government armed civilians in Ruyigi, Rutana, and Bururi provinces.

Rebels killed, beat, and stole from civilians, and kidnaped and raped women (see Sections 1.a., 1.b., and 5). Rebels used civilians, including children, for forced labor (see Sections 5, 6.c., and 6.d.). On December 24 and 25, hundreds of rebels attacked the town of Bukemba, Rutana province, injured 6 persons and killed approximately 15 others (see Section 1.a.). On December 28, rebels injured 20 persons, and killed 20 persons, when they ambushed a civilian bus traveling from Kigali, Rwanda, to Bujumbura (see Section 1.a.).

Prison conditions remained life threatening. Conditions in state-run prisons improved, largely due to efforts by the International Committee of the Red Cross (ICRC) to improve sanitation, hygiene, medical care, food, and water. However, severe overcrowding continued, prisoners still relied on family members to provide an adequate diet, and according to government officials, prisoners suffered from digestive illnesses, dysentery, and malaria. Harsh prison conditions contributed to the deaths of prisoners from disease and malnutrition. Approximately 10,000 inmates were housed in facilities built to accommodate a maximum of 3,650 persons, according to Iteka. With the return of the ICRC, the death rate in the prisons containing 80 percent of all inmates dropped from 2.3 deaths per 10,000 per day to 0.4 deaths per 10,000.

International and local human rights monitors were permitted to visit prisons and speak with inmates (see Section 4).

d. Arbitrary Arrest, Detention, or Exile.—On January 1, a new criminal code that prohibits arbitrary arrest, detention, and exile took effect; however, the code was not respected and security forces arbitrarily arrested and detained persons. Limits on the length of pretrial detention were not respected. The law requires arrest warrants, and presiding magistrates are authorized to issue arrest warrants. Police and gendarmes can make arrests without a warrant, but are required to submit a written report to a magistrate within 48 hours. The law requires that suspects appear in court within 7 days. A magistrate can order the release of suspects or confirm charges and continue detention, initially for 15 days, then subsequently for periods of 30 days, as necessary to prepare the case for trial. The police are required to follow the same procedures as magistrates; however, the police have detained suspects for extended periods without announcing charges, certifying the cases, or forwarding them to the Ministry of Justice as required. Bail was permitted in some cases. Human rights organizations reported that incommunicado detention exists, although law prohibits it.

There were numerous instances of arbitrary arrest. In March police arrested 20 teenage girls at a club for prostitution (see Sections 5 and 6.d.). In May security forces arrested seven residents of the Kavumu regroupment camp in Bujumbura Rural province while conducting a search of residences (see Sections 1.f. and 2.d.); one of the seven later was found decapitated (see Section 1.a.). In August police arrested the twin brother of a labor organizer who called for a general strike and accused the twin brother of involvement in a grenade attack on the Buyenzi market (see Sections 1.c. and 6.a.)

There were numerous instances of the arbitrary arrest of persons demonstrating against the peace process (see Section 2.b.). On February 7, authorities in Bujumbura arrested and detained for 1 week at least eight persons who were demonstrating against the Arusha peace talks (see Section 2.b.). On February 26, police arrested and detained for 1 week 11 participants during another demonstration against the peace talks (see Section 2.b.). On March 25 security forces dispersed, arrested, and detained briefly several persons demonstrating against the peace process (see Section 2.b.). On April 19, authorities reportedly arrested and fined 15 persons also protesting the peace process. On August 18, authorities arrested and detained several protesters during a rally against the peace process, including the president of a labor union (see Sections 2.b. and 6.a.). On August 20, police arrested Diomede Rutamucero, president of a self-described mainly Tutsi self-defense group PA-Amasekanya, for holding a non-violent demonstration against aspects of the peace process on August 19 (see Section 2.b.). Rutamucero was detained for longer than a week before he appeared before a judge and was fined.

The disruption of the political process and the generally poor security conditions severely impeded the judicial process.

The ICRC estimates that the prison population is approximately 8,700 persons and that 70 percent of those are pretrial detainees. According to the local human rights organization, Iteka, an estimated 3,255 pretrial detainees constituted 54 percent of the total prison population at year's end, down from 78 percent the previous year. The decline was due to government efforts to release prisoners while pending trial, to the release of prisoners charged with minor crimes, or those released because there was not enough evidence to support an indictment. By year's end, the Government had released approximately 1,000 prisoners without files.

The Government does not used forced exile as a means of political control; however, many persons remained in voluntary exile in Belgium, Kenya, Tanzania, the Democratic Republic of the Congo (DRC), and elsewhere. Some senior authorities maintain members of their families outside the country. A number of officials of the Government of deposed president Sylvestre Ntibantunganya, who fled the country in 1996, have not yet returned.

e. Denial of Fair Public Trial.—The Transitional Constitutional Act provides for an independent judiciary; however, in practice the judiciary is not independent of the executive and is dominated by ethnic Tutsis. Reform of the judicial system is a priority of the peace accord, which has not yet been implemented. An international human rights organization estimated that ethnic Hutus account for only 10 percent of the country's lawyers and 5 percent of High Court judges; in lower courts, 10 percent of the judges are Hutu, although Hutus constitute an estimated 85 percent of the population. This discrepancy is due in part to unequal access to education, and in part to the conflict in which a number of Hutu judges and lawyers were killed or fled the country. Most citizens assume that the courts promote the interests of the dominant Tutsi minority; members of the Hutu majority believe that the judicial system is biased against them.

The judicial system is divided into civil and criminal courts with the Supreme Court at the apex. The armed forces have a separate judicial system, and there is a labor court.

Citizens generally did not have regular access to civilian and military court proceedings. Defendants in theory are presumed innocent and have the right to appeal; however, in practice some lawyers say that the structure of the court system inappropriately limits the possibility of appeals for defendants accused of the most serious crimes. While defendants have a right to counsel and to defend themselves, in practice few have legal representation. The civil court system functions, but the lack of a well-trained and adequately funded judiciary constrains expeditious proceedings. Many citizens have lost confidence in the system's ability to provide even basic protection. The majority of persons arrested on criminal charges since October 1993 remain in pretrial custody.

On January 1, a new criminal code took effect that provides for suspects' rights to a lawyer before official charges are filed and during pretrial investigations; however, not all aspects of the new code were respected, particularly the section that requires that detainees be charged and appear in court within 7 days of their arrest. Authorities sometimes are unable to carry out their investigations or transport suspects and witnesses to the appropriate court due to resource constraints and poor security conditions.

On October 19, two soldiers, including one convicted of killing Antonio Bargiggia, were executed for murder without having had legal representation during their trial or the chance to appeal their convictions (see Section 1.a.). These were the first executions since July 1999. According to the law, the prisoners had a right to appeal

to the military's court of appeal, then to the Supreme Court, and then to the President for clemency; however, this process did not occur.

The Government holds political prisoners. An international organization estimated that up to 2,000 of all convicted inmates were being held for political crimes; however, no reliable figures are available. Charges against defendants convicted for nonpolitical crimes sometimes are politically motivated. The peace agreement, which has not been implemented, calls for the creation, within 30 days of the installation of the transitional government, of a commission to investigate and make recommendations on the existence and release of any political prisoners.

According to the ICRC, an agreement is in place between the ICRC and the Ministries of Justice and Defense regarding access to prisoners and detained persons, including persons detained for "reasons relating to the conflict." The Ministries cooperate with the ICRC; however, the ICRC did not have a formal agreement with the Ministry of the Interior at year's end.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Transitional Constitutional Act provides for the right to privacy; however, the authorities do not respect the law requiring search warrants. Security forces widely are believed to monitor telephones regularly.

In 1999 the Government forcibly relocated approximately 330,000 mainly Hutu inhabitants of Bujumbura Rural province in regroupment camps where security forces could more readily monitor and control their movements (see Section 2.d.). The sites were opened in September 1999, and had inadequate sanitation and insufficient access to water, food, shelter, and medicine. The Government's stated rationale for these forced relocations was to protect the regrouped population from rebel attacks. In May security forces conducted a search of residences at the Kavumu regroupment camp in Bujumbura Rural. Residents protested that soldiers stole their belongings and some of the residents threw rocks at the soldiers. Seven residents were arrested (see Section 1.d.); one of the seven later was found decapitated (see Section 1.a.). A National Assembly committee on human rights launched an investigation in May; however, no findings were made public by year's end. All of the regroupment sites were closed by August. Many of the residents of the regroupment camps returned home to find their fields ravaged, their homes looted or destroyed, and their livestock gone. Observers believe that members of both the military and the rebels were responsible for the damage.

International humanitarian aid agencies could not reach some of the Government's forced regroupment camps in remote sections of Bujumbura Rural province due to lack of infrastructure or because they were prevented from doing so by security forces (see Sections 2.d. and 4). These camps, composed of mainly Hutu residents, reportedly had insufficient water, food, sanitation, medicine, and shelter.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Transitional Constitutional Act does not impose restrictions on the media; however, the Government restricts freedom of speech and of the press. A press law requires that newspaper articles undergo review by a government censor 4 days before publication, and the Government controls the media and harasses and detains journalists.

The regime controlled much of the news, since it owns the only regularly published newspaper and the major radio and television stations. The government-owned Le Renouveau was published 3 times a week. Other newspapers, including at least one opposition newspaper, appeared irregularly. Political tracts circulated, and two private faxed newsheets were published almost daily. These represented mainly Tutsi political viewpoints. The National Communications Council prevented the publication of one edition of the FRODEBU opposition political party's newspaper, La Lumiere, in July (see Section 3). Journalists practice self-censorship.

The Government and its security forces harass journalists, questioning or detaining them or having their property searched and seized. In September the editor and a journalist of a private faxed newsheet were detained for 1 week and interrogated about their sources in a criminal investigation against the twin brother of a labor leader (see Sections 1.d. and 6.b.).

The government-owned radio broadcasts in the Kirundi language, French, and Swahili, and offers limited English programming. The private radio station, Umwizero, is financed by international donors and broadcasts in French and Kirundi. Listeners also can receive transmissions of the British Broadcasting Corporation (BBC), the Voice of America, and Radio France Internationale. On March 21, the National Communications Council and the BBC signed an agreement allowing the BBC to begin broadcasting from within the country; the BBC began broadcasting later in the spring.

No laws or regulations limit academic freedom, and no persons at the University of Burundi were persecuted for what they published or said. However, the population at the state university remains primarily ethnic Tutsi. Tensions have flared occasionally between Hutu and Tutsi students on campus, where politically and ethnically motivated killings occurred in 1995 and 1996. According to press reports, in December security forces forcibly dispersed university students demonstrating against exam schedules, which resulted in several injuries (see Sections 1.c. and 2.b.). In December 1999, the staff of the University of Burundi held a series of strikes, which ended in the spring (see Section 6.a.).

b. Freedom of Peaceful Assembly and Association.—The Government restricts freedom of assembly. It banned several meetings by mainly Tutsi groups critical of government policy and the peace process (see Section 3). On June 24, police prevented a meeting organized by the Tutsi group, PA-Amasekanya, by locking the doors of the assembly hall.

The Transitional Constitutional Act permits political demonstrations, but in practice the Government has allowed none. During the year, police arrested protesters taking part in a series of non-violent protests against the peace process. On February 7, authorities in Bujumbura arrested at least eight persons who were demonstrating against the Arusha peace talks (see Section 1.d.). On February 26, police forcibly dispersed 1,000 unauthorized persons demonstrating against the peace talks; 11 persons were arrested (see Section 1.d.). There were reports that police beat some of the protesters (see Section 1.c.). On February 27, police and gendarmes prohibited members of organized clubs from going on weekly runs or runs with members of clubs in which political ideas are discussed. On March 25 and April 19, security forces dispersed and arrested several persons demonstrating against the peace process (see Section 1.d.). On August 18 and 19, protesters demonstrated against the peace process. On August 18, protesters attempted to implement a "ville morte" or dead city strike by shutting down road traffic on one of the national routes; university students then threw rocks and tree limbs onto the street near the university campus; however, security forces intervened and reopened the road. On August 19, police dispersed approximately 100 persons marching in Bujumbura to protest the peace talks and on August 20, arrested Diomede Rutamucero, president of PAAmasekanya, which organized the march (see Section 1.d.). Authorities arrested and detained several protesters during the August 18 rally (see Section 1.d.), including PierreClaver Hajayandi, President of the Confederation of Burundi Unions (COSYBU), which organized the rally (see Section 6.a.). According to press reports, in December security forces used tear gas to forcibly disperse university students demonstrating against exam schedules, which resulted in injuries (see Sections 1.c. and 2.a.).

The Government restricts freedom of association and has arrested members of organizations and political parties. The Transitional Constitutional Act permits political parties to operate; however, the regime places restrictions on groups critical of its policies.

c. Freedom of Religion.—The Transitional Constitutional Act provides for freedom of religion, and the Government generally respects this right in practice.

The Government requires religious groups to register with the Ministry of Internal Affairs, which keeps track of their leadership and activities. The Government requires that religious groups have a headquarters in the country. Once registered, religious organizations enjoy taxfree status, and clergy theoretically do not have to pay duty on purchased goods. However, one religious group reported that it was required to pay duty on all imported goods, except books and other publications.

On October 3, soldiers shot and killed Antonio Bargiggia, a Catholic brother from Italy, who ran a hospital in Mutoyi (see Section 1.a.). In October there were reports that unidentified attackers killed an Italian nun in Gitega (see Section 1.a.).

d. Freedom of Movement Within the Country, Foreign Travel, Immigration, and Repatriation.—The Transitional Constitutional Act provides for these rights; however, the Government restricts these rights in practice. There was a government-imposed curfew in parts of the country; in Bujumbura the curfew begins at 11 p.m. and ends at 5 a.m. During the first half of the year, the Government continued its forced regroupment policy that required approximately 330,000 Hutus from Bujumbura Rural province to live in governmentcontrolled camps (see Sections 1.a. and 1.f.). Residents of parts of Bujumbura Rural more heavily populated by Tutsis were not subject to relocation. The relocated population at times lacked access to food, safe drinking water, shelter, basic sanitation, and health care. Some regroupment camps were difficult to access (see Sections 1.f. and 4). Authorities stated that they were relocating the population to protect it from rebels, but the displacements also were used to separate rebels from the relocated population and to impede civilian assistance to rebels. Inhabitants of these sites raised some of their own food

with the permission of the armed forces; however, residents were not given full access to their fields. Unlike in the previous year, there were no reports that persons who tried to leave the sites were shot by soldiers.

On February 14, there were reports that three rebel attacks on a regroupment camp in Kavumu commune, near Bujumbura, resulted in the deaths of at least six civilians (see Section 1.a.).

In early May, members of the security forces tortured and decapitated a man who had thrown stones at them while they looted houses in the forced regroupment camp Kavumu, in Bujumbura Rural province (see Sections 1.a. and 1.f.).

According to the U.N., there were 324,100 internally displaced persons (IDP's) living in 212 sites at year's end, which represents about 5 percent of the total population. Many were Tutsis who fled to other parts of the country starting in 1993 because of ethnic violence and never returned home. Soldiers did not restrict the movement of residents of IDP camps. Soldiers guarding these camps provide a measure of protection to camp inhabitants; however, they sometimes committed human rights abuses against them (see Sections 1.c. and 6.c.). Camp inhabitants often were required to perform labor for the soldiers without compensation (see Section 6.c.).

Persons who remain outside the sites reportedly were killed by Hutu rebels for allegedly collaborating with authorities and by the armed forces on suspicion of collaborating with the rebels (see Section 1.a.). Over the weekend of April 22 to 23, rebels reportedly killed 16 persons in a camp for internally displaced Tutsis in Makamba province (see Section 1.a.).

Unlike in the previous year, there were no reports that the authorities restricted foreign travel for political reasons. The majority of citizens could travel legally in and out of the country. Travel within the country was possible but could be hazardous in areas of rebel activity, particularly in parts of Bujumbura Rural, Bururi, Rutana, Ruyigi, and Makamba provinces.

Real and claimed insecurity in rural areas was cited by the Government in denying access to some areas of the country to human rights observers (see Section 4).

The law does not provide for the granting of refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention on the Status of Refugees and its 1967 Protocol; however, there is a special ad hoc administrative body in the Government that coordinates refugees, and the Government cooperates with the U.N. High Commissioner for Refugees (UNHCR). The Government has granted first asylum in recent years. Approximately 23,600 citizens of the DRC live in Burundi, many of whom claim asylum. Of these, about 1,400 are ethnic Tutsi known as Banyamulenge. Rwandan refugees who fled the 1994 ethnic massacres in Rwanda departed the country by 1997. Another 200,000 Rwandans who came in earlier waves of refugees, some as early as 1959, are not registered officially with the UNHCR and are integrated into Burundian society.

The UNHCR reported that as of the end of September, about 10,000 Burundian refugees had returned during the year from Rwanda, Tanzania, the DRC, and other countries. During the same period, an estimated 47,528 persons fled to Tanzania, according to the UNHCR. Approximately 563,700 refugees, most of them Hutu, remained in Tanzania. About 200,00 of these persons fled as early as 1972, and many fled following the assassination of former president Ndadaye in October 1993. Another 23,408 refugees, most of them Hutu, are in Angola, Cameroon, the DRC, the Republic of the Congo, Kenya, Malawi, Rwanda, and Zambia.

There were unconfirmed reports that the Government had hired mercenaries to invade refugee camps in Tanzania; however, the Government strongly denied these reports.

There were no reports of the forced return of persons to a country where they feared persecution.

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

Citizens do not have the right to change their government. The Transitional Constitutional Act makes no provision for elections. The 1992 Constitution and 1994 Convention of Government were suspended by the Buyoya military regime that assumed power on July 25, 1996, in a bloodless coup. On that date, the regime dissolved the National Assembly and banned political parties. About 3 weeks later, Buyoya announced the restoration of the National Assembly and political parties with certain restrictions. The opposition party, FRODEBU, which is mostly ethnic Hutu, holds just over half of the National Assembly seats.

In April 1998, multiparty peace talks began in Arusha, Tanzania, and the Government subsequently launched an internal peace process. On June 4, 1998, Buyoya's regime and the National Assembly entered into a partnership agreement. The Na-

tional Assembly adopted the Transitional Constitutional Act and a Transitional Political Platform. The act changed the structure of government by eliminating the post of prime minister, creating two vice presidents, removing the National Assembly Speaker from the line of presidential succession, and enlarging the National Assembly. The act placed no time limits on the President's or the National Assembly's term of office. On August 28, the Buyoya regime and other groups present at the peace talks signed a peace agreement, which was ratified by the National Assembly on November 30. The August 28 peace agreement instructs the country's next transitional government to hold local, national, and presidential elections within a 3-year period, and to oversee elections for a newly formed Senate; however, this agreement was not implemented by year's end. Representation of both Hutus and Tutsis in institutions, including the army, the National Assembly, and a proposed Senate, is a key component of the agreement.

The Transitional Political Platform endorses in general terms the restoration of democracy and correction of the ethnic imbalance within the army and the judicial system. It calls for the creation of an international tribunal to try crimes of genocide. Although the peace accord also provides for such a tribunal as well as a National Truth and Reconciliation Commission to investigate other crimes, the agreement had not been implemented and no tribunal had been created by year's end.

On June 12, 1998, a new Government was announced in which the First Vice President and 10 of the 22 cabinet ministers are members of FRODEBU. The Cabinet includes 12 Hutus, including the Minister of External Relations. Progovernment ethnic Tutsi members hold the key Ministries of Defense, Interior, Justice, and Finance.

Under the 1992 Constitution, deposed President Ntibantunganya would have remained in office until 1998. The last elections to fill the Assembly took place in June 1993. The Transitional Constitutional Act stipulates that the National Assembly shall consist of 121 parliamentarians: Those elected in 1993 who sat in the previous National Assembly, plus 40 new members28 members of civil society appointed by the President and one representative each (selected by their respective parties) from all 12 officially recognized political parties not previously represented. Not all of those elected in 1993 are alive or in the country, and the vacant seats were filled by substitutes from the same political party as the original parliamentarian. Tutsi supporters of the Government filled 22 of the 40 new seats.

Political parties operate under significant constraints. The National Communications Council prevented the publication of one edition of the FRODEBU opposition political party's newspaper, La Lumiere, in July (see Section 2.a.). The Government banned several meetings by mainly Tutsi groups critical of government policy and the peace process. On June 24, police prevented a meeting organized by the Tutsi group, PA-Amasekanya, by locking the doors of the assembly hall (see Section 2.b.).

Police often disrupted political demonstrations and beat and arrested demonstrators (see Sections 1.c., 1.d., and 2.b.).

The National Assembly has nominal budgetary oversight, but the Council of Ministers legally can enact a budget if the National Assembly fails to do so. The Transitional Constitutional Act gives the President the authority to declare a state of emergency by decree after consulting with the National Assembly Speaker, the Constitutional Court, and the National Security Council, which has not been convened since 1996.

No legal restrictions hinder the participation of women; however, women are underrepresented in government and politics. Of the 22 cabinet seats, 1 is filled by a woman, who serves as the Minister of Women, Welfare, and Social Affairs. In 1993 women were elected to 9 of 81 seats in the National Assembly. The expansion of the National Assembly and the filling of vacant seats have brought the total number of female parliamentarians to 17. Two of the nine members of the Supreme Court are women, as are three of the seven Constitutional Court members, including its president.

No legal restrictions hinder the participation of indigenous people; however, the ethnic Twa (Pygmies) are underrepresented in government and politics. About 1 percent of the population is Twa, but there are no Twa in the Cabinet. One Twa is an appointed member of the National Assembly (see Section 5). Under the peace accord, up to three Twa could be appointed to sit in the Senate.

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

Domestic human rights groups received varying degrees of cooperation from government ministries. The local human rights group, Iteka, continued to operate and publish a newsletter. Human Rights Watch maintained an office in the country. Amnesty International representatives visited the country several times during the

year, and the U.N. Special Rapporteur for Human Rights visited once during the year. The office of the UNHCR maintained a three-person observer team, down from nine observers in 1999. The observer reductions resulted from security restrictions following an October 1999 attack on a U.N. humanitarian mission.

Real and claimed insecurity in rural areas was cited by the Government in denying access to journalists, international relief workers, and human rights observers to some areas of the country, including to regroupment camps (see Sections 1.f. and 2.d.). Army elements in the field frequently denied access to human rights observers where the army was accused of human rights violations. Human rights NGO's frequently were unable to investigate reports of killings due to these restrictions. In the spring, the U.N. resumed normal field operations in much of the country following the deaths of two workers in 1999 (see Section 1.a.); however, many areas of the country, particularly near Bujumbura, near the border with the DRC, and near the border with Tanzania, remain off limits for normal operations.

On May 21 and 22, rebels attacked the city of Makamba; no injuries were reported. There were reports that the target of the attack was Doctors Without Borders, an international NGO.

On November 25, on the road between Bujumbura and Gitega, a group of men, some allegedly dressed in military uniform, robbed at gunpoint a truck belonging to World Vision, an international NGO.

Section 5. Discrimination Based on Sex, Religion, Disability, Language, or Social Status

The Transitional Constitutional Act provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, religion, or opinion; however, the Government failed to implement effectively the act's provisions and discrimination persists. Hutus continued to perceive, correctly, that the Tutsi-dominated Government and army discriminate against them. The question of exclusion was a central question during the peace talks.

Women.—Violence against women occurred, but its extent is undocumented. Wives have the right to charge their husbands with physical abuse, but they rarely do so. Police normally do not intervene in domestic disputes, and the media rarely report incidents of violence against women. No known court cases dealt with the abuse of women.

Women face legal and societal discrimination. Explicitly discriminatory inheritance laws and credit practices continued. By law women must receive the same pay as men for the same work, but in practice they do not. Women are far less likely to hold mid-level or high-level positions. In rural areas, women traditionally perform hard farm work, marry and have children at an early age, and have fewer opportunities for education than men.

Rebels kidnaped and raped women, although credible reports suggest that such incidents were infrequent (see Sections 1.b. and 1.c.).

Children.—The law provides for children's health and welfare, but the Government cannot adequately satisfy the needs of children and, in particular, of the large population of orphans resulting from the violence since 1993 and HIV/AIDS. Many of the victims in the civil war are children, and many children have lost family members and witnessed violence.

More than a quarter of the primary schools have been destroyed in the war, and many teachers have been killed. Teacher training has been interrupted, and it is difficult to find qualified teachers to work in the provinces most affected by fighting. The Government provides elementary education at nominal cost through grade six; however, inequitable distribution of educational resources favors those children in southern and central areas of the country, according to International Alert, an international NGO. The Government estimates that approximately 45 percent of children are enrolled in primary school and approximately 44 percent of children are enrolled in secondary school.

Teenage prostitution is a problem (see Section 6.d.). During the year, the Government began a campaign to curb underage prostitution in Bujumbura. In March police arrested, detained for several days, and fined 20 teenage girls at a club for prostitution.

There were reports that soldiers used children for forced labor (see Section 6.c.).

People with Disabilities.—The Government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. Discrimination against the disabled is a problem. There are few job opportunities for the physically disabled in the country, where most jobs involve significant manual labor.

Indigenous People.—The Twa (Pygmies), who are believed to be the country's earliest inhabitants, now make up about 1 percent of the population, and generally re-

main marginalized economically, socially, and politically. Most Twa live in isolation, without formal education, and without access to government services, including health care.

National/Racial/Ethnic Minorities.—The principal national problems continued to be ethnic conflict between the majority Hutus and the minority Tutsis, and regional inequities between southern Bururi province and much of the rest of the country. Almost 4 decades of violence and systematic discrimination have exacerbated the genocide and exclusion fears of both Tutsis and Hutus. Tutsis claim to have been the targets of genocide carried out in 1993 by Hutus angered by the assassination of democratically elected Hutu president Ndadaye. The Tutsis, particularly southern Tutsis, historically have held power, and they dominate educated society and control the security forces. In 1996 Major Pierre Buyoya, a southern Tutsi, deposed President Ntibantunganya, a central Hutu, in a coup.

The Transitional Constitutional Act provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, religion, or opinion; however, the Government failed to implement effectively the act's provisions. The Tutsi-dominated Government and army discriminate against Hutus. Northern and eastern Tutsis also have a more difficult time acceding to positions of power. State discrimination against Hutus, who constitute an estimated 85 percent of the population, affects every facet of society, but most strikingly higher education and certain branches of the Government such as the armed services and the judicial system. The President and the Tutsi-dominated army retain their dominance in decision-making and do not share power equally with Hutu members of the Government.

Section 6. Worker Rights

a. The Right of Association.—The Labor Code protects the rights of workers to form unions; however, the army, gendarmerie, and foreigners working in the public sector are prohibited from union participation. Most union workers are urban civil servants.

According to the Confederation of Free Unions of Burundi (CSB), an umbrella trade union, 60 percent of the 80,000 formal private sector employees are unionized. All employees in the public sector, except those prohibited by law, are unionized.

Since gaining independence from the Government in 1992, the CSB has been dependent financially on a system of checkoffs, or voluntary contributions, as are local unions. In 1995 a rival trade union, the Confederation of Burundi Unions (COSYBU), was founded. Both COSYBU and the CSB represented labor in collective bargaining negotiations in cooperation with individual labor unions during the year.

Tutsis dominate the formal sector of the economy and the unions.

The Labor Code permits the formation of additional unions or confederations outside the CSB. When settling disputes in which more than one labor union is represented, the law stipulates that the Minister of Labor must choose the union representing the greatest number of workers to participate in the negotiations.

The Labor Code provides workers with a restricted right to strike. The restrictions on the right to strike and to lock out include: All other peaceful means of resolution must be exhausted prior to the strike action; negotiations must continue during the action, mediated by a mutually agreed upon party or by the Government; and 6 days' notice must be given. The law prohibits retribution against workers participating in a legal strike; however, this provision was not respected.

In December 1999, the staff of the University of Burundi held a series of strikes, which ended in the spring (see Section 2.a.). In January civil servants held several strikes to protest price and tax hikes; however, the strikes were not observed widely due to government intimidation. All striking employees returned to work on January 19. The Government initially had agreed to negotiate with COSYBU, but later refused. The vice president of the union was arrested twice, but released.

On August 18, authorities arrested and detained several protesters during a rally against the peace process (see Sections 1.d. and 2.b.), including Pierre-Claver Hajayandi, President of the COSYBU, which organized the rally. In September police arrested a labor organizer who called for a general strike against government policies. The organizer's twin brother, whom they accused of involvement in a grenade attack on a popular market (see Section 1.c.), also was arrested (see Section 1.d.).

Unions are able to affiliate with international organizations.

b. The Right to Organize and Bargain Collectively.—The Labor Code recognizes the right to collective bargaining, formerly acknowledged only by ordinance. Since most workers are civil servants, government entities are involved in almost every phase of labor negotiations.

Public sector wages are set in fixed scales in individual contracts and are not affected by collective bargaining. In the private sector, wage scales also exist, but individual contract negotiation is possible.

The Labor Code gives the Labor Court jurisdiction over all labor dispute cases, including those involving public employees. Negotiations are conducted largely under the supervision of the tripartite National Labor Council, the Government's highest consultative authority on labor issues. The Council represents government, labor, and management and is presided over and regulated by the Minister of Labor.

The Labor Code prohibits employers from firing or otherwise discriminating against a worker because of union affiliation or activity. This right is upheld in practice.

There are no functioning export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits the performance of forced or compulsory labor; however, soldiers guarding internally displaced persons sites and soldiers at military posts often require persons to cook, fetch water, chop wood, work in the fields of military leaders, and perform other chores without compensation (see Section 2.d.). The military also require persons to perform regular night watches.

The law prohibits forced or compulsory labor by children; however, there were reports that soldiers forced children to perform occasional tasks, such as carrying supplies.

On November 16, there were reports that security forces forced approximately 100 men from the northern neighborhoods of Bujumbura to remove foliage near Tenga, a densely wooded area where security forces were fighting with rebels. Several civilians were killed or injured during the fighting (see Sections 1.a. and 1.c.).

Rebel groups also require the rural population to perform uncompensated labor, including the transport of rebel supplies and weapons. Rebels also recruit and use children for labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code states that children under the age of 16 cannot be employed by "an enterprise" even as apprentices, although it also states that they may undertake occasional work that does not damage their health or interfere with their schooling. In practice children under the age of 16 in rural areas do heavy manual labor in the daytime during the school year.

The minimum age for military service is 18, but observers believe that there are some children below that age in the military.

Children are prohibited legally from working at night, although many do so in the informal sector. Most of the population lives by subsistence agriculture, and children are obliged by custom and economic necessity to participate in subsistence agriculture, family-based enterprises, and the informal sector.

Teenage prostitution is a problem (see Section 5).

The law prohibits forced and bonded labor by children; however, there were reports that it occurred (see Section 6.c.).

e. Acceptable Conditions of Work.—The formal minimum wage for unskilled workers is $0.21 (160 francs) per day in the cities Bujumbura and Gitega and $0.14 (105 francs) in the rest of the country, with a graduated scale for greater skill levels. This amount does not allow a worker and family to maintain a decent standard of living, and most families rely on second incomes and subsistence agriculture to supplement their earnings.

Unionized employees, particularly in urban areas, generally earn significantly more than the minimum wage. Public sector wages are set by agreement between the Government and either the CSB or COSYBU. The government wage scale has remained unchanged since 1992, but allowances, such as the one for housing, have risen.

The Labor Code stipulates an 8-hour workday and a 40-hour workweek, except in cases where workers are involved in activities related to national security. Supplements must be paid for overtime. Foreign workers are protected by law and are not subject to discrimination.

The Labor Code establishes health and safety standards that require an employer to provide a safe workplace and assigns enforcement responsibility to the Minister of Labor. However, the Ministry does not enforce the code effectively. Health and safety articles in the Labor Code do not address directly workers' rights to remove themselves from dangerous tasks.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

CAMEROON

Cameroon is a republic dominated by a strong presidency. Since independence a single party, now called the Cameroon People's Democratic Movement (CPDM), has remained in power and limited political choice. In October 1997, CPDM leader Paul Biya won reelection as President in an election boycotted by the three main opposition parties, marred by a wide range of procedural flaws, and generally considered by observers not to be free and fair. Although the Government legalized opposition parties in 1990 after widespread protests, most subsequent elections, including the May 1997 legislative elections, which were dominated by the CPDM, were flawed by numerous irregularities. International and local observers generally consider the election process, which is controlled by the Government's Ministry of Territorial Administration, as not free and fair. No President has ever left office in consequence of an election. The President retains the power to control legislation or to rule by decree. In the National Assembly, government bills take precedence over other bills, and no bills other than government bills have been enacted since 1991, although the Assembly sometimes has not enacted legislation proposed by the Government. The President repeatedly has used his control of the legislature to change the Constitution. The 1996 Constitution lengthened the President's term of office to 7 years, while continuing to allow Biya to run for a fourth consecutive term in 1997 and making him eligible to run for one more 7-year term in 2004. In July the Government began discussions on an action plan to create the decentralized institutions envisioned in the 1996 constitution, such as a partially elected senate, elected regional councils, and a more independent judiciary. Government timetables for establishing these bodies extend until 2004. Although the country's first local government elections were held in 1996, President Biya limited their scope in many pro-opposition cities by expanding the number of municipal governments led by presidentially appointed delegates rather than headed by mayors chosen by the directly-elected municipal councils. The Government remained highly centralized and is dominated by the presidency. The judiciary is subject to political influence and suffers from corruption and inefficiency.

Internal security responsibilities are shared by the national police (DGSN), the National Intelligence Service (DGRE), the gendarmerie, the Ministry of Territorial Administration, military intelligence, the army, and to a lesser extent, the Presidential Guard. On February 20, the Government created a military Operational Command to fight crime in Douala and the Littoral Province. The police and the gendarmerie have dominant roles in enforcing internal security laws. The security forces, including the military forces, remain under the effective control of the President, the civilian Minister of Defense, and the civilian head of police. The security forces continued to commit numerous serious human rights abuses.

The country's population of approximately 15 million had a recorded mean per capita Gross National Product (GNP) of approximately $607. Economic growth has continued over the past 4 years, despite decreases in world prices for the country's major primary product exports. Over the past 3 years, GNP growth has averaged 4 to 5 percent annually; however, economic recovery continues to be inhibited by a large inefficient parastatal sector, excessive public sector employment, and the Government's inability to deregulate the economy to attract more investment. Widespread corruption in government and business also impedes growth. Members of the Beti and Bulu ethnic groups dominate the civil service and the management of state-owned businesses. The majority of the population is rural, and agriculture accounts for 25 percent of GNP. Principal exports include timber, coffee, cocoa, cotton, bananas, and rubber. The Government also continued to receive substantial assistance from international financial institutions.

The Government's human rights record continued to be generally poor, and government officials continued to commit numerous serious abuses. Citizens' ability to change their government remained limited. Security forces committed numerous extrajudicial killings; were responsible for disappearances, some of which may have been motivated politically; and tortured, often beat, and otherwise abused detainees and prisoners, generally with impunity. However, the Government prosecuted a few of the most egregious offenders, including some who were convicted and sentenced to prison terms and others who remain in prison awaiting trial. Conditions remained harsh and life threatening in almost all prisons, although the Government granted international humanitarian organizations access to prisoners. Security forces continued to arrest and detain arbitrarily various opposition politicians, local human rights monitors, and other citizens, often holding them for prolonged periods, often without charges or a chance for trial and, at times, incommunicado. The judiciary remained corrupt, inefficient, and subject to political influence. At times military

tribunals exercise criminal jurisdiction over civilians, which in the past denied some civilians fair trials. Security forces conducted illegal searches and harassed citizens. The Government infringed on citizens' privacy and monitored and harassed some opposition activists. The Government continued to impose limits on press freedom. Although private newspapers enjoyed considerable latitude to publish their views, journalists continued to be subject to official and, on occasion, serious harassment. There were no reports that the Government seized newspaper editions; however, the Government continued its prosecutions of pro-opposition journalists under criminal libel laws. The Government continued to obtain convictions against journalists under these laws. In July the Government implemented a 1990 law designed to end its virtual monopoly of domestic broadcast media. Five radio stations subsequently applied for licenses to operate and continued to broadcast pending final authorization. The Government restricted freedom of assembly and association. At times the Government used its security forces to inhibit political parties from holding public meetings. Government security forces limited freedom of movement. Violence and discrimination against women remained serious problems. The abuse of children was a problem and female genital mutilation (FGM) persisted in some areas. Discrimination against indigenous Pygmies continued. Societal discrimination based on religion persisted in some areas. Discrimination against ethnic minorities remained widespread. The Government continued to infringe on workers' rights, and restricted the activities of independent labor organizations. Child labor remained a serious problem. Slavery reportedly persisted in northern parts of the country. Forced labor, including forced child labor, was a problem. There were reports of trafficking in persons, primarily children, for purposes of forced labor. Mob violence continued to result in some deaths.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no confirmed reports of political killings; however, the security forces continued to use excessive, lethal force against private citizens and committed numerous extrajudicial killings.

In mid-January Atangana, a gendarme serving at the Douala port, shot and killed Alhadji Bapetel, a customs officer also serving at the port. The shooting followed a quarrel over authority issues. The Government arrested the gendarme, who was awaiting trial on charges of "assault occasioning death" at year's end.

On March 2, an unidentified Douala soldier, who reportedly was drunk, shot and killed Pascal Kalo, a young Nigerian businessman. The death occurred after the soldier shot wildly at a group of customers who left the bar without paying their bill, but instead hit Kalo, who was eating dinner in a nearby restaurant. Reportedly there was no investigation nor action taken in this case by year's end.

On April 6, police officers beat to death Emmanuel Ebanda, a porter at the Douala International Airport (see Section 1.c.). The police claim that Ebanda died because he beat his own head against the wall; however, a jailed witness contests these charges, claiming that he called repeatedly for medical assistance for Ebanda, but that the police ignored his pleas. The police investigated the case and on August 21, three police officers were arrested; they remained in detention pending trial at year's end.

On May 7, a police officer by the name of Bahiga shot and killed Laurent Abbe in Yaounde, allegedly during an illegal search of Abbe's friend's residence (see Section 1.f.). The Government arrested Bahiga, who was in detention pending trial at year's end.

On May 11 in Yaounde, a mixed patrol of police officers, gendarmes, and soldiers attempted to seize a vehicle illegally for non-emergency purposes. The driver loudly disputed the seizure, and attracted a crowd that began to laugh at the security forces. One of the officers, angered by the laughter, shot indiscriminately at the crowd, killing two women. Reportedly there was no investigation nor action taken in this case by year's end.

On May 29, police officers from the Yaounde special operation grouping (GSO) detained, tortured, and killed Edouard Leuwat, a Yaounde taxicab driver (see Section 1.c.). One GSO policeman, with assistance from other officers, had arrested Leuwat without warrant on May 28, believing Leuwat to be the driver of a taxicab in which the policeman had left his handgun on May 27. Leuwat denied the charge, and the policeman tortured Leuwat to extract a confession. The Government arrested eight police officers involved in the case and charged them with "torture having resulted in death." On June 20, the Government transferred the eight to the Yaounde-based Kondengui Central Prison, where they were awaiting trial at year's end.

On June 21, security officers shot two alleged bandits in Yaounde's Nlongkak Circle, killing one. A neighborhood resident walked up to the remaining, incapacitated bandit and slit his throat with a machete. Reportedly there was no investigation nor action taken in this case by year's end.

On September 14, Mathew Titiahonjo, who gendarmes at the NDOP brigade in the Northwest Province had arrested and detained on May 23, died in prison reportedly from torture (see Sections 1.c. and 1.d.).

On October 28, Operational Command Sergeant Jean Claude Mbita allegedly shot and killed Luc-Benoit Bassilekin, a technician, while attempting to arrest him; Bassilekin's brother was arrested. In November the Government announced that it had arrested Mbita on charges of intentional homicide; he remained in detention pending trial at year's end.

On October 30, Operational Command officers reportedly shot and killed Paul Petchueke, a taxicab driver, because Petchueke had attempted to make a U-turn in front of a command roadblock. On November 13, the Government announced that it had arrested Paul Essoh, a soldier at the Douala Airbase, on charges of unintentional homicide for Petchueke's killing; he remained in detention at Douala New Bell prison pending trial at year's end.

There were reports that the Douala Operational Command committed numerous summary executions, which totaled at least several dozens. There were reports that some persons were tortured before they were killed (see Section 1.c.). This special military unit, created to fight crime in Douala, operates above the authority of other security forces currently in the city. This command killed some suspects in shootouts and high-speed car chases during the year. It also reportedly used a network of informants, including a large number of convicted criminals and prison officials, to obtain the names of suspected bandits who they then arrested and summarily executed. The Operational Command also used neighborhood sweeps to search for criminals, occasionally executing suspects for minor offenses such as smoking marijuana. Press and other reports allege that the Operational Command has several mass graves, including in the "Forest of Monkeys" (Bois des Singes) and off the "Old Road" between Douala and Edea, where bodies were abandoned in pits or buried. Cardinal Tumi, the Archbishop of Douala, estimated the total number of extrajudicial killings committed by the Operational Command to be as high as 500.

Credible reports by the press and the Maroua-based Movement for the Defense of Human Rights and Liberties (MDHRL), one of the few operating human rights organizations in the Far North Province, describe a large but undetermined number of extrajudicial killings perpetrated by a special antigang gendarmerie unit tasked with combating highwaymen. This unit was created under the direct authority of the Minister of Defense and operates outside the normal chain of command for law-and-order units. While some armed suspects were killed in firefights with security forces, there were credible reports that others caught in dragnet operations were executed summarily. Families of the deceased and human rights NGO's have accused the head of this unit, Colonel Pom, of extrajudicial killings of local civilians. The MDHRL estimated that up to 1000 persons have been killed since the beginning of 1998. The Government's National Commission on Human Rights and Freedoms (NCHRF) corroborated this information, although it was unable to determine the exact number of persons killed, since many of the victims' families are too frightened to speak with human rights groups. At least one private newspaper, the Yaoundebased triweekly Mutations, also reported in 1998 that security forces summarily executed hundreds of alleged highway robbers in northern areas of the country during recent years.

Numerous prisoners died in custody due to abuse inflicted by members of the security forces or harsh prison conditions and inadequate medical treatment (see Section 1.c.).

In November 1999, the U.N. released a report by the Special Rapporteur on Torture, Nigel Rodley, regarding his visit to the country in May 1999. In this report, Rodley noted that torture and long-term detention is widespread. He also commented on deaths resulting from torture and extrajudicial killings, primarily in the Far North Province (see Sections 1.c. and 4), but he did not provide any specific examples of such deaths.

In November the Government announced plans to investigate alleged killings by the Douala Operational Command. In the fall, the National Human Rights Commission, under the Prime Minister, sent teams to Douala to investigate. Although two reports were produced for the President and the Prime Minister, there are no plans to release the reports publicly.

There were no known developments in the following 1999 cases: The January 1999 killing of Yves Atiback by a gendarme captain; the February 1999, killing of three Fulani shepherds by villagers acting on the orders of the Fon of Bali; the

March 1999 killing of Denis Nzidchen by prison guards; the September 1999 beating death of Theopole Mbasi Ombe by three members of the presidential guard; the October 1999 beating death of Frederic Djomeli by police in the Haut-Nkam division.

On April 12, the Yaounde higher court sentenced police officer Francois Bilongo to seven years in jail and $10,000 in damages for the 1998 killing of Leonard Fouda. In May Police Constable Kuete Pierre was convicted and sentenced to 14 years in prison for the June 1998 police shooting of truck driver Jean-Marie Penga at a roadblock in Douala.

There were no known developments in three open 1998 cases: The reported January 1998 police killing of Serge Francois Massoma; the June 1998 police killing of a 17-year-old male during racial violence against whites in Yaounde. Two gendarmes reportedly facing manslaughter charges in connection with the 1998 killing of an Anglophone barkeeper who died while in detention, reportedly as a result of torture, remained in detention at year's end.

There continued to be no developments in the 1997 security force killing of Faustin Fetsogo and the killing of five persons in 1997 during opposition politician Koulagne Nana's election campaign following a skirmish with the forces of a traditional ruler loyal to the ruling party.

While ethnic conflicts caused deaths in previous years (see Sections 1.c. and 5), there were no reports of such deaths during the year.

Mob violence and summary justice directed against suspected thieves and those suspected of practicing witchcraft and other crimes reportedly continued to result in a number of deaths and serious injuries. Although the number of reported cases of mob killings had diminished in past years, increased crime in the major cities of Douala and Yaounde caused a rise in such incidents during the year. On April 5, a thief was stripped naked, beaten unconscious, and burned alive by a mob. On March 9, a mob reportedly killed two suspected thieves by burning tires around their necks. On April 14, a crowd of citizens in Buea, Southwest Province, beat to death Jean-Paul Kamdem and Alfred Mbakwa Fowa, alleged members of a gang that stole electronic items from a businessman's home (see Section 1.c.).

b. Disappearance.—There were reports of disappearances of persons in the custody of security forces. Some disappearances may be attributed to summary executions by security forces in Douala or the northern regions (see Section 1.a.); in these instances, bodies rarely are found, although the suspects are presumed dead.

On May 9, plain clothes security officials in Mamfe, Manyu Division, Southwest Province, searched the homes of John Enow, Joseph Tafong, Chief Assam, Mathias Takunchung, and several others, without search warrants. The victims' families have neither seen nor heard from the victims since that time, and believe that the security forces summarily executed them. In a letter written on May 12 and sent to the National Human Rights Commission, the families claim that more than 30 people have disappeared in Mamfe under similar circumstances. According to the commission, four persons still were missing at year's end.

In August 10 of the 13 refugees from Equatorial Guinea detained at a military base since 1998 left for refugee resettlement in another country (see Section 1.d.). Three refugees disappeared before they could depart; however, they were believed to have returned voluntarily to Equatorial Guinea or to have established unofficial residence in the country.

The Government did not initiate any public investigation into any of these disappearances by year's end, nor did the Government investigate the 1998 disappearances of Chadian refugees Jim Temba and El Hadj Bakeye, Chadian herders, or the truck driver Mahamat Oumar.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Penal Code proscribes torture, renders inadmissible in court evidence obtained thereby, and prohibits public servants from using undue force against any person; however, although President Biya also promulgated a law in 1997 that bans torture by government officials, there were numerous credible reports that security forces, including the Operational Command, continued to torture, beat, and otherwise abuse prisoners and detainees. There were reports that security forces, including the Operational Command, detained persons at specific sites where they tortured and beat detainees (see Section 1.d.). The Operational Command reportedly tortured some persons before summarily executing them (see Section 1.a.). The U.N. Special Rapporteur on Torture, Nigel Rodley, in his report on the country released in November 1999, stated that torture was widespread and used indiscriminately against persons under arrest or detained. Security forces also reportedly subjected women, children, and elderly people to ill-treatment. Most cases apparently were not reported to the relevant authorities because of ignorance, lack of confidence, or fear of reprisals on the part of the victims and their families. In New Bell and other non-maximum-security penal detention centers, beatings are common and prisoners re-

portedly are chained or flogged at times in their cells. However, the authorities often administer beatings not in prison facilities, but in temporary detention areas in a police or gendarme facility. Two forms of physical abuse commonly reported to be inflicted on detainees include the "bastinade," in which the victim is beaten on the soles of the feet, and the "balancoire," in which the victim, with his hands tied behind his back, is hung from a rod and beaten, often on the genitals. Nonviolent political activists often have been subjected to such punitive physical abuse during brief detentions following roundups of participants in antigovernment demonstrations or opposition party political rallies.

Security forces subjected prisoners and detainees to degrading treatment that includes stripping, confinement in severely overcrowded cells, and denial of access to toilets or other sanitation facilities. Police and gendarmes often beat detainees to extract confessions and the names and whereabouts of alleged criminals. In his report, U.N. Special Rapporteur Rodley noted that the Government increasingly was moving toward punishing offenders, but that "some of those incriminated act out of ignorance and others out of pure habit, for they have regularly acted that way for a long time without fear of any consequences." Pretrial detainees sometimes were required, under threat of abuse, to pay so-called "cell fees" (essentially a bribe to the prison guards to prevent further abuse).

On January 27, security forces intervened in a student strike at the University of Douala (see Sections 1.d. and 2.b.). The police used water cannons and nightsticks on the students, which resulted in eight injuries; police also beat several students severely.

On January 28, four gendarmes reportedly arrested and tortured customs inspector Vincent Nkengfua, who they suspected of kidnaping a child. The gendarmes also arrested, detained, and tortured all the workers at Nkengfua's plantation in Mbanga, including a child (see Section 1.d.). In September Nkengfua filed a lawsuit against the gendarmes with the Mbanga High Court for abuse of power, arbitrary arrest and seizure of property, false evidence, calumny, and torture. The status of the lawsuit was unknown at year's end.

On March 27, a crowd dragged Jean-Paul Kentsa to the Tsinga gendarmerie station in Yaounde after a woman claimed that he had tried to kidnap her 7-year-old son. After listening to the woman's statement, a gendarme began beating Kentsa, without allowing Kentsa to tell his side of the story. According to a witness, the gendarme tied his arms and legs and subjected him to "balancoire" torture for over half an hour. When a crowd formed to watch the beating, the gendarme beat two of the onlookers without cause using a machete.

On April 6, police officers beat to death Emmanuel Ebanda, a porter at the Douala International Airport (see Section 1.a.). The police are investigating the case, though no charges have been filed against the officers.

On April 20, government security forces reportedly attacked the parish of Notre Dame de Sept Douleurs in Douala during a Mass. Security forces reportedly arrested some parishioners and beat others (see Sections 1.d. and 2.c.).

On April 27, a gendarme officer serving at the mobile gendarmerie unit, Abessolo-Abessolo, assaulted, beat, and seriously injured Nico Ajong in Ajong's tailoring store in the Yaounde neighborhood of Ngoa-Ekelle. The gendarme entered Ajong's workshop, demanded the identity cards of Ajong and a customer, and pocketed Ajong's identity card. When Ajong asked why the gendarme had taken his identity card, Abessolo-Abessolo began beating Ajong on the face and body. A medical report indicated that the resulting injuries incapacitated Ajong for 21 days.

On April 27, Bessala, a soldier on patrol in the Yaounde neighborhood of Coron, shot Cecile Ngono. Ngono was a passenger in a taxicab that did not stop at a police checkpoint, and when Bessala shot at the car, he hit and wounded Ngono.

In April a gendarme in Limbe, Southwest Province, beat and tortured a foreign volunteer teaching at the government bilingual high school. The gendarme interrogated the volunteer about his connections with the Southern Cameroons National Council (SCNC), an organization which calls for secession of the two English-speaking Anglophone provinces.

On May 1, Dieudonne Dibong, a police officer, shot at a Yaounde cab after the cab ignored his traffic directions, seriously wounding the driver and the occupants of the vehicle. The General Delegate for National Security (DGSN) ordered disciplinary sanctions, and the Government arrested Dibong, whose trial was pending at year's end.

On May 23, police and gendarmes forcibly dispersed a demonstration by students of the University of Yaounde, in which students protested the poor road conditions that killed 14 persons in a May 17 bus accident (see Section 2.b.). Police arrested approximately 50 students and severely beat several of them (see Section 1.d.).

On May 23, gendarmes at the NDOP brigade in the Northwest Province arrested and detained Mathew Titiahonjo, Nathaniel Ntam, John Nivame, and several others (see Section 1.d.), and beat and tortured Titiahonjo and Nivame. One of the gendarmes claimed he suspected the men of belonging to a group of bandits who reportedly accosted him on May 19, seized his gun, pulled off his shoes, and tied him to a palm tree. According to the victims, Nivame caught the gendarme asleep with Nivame's girlfriend and stole the gendarme's shoes and gun in retaliation. On September 14, Titiahonjo died in prison reportedly from torture (see Section 1.a.); the Prime Minister released the remaining nine on October 31.

On May 25, officers of the GSO police unit arrested Madeleine Ngo Songane, the sister of an alleged bandit. They took her to their headquarters and beat her violently in an effort to extract information on the whereabouts of her brother.

On May 28, the same GSO police officers in Yaounde who tortured Edouard Leuwat to death (see Section 1.a.), arrested and tortured Achille Tchoumba Heubo, also in an effort to extract a confession concerning the officer's lost gun.

On May 29, Edouard Leuwat, a Yaounde taxicab driver, died in custody as a result of torture by police officers from the Yaounde special operation grouping (GSO) (see Section 1.a.). The Government arrested eight police officers involved in the case and charged them with "torture having resulted in death." On June 20, the Government transferred the eight to the Yaoundebased Kondengui Central Prison, where they were awaiting trial at year's end.

In June in Ndop, Northwest Province, a gendarme who had lost his gun enlisted the support of his brigade to search for the weapon without a warrant. Press reports indicated the gendarmes ransacked homes and business, assaulting citizens in the process (see Section 1.f.).

On the night of June 7, a police patrol from the Yaounde 8 police district arrested and beat Beatrice Elouga for failing to carry her national identity card (see Sections 1.d. and 2.d.).

In early June, a gendarme officer identified as Okala, alias Tohmugwah, threw a hand grenade into a bar at Belo, Northwest Province, wounding several people. Okala apparently was angry with Amina Nyonghabi, the bartender, who wanted the gendarme to pay the bill for the drinks he had consumed. The previous day, the same gendarme slapped Nyonghabi in the face twice when she requested that he pay his bar bill.

In early June, soldiers at a military garrison near the intendance roundabout in Yaounde brutalized and stripped naked Amelie, a young female soccer player with "Canon-filles," a Yaounde-based soccer team. Amelie was returning home with her boyfriend when the soldiers demanded her identification. The gendarmes accused her of holding a fake national identity card with a female name, and, after beating Amelie, the soldiers decided to strip her naked publicly to verify her gender, only to realize that she had spoken the truth and her identity card was authentic.

On July 27, Police Commissioner Theophile Tocko arrested Magloire Evouta, a businessman, at a Yaounde hotel. Evouta, who suffered from a chronic illness, was denied medical treatment and died at the Yaounde judicial police station on August 2. On August 28, the President dismissed Tocko from his position; Tocko was arrested and in detention pending trial at year's end.

On September 12, members of the Operational Command unit of the Mboppi Brigade allegedly raped two young girls. The girls reportedly were detained because their identification papers were damaged partially by water.

On November 13, security forces forcibly dispersed a march by opposition SDF parliamentarians in Yaounde (see Sections 2.b. and 3). Security forces arrested several marchers, seized journalists' cameras, and beat one journalist (see Sections 1.d. and 2.a.).

Security forces harassed and threatened journalists (see Section 2.a.). For example, on April 15 and 16, a gendarme patrol detained Alex Lembe, a journalist with Afrik Netpress, and demanded his identity card (see Section 2.a.). When the patrol commander realized he was a journalist, he insulted Lembe, beat him, and held him overnight.

Security forces frequently used roadblocks to exact bribes or thwart opposition political activities (see Section 2.d.).

In the vast majority of cases of torture or abuse, the Government rarely investigated or punished any of the security officials involved.

Seke Columban, the police commissioner in Guider, North Province, beat Madi Baddai while arresting him in a nightclub in September 1999, and during a subsequent 4-day detention, causing serious injuries. Although Madi Baddai filed charges against the commissioner, no action had been taken by year's end.

At year's end, the Buea military tribunal was preparing to try the commander of the 11th Navy Battalion and two noncommissioned officers in connection with

looting and alleged beatings and rapes of civilians by naval cadets in the Anglophone Southwest Province port of Limbe in November 1998. There were no developments in other 1998 cases of nonlethal violence by security forces.

On June 16, the Yaounde Court of First Instance sentenced Leon Ongolo, a Yaounde police commissioner, to 6 months imprisonment, a $70 (50,000 CFA) fine, and $450 (300,000 CFA) in victim damages, for brutalizing his neighbors over a dispute concerning electrical wiring in 1996.

Mob violence directed against suspected thieves reportedly continued to result in a number of deaths, some because of beatings or torture (see Section 1.a.).

Prison conditions remained harsh and life threatening. Prisons are seriously overcrowded, unsanitary, and inadequate, especially outside major urban areas. Serious deficiencies in food, health care, and sanitation due to a lack of funds are common in almost all prisons, including in "private prisons" in the north operated by traditional rulers. U.N. Special Rapporteur Rodley described prison conditions in the country as "universally appalling." Rodley also reported that: "overcrowding, unhygienic sanitation, lack of health care, and shortage of food, reportedly are the main failings in the Cameroonian prison system. These conditions cannot be blamed only on lack of financial or material resources, but also result from deliberate policies or serious neglect on the part of the relevant officials." Rodley wrote that these conditions are "endangering the health and even the lives of the detainees." Prisoners are kept in dilapidated colonial-era prisons, where the number of detainees is four to five times the original capacity. Authorities confirmed to Rodley that one cell measuring 6 square meters housed 16 people; one prisoner stated that the cell sometimes held up to 23 people. Health and medical care almost are nonexistent, and prisoners' families are expected to provide food for their relatives in prison. Prison officials torture, beat, and otherwise abuse prisoners (see Section 1.c.). Rodley reported that the vast majority of those in detention had been tortured or abused. Rodley specified cases of machete beatings, toenails being ripped out, and victims shot by police who had received no medical attention. Prisoners routinely die due to harsh prison conditions and inadequate medical treatment. In Douala's New Bell Prison, there were only 7 water taps for a reported 3,500 prisoners; this contributed to poor hygiene, illness, and deaths. In New Bell and other nonmaximum-security penal detention centers, families are permitted to provide food and medicine to inmates; however, beatings are common. Prisoners reportedly are chained or flogged at times in their cells and often are denied adequate medical care. In April the new Minister of Territorial Administration and the new Secretary of State for Territorial Administration in charge of penitentiary administration visited Douala and Yaounde prisons. The Yaounde prison was so dirty that the Minister ordered the immediate release of funds for repainting. In Douala the Minister said that the prison would be improved with funding from a foreign government; however, the project had not been implemented fully by year's end.

Credible press reports indicate that Douala's New Bell prison, originally built for 600 inmates, held more than 3,500 during the year, of which 2,000 were pre-trial detainees. A 1997 report on prison conditions indicated that Bertoua Prison, which was built to hold 50 inmates, housed over 700 persons. The Kondengui Central Prison in Yaounde, constructed in 1967 to hold 1,500 inmates and equipped with only 16 toilets or showers and 400 beds, held approximately 3,300 inmates, including 700 women during the year. In 1999 the government official in charge of prisons said that the Central Prison of Bafoussam, built for 320 inmates, held 3,140 persons. Press reports indicate that the Bamenda Central Prison, built for 300 inmates, currently holds 900 persons, approximately 750 of whom are pre-trial detainees. Overcrowding is exacerbated by the large number of long pretrial detentions and the practice of "Friday arrests" (see Section 1.d.). According to credible press reports, more than 1,400 of the inmates of the Douala prison were pretrial detainees, whereas only 900 were convicted prisoners.

Juveniles and nonviolent prisoners often are incarcerated with adults, although not usually in the same cells. There are credible reports of sexual abuse of juvenile prisoners by adult inmates. Corruption among prison personnel is widespread. Persons awaiting trial routinely are held in cells with hardened criminals. There are few detention centers for women; women routinely are held in prison complexes with men, occasionally in the same cells. Mothers often are incarcerated with their children or babies. The U.N. Special Rapporteur on Torture reported that he saw at least one 14-year-old child being kept with adult offenders, one woman being held in the same cell as male prisoners, and one woman incarcerated with her 9-month-old child. Some high-profile prisoners are able to avoid some of the abuse that security forces routinely inflict on many common criminals. They are kept in elite wings of certain prisons, where they enjoy relatively lenient treatment.

On March 14, a group of detainees in the Douala Central Prison addressed a letter to the governor of the Littoral Province, complaining about the conditions of their detention. They charged that many prisoners must sleep on the ground and without shelter from rain due to lack of floor space within the crowded prison.

Numerous NGO's, diplomatic missions, and the NCHRF all have criticized publicly the conditions of the group of Anglophone detainees arrested in 1997. One reliable report described 28 detainees sharing a cell measuring 14 square meters (about 140-square feet). At least eight of the original detainees reportedly have died from abuse or lack of medical care: Emmanuel Konseh, Samuel Tita, Mathias Gwei, Neba Ambe, Mado Nde, Richard Fomusoh Ngwa, Patrick Jimbou, and Lawrence Fai.

In the north, the Government permits traditional Lamibe (chiefs) to detain persons outside the government penitentiary system, in effect in "private prisons." The places of detention in the palaces of the traditional chiefs of Rey Bouba, Gashiga, Bibemi, and Tcheboa have the reputation of seriously mistreating their inmates. Members of the National Union for Democracy and Progress (UNDP) party, which was an opposition party until late 1997, have alleged that other UNDP members have been detained in these private jails and that some have died from mistreatment.

Both the Cameroonian Red Cross and the NCHRF visited prisons only infrequently during the year. However, the International Committee of the Red Cross (ICRC) began to visit prisons in March 1999, pursuant to a December 1998 agreement with the Government under which the ICRC was to have free access to all detention centers and prisons, have private discussions with the inmates, and make repeated or unscheduled visits (see Section 4). Although the ICRC does not release its findings publicly, the Government generally complied with its agreement with the ICRC, which had not conducted prison visits in the country during the previous 7 years due to dissatisfaction with the limited access allowed by the Government. However, despite government assurances to the contrary, officials denied U.N. Special Rapporteur for Human Rights Rodley access in May 1999 to holding cells operated by the Government's special antigang unit (see Sections 1.a. and 1.b.).

d. Arbitrary Arrest, Detention, or Exile.—The Penal Code requires an arrest warrant for any arrest, except when the criminal is caught in the act; however, security forces continued to arrest and detain citizens arbitrarily. The Penal Code also stipulates that detainees must be brought promptly before a magistrate; however, arbitrary, prolonged detention remained a serious problem, as security forces often failed to bring detainees promptly before a magistrate and sometimes held them incommunicado for months or even years.

Police legally may detain a person in custody in connection with a common crime for up to 24 hours, renewable three times, before bringing charges. However, the law provides for the right to a judicial review of the legality of detention only in the two Anglophone provinces. Elsewhere, the French legal tradition applies, precluding judicial authorities from acting on a case until the administrative authority that ordered the detention turns the case over to the prosecutor. After a magistrate has issued a warrant to bring the case to trial, he may hold the detainee in administrative or "pretrial detention" indefinitely, pending court action. Such detention often is prolonged, due to the understaffed and mismanaged court system. According to U.N. Special Rapporteur Rodley, 80 percent of the prison population consists of untried prisoners. Rodley wrote that the length of pre-trial detention, often stretching as long as 7 years, makes it "inhuman in itself." In addition Rodley claimed that "pretrial detention is used not to attain its primary goal of upholding order and security and facilitating investigation, but rather, in the perception both of the public and of the forces of law and order, as a sanction." Furthermore, a 1990 law permits detention without charge by administrative authorities for renewable periods of 15 days, ostensibly in order to combat banditry and maintain public order. Persons taken into detention frequently are denied access to both legal counsel and family members. The law permits release on bail only in the Anglophone provinces, where the legal system includes features of British common law; however, bail is granted infrequently in those provinces.

There were reports that security forces, including the Operational Command, detained persons at specific sites where they tortured and beat detainees (see Sections 1.a. and 1.c.).

Government officials and security forces continued to use arbitrary arrest to harass and intimidate members of opposition parties and other critics of the Government.

On January 7, gendarmes in Limbe arrested and briefly detained 23 people who were looking at a flag hoisted by SCNC secessionists without pulling it down. Gendarmes retained the identity cards of 19, telling them to come back on January 10

to retrieve them. When they did so, the gendarmes photographed the individuals before releasing them with their identity cards.

On January 8 and 9, in Limbe, Southwest Province, the Government arrested a group of demonstrating members of the SCNC (see Section 2.b.). The Government released all of the detainees except Justice Frederick Ebong, Chief Ayumba, and James Sam Sabum, three of the group's leaders. The Government did not charge them with any crime, but it transferred them from Limbe to Buea and then to the underground Yaounde prison cells of the Secretariat of State for Defense, where they were awaiting trial on unspecified charges by the state security court at year's end. On May 9, the Buea High Court ruled against a motion for bail for the three SCNC leaders, stating the court lacked jurisdiction over the case.

On January 9, gendarmes of the Nkongsamba (Littoral Province) brigade arrested Sylvestre Tchakoutio, a political activist and member of the opposition Union of Cameroon Democratic Forces (UFDC), on unspecific charges. On January 12, three gendarmes searched his residence without a search warrant (see Section 1.f.). On January 18, during questioning by the brigade commander, Tchakoutio learned that an anonymous false report to the Government's senior divisional officer of Mungo Division claimed that Tchakoutio was hiring people to engage in operations to destabilize the Government. The gendarmes released Tchakoutio on January 30 when they found no evidence to support the accusations.

On January 27, security forces intervened in a student strike at the University of Douala (see Sections 1.c. and 2.b.). Several students, including one of the strike's leaders, Guy Simon Ngakam, were arrested and detained for 2 days.

The Government continued to harass and arrest a high-profile Douala political activist, Mboua Massok. On January 27, Douala police arrested Mboua Massok near the Douala University campus for his apparent support of the January 18 student strike (see Section 2.b.). The gendarmes released him without charge or trial on March 16. On April 11, members of the Douala gendarmerie again detained Massok for several hours regarding a human rights essay he published (see Section 2.a.).

On January 28, four gendarmes reportedly arrested and tortured customs inspector Vincent Nkengfua, who they suspected of kidnaping a child, and all the workers at Nkengfua's plantation in Mbanga, including a child (see Section 1.c.). In September Nkengfua filed a lawsuit against the gendarmes with the Mbanga High Court for abuse of power, arbitrary arrest and seizure of property, false evidence, calumny, and torture.

In March the Prefet (Senior Divisional Officer) of Bangangte, Nd Division, West Province, ordered the arrest of Catherine Yami and Roger Tankeu, respectively the SDF president for the Basssamba electoral district, and the SDF West provincial coordinator (see Section 2.b.). The two leaders had tried to prevent gendarmes from dispersing a meeting in the district.

On March 20, security forces raided the palace of Fon Omer Tawun, the traditional ruler of Chup, in Nkambe, Northwest Province, under the suspicion that he was storing illegal weapons (see Section 1.f.). Although security forces found no weapons or ammunitions, they arrested Fon Tawun, Moses Khan (treasurer of division), and Francis Adamu (second deputy town mayor). Security forces detained the three for 2 days in the town jail, then transferred them to the gendarmerie legion in Bamenda, where they questioned and released them.

On April 20, government security forces reportedly attacked the parish of Notre Dame de Sept Douleurs in Douala during a Mass. Security forces reportedly arrested some parishioners and beat others (see Sections 1.c. and 2.c.).

On April 21 and 22, security forces arrested and detained briefly hundreds of SCNC supporters and sympathizers in the towns of Kumba and Muyuka, Southwest Province. The arrests, ordered by the Southwest Province governor, were based on allegations that the SCNC was considering overthrowing the Province's officials.

On May 10, plainclothes policeman in Mamfe, Manyu Division, Southwest Province, arrested without warrants Mathias Takunchung Ebai, Daniel Akwo, John Enow, Tambong, and four other members of the SDF. The police transferred them to the gendarmerie legion in Buea, where gendarmes questioned them for 3 days concerning their support for the SCNC before releasing them on May 13.

On May 23, gendarmes at the NDOP brigade in the Northwest Province arrested and detained Mathew Titiahonjo, Nathaniel Ntam, John Nivame, and several others, and beat and tortured Titiahonjo and Nivame (see Section 1.c.). On September 14, Titiahonjo died in prison reportedly from torture; the Prime Minister released the remaining nine on October 31.

On May 23, police and gendarmes forcibly dispersed a demonstration by students of the University of Yaounde, in which students protested the poor road conditions that killed 14 persons in a May 17 bus accident (see Section 2.b.). Police arrested

approximately 50 students and severely beat several of them (see Section 1.c.). The students were released on May 25.

On the night of June 7, a police patrol from the Yaounde 8 police district arrested and beat Beatrice Elouga for failing to carry her national identity card (see Sections 1.c. and 2.d.).

On August 24, gendarmes released Bassy Okon Edet, a Nigerian fisherman, after a 7-day incarceration. Edet apparently was fishing in the Atlantic Ocean near the disputed Bakassi Peninsula when gendarmes in the region picked him up, permanently seizing his fishing boat, fishing nets, and clothes. Edet claims that the gendarmes blindfolded him, did not feed him, and forced him to do labor during his incarceration (see Section 6.c.); the fisherman claims that other Nigerians remain in the same detention camp.

In November the Prefet of Dschang arrested two union leaders allegedly because of an unsigned labor agreement (see Section 6.a.); ten others also were questioned. All 12 were released the next day.

On November 13, security forces forcibly dispersed a march by opposition SDF parliamentarians in Yaounde (see Sections 2.b. and 3). Security forces arrested several marchers, seized journalists' cameras (see Section 2.a.), and beat one journalist (see Section 1.c.).

Security forces harassed and occasionally detained journalists and beat demonstrators and members of human rights NGO's (see Sections 2.a. and 2.b.). For example, in late June, police commissioner Jean-Joel Ondo, from the central provincial judicial police, detained for 2 hours two journalists of the Douala-based French-language tri-weekly newspaper, La Nouvelle Expression. According to the journalists, the commissioner arrested them for chatting with two young women who were close to the commissioner. The commissioner also ordered the two women brought to the police station, where police beat one of them severely (see Section 1.c.).

Many of the public officials arrested in 1999 in the Government's high-profile but short-lived corruption crack-down still were awaiting trial at year's end. In September and October 1999, the Government arrested these officials, including former Minister of Posts and Telecommunications Monchipou Seidou, Ministry Budget Director Guillaume Yetna Hiobi, and Ministry Director of Production Philip Tarkang, on charges of corruption or embezzlement.

On March 3, political activist Sanda Oumarou was released from jail; he had been held without formal charges or judicial proceedings since July 1999.

In 1997 government security forces detained 13 former senior military officers of Equatorial Guinea who had been granted refugee status by the UNHCR and had lived in the country for 4 years. In 1998 these 13 officers, who were affiliated with an Equato-Guinean opposition party and included Alfonso Mba Nsogo, former head of the Equato-Guinean military, contested the Government's assertion that it had arrested them for their own protection. In August 10 of the 13 refugees from Equatorial Guinea detained at a military base since 1998 left for refugee resettlement in another country. Three refugees disappeared before they could depart (see Section 1.b.); however, they were believed to have returned voluntarily to Equatorial Guinea or to have established unofficial residence in the country.

Nana Koulagne, a former member of the National Assembly and UNDP activist, has remained in prison in Garoua since May 1997, when members of the security forces attacked and arrested him and other activists of the then-opposition UNDP while he was campaigning for election in the North Province. On July 17, after more than 3 years in detention, the Garoua Military Tribunal formally charged Koulagne with complicity in assassination, group looting, arson, and desecrating cadavers. On August 31, the Garoua Military Tribunal sentenced Koulange to 3 years in prison, counted as time served in detention. He was released on August 31. No members of the Lamido's traditional guard, who also were involved in the incident, were charged with a crime.

The Government continues to incarcerate illegally Nda Yinzi Ousmanou, Pierre Mbock, Jules Zoa, Ambadiang Adebada, and Michel Kamga. The Government arrested the five on April 30, 1996, on charges of aggravated theft, illegal possession of firearms, and forgery. Despite an October 1997 Douala court ruling of innocence and a court order to release the men, the Government refuses to let them out of prison. Nda Yinzi Ousmanou died on November 21, 1998, and the other four remain incarcerated.

Four Anglophones, Abel Achah Apong, Crispus Kennebie, John Kudi, and Zacque Njenta, have been detained in the Yaounde Central Prison since 1995, and a fifth, Etchu Wilson Arrey, since 1997. Each was incarcerated after signing or displaying a petition for a referendum on independence for the Anglophone provinces. At year's end, none of these detainees had been brought before a judge or charged with a crime.

Police and gendarmes often arrest persons on spurious charges on Fridays at midday or in the afternoon (see Section 1.c.). While the law provides for a judicial review of an arrest within 24 hours, the courts do not convene sessions on the weekend, so the detainee remains in prison at least until Monday. Police and gendarmes commonly accept bribes to make such "Friday arrests" from persons who have private grievances against the person arrested. There are no known cases of any policemen or gendarmes being sanctioned or punished for this practice.

Government intimidation extends beyond the police stations and holding cells. In efforts to combat highwaymen ("coupeurs de route"), Colonel Pom and his special antigang gendarmerie unit (see Section 1.a.) use informants to identify and accuse persons of taking part in highway robbery. Standards of proof for such accusations are nonexistent. Accusations occasionally have been used to pursue private grievances, and informants repeatedly have extorted money from innocent persons by threatening to accuse them of being bandits. The Douala Operational Command reportedly uses informants in a similar fashion. These informants often are former criminals or prison guards, and are used to target criminals who are then summarily executed (see Section 1.a.).

The Government does not use forced exile; however, some human rights monitors or political opponents who considered themselves threatened by the Government have left the country voluntarily and declared themselves to be in political exile.

On April 11, the traditional rulers of Ekondo-Titi, Southwest Province, acting under the authority of the Balondo Development Association (BACUDA), ordered the expulsion of Iyassa Anou, Joseph Regeant, Johnson Mambo Naseri, Mathew Ajong Awor, Christian Buma, Francisca Nyando, and James Okenye, for allegedly bewitching to death a resident of the town of Lobe; however, the order to expel the seven was not implemented by year's end. BACUDA was investigating the charges of alleged witchcraft at year's end.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary remains highly subject to political influence and corruption. The court system remains technically part of the executive branch, subordinate to the Ministry of Justice. The Constitution specifies that the President is the guarantor of the legal system's independence. He also appoints judges with the advice of the Supreme Council of the Magistrature. However, during the 1990's, elements of the judiciary began to show some modest signs of growing independence. Since 1997 the courts repeatedly have used powers given them under the 1996 press law to order the Ministry of Territorial Administration to desist from seizing print runs of newspapers critical of the Government. In 1999 an appeals court overturned a criminal libel conviction of journalists on the grounds that it violated 1990 legislation providing for freedom of the press (see Section 2.a.); however, some politically sensitive cases never are heard.

The court system includes the Supreme Court, a court of appeals in each of the 10 provinces, and courts of first instance in each of the country's 58 divisions.

Military tribunals may exercise jurisdiction over civilians not only when the President declares martial law, but also in cases involving civil unrest or organized armed violence. A law on the organization of the judiciary promulgated in 1998 also transferred to military tribunals jurisdiction over gang crimes, grand banditry, and highway robbery. The Government apparently interprets these guidelines quite broadly and sometimes uses military courts to try matters concerning dissident groups and political opponents.

The legal system includes both national law and customary law, and many cases can be tried using either. Customary law is based upon the traditions of the ethnic group predominant in the region and is adjudicated by traditional authorities of that group. Accordingly, particular points of customary law differ depending upon the region and the ethnic group where a case is being tried. In some areas, traditional courts reportedly have tried persons accused of some offenses, such as practicing witchcraft, by subjecting them to an ordeal, such as drinking poison (see Section 2.c.); however, there were no known incidents during the year. Customary courts may exercise jurisdiction only with the consent of both parties to a case; either party has the right to have any case heard by a national rather than a customary court, and customary law is supposed to be valid only when it is not "repugnant to natural justice, equity, and good conscience." However, many citizens in rural areas remain unaware of their rights under civil law and have been taught since birth that customary laws form the rules by which they must abide. Consequently, traditional courts remain important in rural areas and serve as an alternative for settling disputes. Their authority varies by region and ethnic group, but they often are the arbiters of property and domestic disputes and may serve a probate function as well. Most traditional courts permit appeal of their decisions to traditional authorities of higher rank.

Corruption and inefficiency in the courts remain serious problems. Justice frequently is delayed or denied before reaching the trial stage (see Section 1.d.). Political bias often brings trials to a halt or results in an extremely long process, punctuated by extended court recesses. Powerful political or business interests appear to enjoy virtual immunity from prosecution; some politically sensitive cases are settled with a payoff and thus never are heard. Private journalists, political opponents, and critics of the Government often are charged or held and sometimes jailed under libel statutes considered by observers as unduly restrictive of press freedom (see Section 2.a.). Prisoners may be detained indefinitely during pretrial proceedings.

The legal structure is influenced strongly by the French legal system, although in the Anglophone provinces certain aspects of the Anglo-Saxon tradition apply. The Constitution provides for a fair public hearing in which the defendant is presumed innocent. Because appointed attorneys receive little compensation, the quality of legal representation for indigent persons is often poor. The Bar Association and some voluntary organizations, such as the Cameroonian Association of Female Jurists, offer free assistance in some cases. Trials are normally public, except in cases with political overtones judged disruptive of social peace.

The Government holds a number of political prisoners; however, as in previous years, there were no reliable estimates of the number of political prisoners held at the end of the year.

In April 1999, the Government began the trial of the 65 surviving Anglophones who had been detained, some for more than 2 years, on suspicion of participating in armed attacks against government installations in the Northwest Province in March 1997. This judicial process did not follow either international or national legal norms. In October 1999, the military tribunal convicted 37 of the accused, sentencing 3 to life imprisonment and 34 to terms ranging from 1 to 20 years in prison. The tribunal acquitted 28 defendants, some of whom had been detained for 30 months, during which at least 8 of the persons originally arrested in this case died in custody, some of them as a result of torture inflicted on many of these detainees (see Section 1.c.). At year's end, 19 of the Anglophones convicted remained in prison in Yaounde; the other 18 were released following the completion of their sentences. On November 6, the Government released four Anglophones, Abel Achah Apong, Crispus Kennebie, John Kudi, and Zacque Njenta, who had been in the Yaounde Central Prison since 1995, and a fifth, Etchu Wilson Arrey, since 1997. Each was incarcerated after signing or displaying a petition for a referendum on independence for the Anglophone provinces. The tribunal declared itself incompetent to rule on two accused illegal Ghanaian immigrants, who remain incarcerated. International human rights NGO's, including Amnesty International, criticized the trial as unfair and protested the sentences.

Titus Edzoa, former Minister of Health and longtime presidential aide, who had declared himself a candidate to oppose incumbent President Biya in the 1997 election, remains incarcerated, together with Michel Atangana, his campaign manager. They were sentenced in 1997 to 15 years' imprisonment on embezzlement and corruption charges, for which Edzoa was arrested shortly after declaring his presidential candidacy (see Section 3). In 1999 the Yaounde Court of Appeals confirmed their convictions and their 15-year prison terms. At year's end, Edzoa reportedly still was held in confinement at the maximum security gendarmerie headquarters, in cramped quarters with very limited access to visitors.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The preamble of the Constitution provides for the inviolability of the home, for protection against search except by virtue of law, and for the privacy of all correspondence; however, these rights are subject to the "higher interests of the State," and there were a number of credible reports that police and gendarmes harassed citizens, conducted searches without warrants, and opened or seized mail. The Government continued to keep some opposition activists and dissidents under surveillance.

The law permits a police officer to enter a private home during daylight hours without a warrant if he is pursuing an inquiry and has reason to suspect that a crime has been committed. The officer must have a warrant to make such a search after dark. However, a police officer may enter a private home at any time in pursuit of a criminal observed committing a crime.

An administrative authority may authorize police to conduct neighborhood sweeps in search of suspected criminals or stolen or illegal goods without individual warrants. Such sweeps are conducted frequently. During the year, as in 1999, sweeps involving forced entry into homes occurred in Yaounde, Douala, Ekondo Titi, Maroua, and Kousser. An increase in crime during the year led to a dramatic increase in the number of such sweeps, called "kali-kali" or "raffles," in Douala and Yaounde. Government security forces also conducted neighborhood sweeps in Buea and Limbe. Typically, security forces seal off a neighborhood, systematically search

homes, arrest persons arbitrarily, and seize suspicious or illegal articles. There were credible reports that security forces used these sweeps as a pretext to loot homes and arbitrarily arrest persons for minor offenses, such as not possessing identity cards (see Sections 1.d. and 2.d.). In a June letter to government officials, the Catholic Archbishop of Douala stated that security forces arrested some parents during these operations, forcing them to leave babies or sick children alone at home.

In the past, Government administrative officials have used the armed forces to conduct tax raids on civilian communities; however, the Government reportedly did not conduct any such raids this year. In the past, the Government publicly has blamed opposition parties for its inability to collect internal revenues, but it did not repeat such accusations this year.

On January 12, three gendarmes of the Nkongsamba (Littoral Province) brigade searched the residence of Sylvestre Tchakoutio, a political activist, for guns without a search warrant. Tchakoutio had been arrested on January 9 (see Section 1.d.).

On March 20, security forces, under instructions from the senior divisional officer, raided the palace of Fon Omer Tawun, the traditional ruler of Chup, in Nkambe, Northwest Province, under the suspicion that he was storing illegal weapons. Eyewitness accounts reported that security forces violated sacred places in the palace during the search, including the "kwifon," which houses the traditional secret society of the village. Though security forces found no weapons or ammunitions, they arrested Fon Tawun, Moses Khan (treasurer of division), and Francis Adamu (second deputy town mayor) (see Section 1.d.).

On May 7, a police officer by the name of Bahiga shot and killed Laurent Abbe in Yaounde during an allegedly illegal search of Abbe's friend's residence (see Sections 1.a. and 1.d.).

In June in Ndop, Northwest Province, a gendarme who had lost his gun enlisted the support of his brigade to search for the weapon without a warrant. Press reports indicated the gendarmes ransacked homes and business, assaulting citizens in the process (see Section 1.c.).

Following the November 1999 destruction of the Kobba-Bonaberi neighborhood in Douala, some residents returned to the neighborhood in May and began to rebuild their homes. In June the authorities warned the returning residents to leave, or the Government would destroy their homes again. A few residents continue to maintain that they have valid permits to build homes.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression and of the press; however, the Government continued to impose limits on these rights. The Penal Code's libel laws specify that defamation, abuse, contempt and dissemination of false news are offenses punishable by prison terms and heavy fines. These statutes sometimes are invoked by the Government to silence criticism of the Government and government officials.

While approximately 60 private newspapers were published, only about 20 were published on a regular basis. Most continued to be highly critical of President Biya, and his Government, and reported on controversial issues, including corruption, human rights abuses, and economic policies. Since the Government's 1994-95 crackdown on the private press, most private journalists have begun to practice a higher degree of fact checking and thus have increased journalistic accuracy. Journalists continue to be critical of the Government; however, some journalists practiced self-censorship.

In 1996 the Government repealed the law that had authorized the Government both to censor private publications and extrajudicially to seize publications "dangerous to public order," or suspend newspapers' publication licenses. Previously, the Government often had taken these extrajudicial actions to inflict economic damage on newspapers critical of the Government and had done so often during election years.

Formal censorship ceased in 1997. Since 1998, the Government largely has ceased to interfere with private newspaper distribution or seize print runs of private newspapers; however, on May 10, the Prefet (Senior Divisional Officer) of Kumba, Meme Division, Southwest Province, signed an order to ban one issue of the Bamenda-based English-language publication Today in his district. The Prefet took the measure following an increase in the secessionist activities in the region, and increased reporting of such activities.

Security forces continued frequently to restrict press freedom by harassing or abusing private print media journalists.

The Government continued to harass and arrest the high-profile Douala political activist, Mboua Massok (see Section 2.b.). On April 11, members of the Douala gen-

darmerie detained Massok for several hours regarding a human rights essay he published (see Section 1.d.).

On April 15 and 16, a gendarme patrol detained Alex Lembe, a journalist with Afrik Netpress and formerly with Aurore Plus, a Douala-based, French-language weekly newspaper. The patrol had stopped Lembe and demanded his identity card. When the patrol commander realized he was a journalist, he insulted Lembe, beat him, and held him overnight (see Section 1.c.).

In late June, police commissioner Jean-Joel Ondo, from the central provincial judicial police, detained for 2 hours two journalists of the Douala-based French-language tri-weekly newspaper, La Nouvelle Expression (see Section 1.d.). According to the journalists, the commissioner arrested them for chatting with two young women who were close to the commissioner.

On September 15, members of the Operational Command unit arrested three employees of Le Messager in Douala and detained them at the Mboppi gendarmerie camp (see Section 1.d.). They were released the following day without charges.

On November 13, security forces forcibly dispersed a march by opposition SDF parliamentarians in Yaounde (see Sections 2.b. and 3). Security forces arrested several, seized journalists' cameras, and beat one journalist (see Sections 1.c. and 1.d.).

From March through May, the Government harassed some newspapers through fiscal means. On April 30, the Center Provincial Taxes Department sealed the office of the Yaounde-based French-language newspaper, L'Anecdote, demanding that the paper pay tax arrears of $280,000 (200 million CFA). According to one newspaper, the move was prompted by an article the paper had published in September 1999, accusing the wife of a senior official of the Ministry of Finance of involvement in the embezzlement scandal at the Ministry of Posts and Telecommunications, for which the Government later arrested her. On May 19, the Government sealed the offices of the Douala-based French-language publication Le Front Independent for one day due to non-payment of taxes estimated at $21,000 (15 million CFA) by the Littoral Province Office of Taxation. In early June, the Government again sealed the paper's offices, claiming that arrears had jumped to $57,000 (40 million CFA). The newspaper and the taxation office reportedly were negotiating a deal at year's end.

Since 1996 the Government frequently has prosecuted its critics in the print media under the criminal libel laws. These laws authorized the Government, at its discretion and at the request of the plaintiff, to criminalize a civil libel suit, or to initiate a criminal libel suit in cases of alleged libel against the President and other high government officials. There continued to be allegations that government ministers and other high officials offered to drop criminal libel suits in exchange for cash payments from newspapers or journalists. During the year, the Government arrested, prosecuted, or convicted four members of the press on criminal libel charges. However, this practice declined in frequency and severity from previous years, apparently due in part to greater fact checking on the part of journalists.

On April 3, the Bafoussam High Sentence Court sentenced Michel Eclador Pekoua, publisher of the Bafoussam-based French-language weekly newspaper Ouest Echoes to 6 months in jail and damages of $1150 (800,000 CFA) for libel in a suit brought by Blanche Penda Ekoka, an employee of the national hydrocarbon company (SNH). On July 14, 1999, Ouest Echoes published a leaflet on behalf of a group of SNH employees, denouncing unjust working conditions and blaming the SNH General Manager and Penda Ekoka, said to be his girlfriend. In August 1999, Penda Ekoka's lawyer and the instructing magistrate demanded that Pekoua disclose the names of those who had written the leaflet. Pekoua refused, and the Government charged and convicted Pekoua with defamation, abuse (insulting expressions), and false reporting. On May 2, after 30 days of detention in the Bafoussam Penitentiary, the judge granted provisional release to Pekoua, pending an appeal.

On April 12, security forces arrested Severin Tchounkeu, publisher of the Douala-based French-language tri-weekly La Nouvelle Expression, and newspaper journalists Edmond Kamguia and Alain Bengono, and detained them in the cells of the Secretariat of State for Defense for 3 days. The Government had filed a complaint against the paper for its March 31 "April Fool's" article that said that bandits attacked the gendarmerie station in Yaounde, seizing arms, and holding the gendarmes hostage. On April 14, the Government charged Tchounkeu and Bengono with "dissemination of false news" and released them pending trial. The Government did not file charges against Edmond Kamguia.

On July 19, a Douala court sentenced Daniel Atangana and Thierry Mbouza, two journalists of the Douala-based French-language biweekly Dikalo, to 6 months in prison. The publisher, Celestin Biake Difana, received a suspended 6-month prison term. The Douala court had convicted the journalists of defamation, false reporting, and the dissemination of false news charges, based upon Dikalo's 1998 publication of a memorandum written by members of the National Union of Road Transporters

(SNTR), denouncing the poor management of SNTR President Pierre Sime. Sime responded with a libel suit. The case was suspended and Dikalo was appealing previous judgments against the newspaper at year's end.

No new developments were reported in the following 1999 criminal libel cases: The February 1999 criminal libel conviction of SDF Party Chairman Fru Ndi and journalists Severin Tchounkeu and Henriette Ekwe; the June 1999 sentencing of Severin Tchounkeu and Souley Onohiolo for libel and dissemination of false news; and the June 1999 sentencing of Anselme Mballa for criminal libel.

The Government publishes an official newspaper, The Cameroon Tribune. This paper occasionally implies criticism of the Government; however, its reporters do not report extensively on activities or political parties critical of the Government, overtly criticize the ruling party, or portray government programs in an unfavorable light.

Despite the large number of newspapers in the country, the influence of the print media on the average person is minimal. Circulation is low, distribution is problematic outside of Yaounde and Douala, and prices are high. Print media reaches only a tiny percentage of the population, most notably the urban elite. The Cameroon Tribune has a print run of only about 5,000; the four most important opposition papers Dikalo, Le Messager, Mutations, and Nouvelle Expression, have print runs of between 5,000 and 10,000 each.

Radio remains the most important medium for reaching most citizens. There are approximately 2 million radios in the country. Television is less pervasive but is still more influential than the print media. There are an estimated 300,000 to 400,000 television sets in the country, and viewership is high, since many persons watch television in extended family groups or together in commercial establishments.

On April 3, the Government issued a decree that implements the 1990 law liberalizing the broadcast media and sets out the conditions and procedures for establishing independent radio and television stations. Rural radio stations must submit an application to broadcast but are exempt from fees. Potential commercial radio and television broadcasters must submit a licensing application and pay a fee when the application is approved. The annual licensing fees stipulated in the decree potentially are prohibitive: $15,600 (10 million CFA) for radio broadcasters, $73,000 (50 million CFA) for local television stations, and $146,000 (100 million CFA) for national television stations. Nonetheless, the Ministry of Communication received more than a hundred applications from potential broadcasters.

Five Yaounde-based private radio stations that previously had been broadcasting illegally submitted applications and paid an interim fee of $727 (500,000 CFA). The Government authorized them to continue broadcasting, pending final approval of their application and subsequent payment of the full licensing fee. Of these stations, two are religious: The Pentecostal "Radio Bonne Nouvelle" and "Radio Reine," which is managed by a Catholic priest, though not officially sponsored by the Catholic Church. Two others are affiliated with private non-accredited academic institutions: NDI Samba University's "Radio Lumiere" and the Siantou University's "Radio Siantou." The fifth station is "Radio Venus," which plays only music. A small number of radio stations that had been broadcasting illegally including "Radio Soleil," which broadcasts from the Muslim quarter of Yaounde, did not apply for licenses, claiming the fees are too high. The Government has not yet acted against these operators.

The state-owned Cameroon Radio and Television (CRTV) broadcasts on both television and radio and is currently the only officially-recognized and fully-licensed broadcaster in the country. The Government levies taxes on all registered taxpayers to finance CRTV programming, giving it a distinct advantage over newly-competing independent broadcasters.

There are several low-power, rural community radio stations mostly funded by foreign countries, with extremely limited range, which broadcast educational programs to small audiences but are not allowed to discuss politics. In addition this year's decree allows for broadcasting of foreign news services but requires them to form a partnership with a national station. Radio France International and the British Broadcasting Corporation (BBC) have announced their intention to work with CRTV and hope to begin broadcasting in 2001.

During the year, the Government continued to allow the reception of international cable and satellite television broadcasts (see Section 1.f.).

Like the Cameroon Tribune, CRTV provides broad reporting of CPDM functions, while giving relatively little attention to the political opposition. CRTV management, which in the past repeatedly has instructed CRTV staff to ensure the Government views prevail at all times in CRTV broadcasts, continued during the year to punish CRTV journalists who criticized government policy. In late May, CRTV censored a program concerning the Douala Operational Command, the security unit instituted to fight Douala city crime. CRTV had started broadcasting the program,

including portions that reported public allegations of arbitrary arrests, torture, and extortion. The Government censored the second part of the program before it was broadcast, allegedly because the first part had caused some embarrassment to the military hierarchy and the Government. In November CRTV suspended two journalists for broadcasting a program that criticized members of the ruling party for their lifestyles.

CRTV television and radio programming include a weekly program, Expression Directe, which ostensibly fulfills the Government's legal obligation to provide an opportunity for all political parties represented in the National Assembly to present their views. However, CRTV continued to restrict the opposition SDF party's freedom of expression through that program, occasionally censoring and significantly shortening proposed SDF programming. For example, on March 9 and 22, the General Manager of CRTV censored SDF submissions, arguing that the content of the programs violated provisions of the law. Both CRTV and the SDF appealed to the National Council on Communication, the regulatory organ for communication, for support. There was no report of a ruling or decision by the National Council on Communication by year's end.

High-tech communications, including the Internet, e-mail, and satellite phones, are not available or utilized widely; however, a few cybercafes provide occasional Internet or e-mail access in some urban areas. There are at least six domestic Internet service providers, one of which has been in operation for 3 years. Some are privately owned. The Government has not attempted to restrict or monitor these forms of communications.

Although there are no legal restrictions on academic freedom, state security informants operate on university campuses. Many professors believe that adherence to opposition political parties can affect adversely their professional opportunities and advancement. Free political discussion at the University of Yaounde is dampened by the presence of armed government security forces. Security forces subjected Dr. Charley Mejame Ejede, a professor of philosophy at the University of Douala who is also national secretary of the Liberal Democratic Alliance political party, to prolonged harassment, presumably due to his political activism in previous years; however, there were no reports of such harassment during the year. Security forces forcibly dispersed some student protests during the year (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly; however, the Government restricts this right in practice. The law requires organizers of public meetings, demonstrations, or processions to notify government officials in advance; it does not require prior government approval of public assemblies, and does not authorize the Government to suppress public assemblies that it has not approved in advance. However, for many years government officials routinely have asserted that this provision of the Penal Code implicitly authorizes the Government to grant or deny permission to public assemblies, often have not granted permits to assemblies organized by persons or groups critical of the Government, and repeatedly have used force to suppress public assemblies whose organizers submitted advance notice as required by law but for which government authorities did not issue permits. The Government continued to allow opposition political parties greater freedom of assembly.

In early January, two administrative orders banned all political activities in Buea and Limbe, Fako Division, Southwest Province, following a series of secessionist activities in December 1999. On January 8 and 9, in Limbe, Southwest Province, the Government arrested several demonstrating members of the SCNC, including the rally's leader Justice Frederick Ebong and two of his associates (see Section 1.d.). Approximately 25 SCNC members marched and raised the flag of the "Federal Republic of the Southern Cameroons." The march followed the December 1999 announcement by the SCNC that proclaimed the independence of two southern provinces.

On January 27, security forces intervened in a student strike at the University of Douala. The students went on strike on January 18 to demand changes at the university. The police used water cannons and nightsticks on the students, and beat several students severely (see Section 1.c.). Police also arrested several students and detained them for 2 days (see Section 1.d.). Political activist Mboua Massok also was arrested near the campus for his apparent support of the strike (see Section 1.d.).

In early March, the Prefet (Senior Divisional Officer) of Bangangte, Nd Division, West Province, ordered the arrest of Catherine Yami and Roger Tankeu, respectively the SDF president for the Basssamba electoral district, and the SDF West provincial coordinator (see Section 1.d.). The two leaders had tried to prevent gendarmes from dispersing a duly declared meeting in the district.

On March 30, Pierre Minlo, the Delegate General for National Security (DGSN) in Yaounde, banned three peaceful marches by the Union of Cameroon Democratic

Forces (UFDC), an opposition party. The UFDC wanted to protest against growing crime in Yaounde and had declared to the sub-divisional officers (sous-prefets) in the three affected neighborhoods their intent to march. In his communique, the DGSN stated that the UFDC had no right to march because it was not represented at the National Assembly, a requirement which does not exist in any of the laws regulating public meetings and processions.

On March 30, the Government banned a press conference by five SDF mayors in Douala suburbs, and police officers from the Douala First Police District barred entry to journalists and participants. According to the commissioner leading the squad, authorities banned the conference because they feared it might disturb public order; the commissioner made this deduction because the mayors allegedly refused to disclose what they planned to say at the press conference.

On May 23, police and gendarmes forcibly dispersed a demonstration by students of the University of Yaounde, in which students protested the poor road conditions that killed 14 persons in a May 17 bus accident. Police arrested approximately 50 students and severely beat several of them (see Sections 1.c. and 1.d.).

On November 13, security forces forcibly dispersed a march by opposition SDF parliamentarians in Yaounde. The Governor of the Center Province had banned the march on November 7. The parliamentarians marched to highlight the need for an independent electoral commission (see Section 3). Security forces arrested several marchers, seized journalists' cameras and beat one journalist (see Sections 1.c. and 2.a.). On November 24 in Yaounde, security forces dispersed a similar protest by several dozen SDF parliamentarians; the SDF did not seek Government approval for the march as required under the law. No arrests were made.

The law provides for freedom of association, and the Government generally respected this right in practice during the year, although there were some exceptions. The conditions for government recognition of a political party, a prerequisite for many political activities, were not onerous. Over 150 political parties operated legally, together with a large and growing number of civic associations. However, in past years, the Government has been suspected widely of fomenting splits in the main opposition party, the SDF. Some members of the SCNC claim that the Government encourages splits within the organization as a way of undercutting the group's secessionist message.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

Relations between the State and religious groups are governed chiefly by the Law on Religious Congregations. Religious groups must be approved and registered with the Ministry of Territorial Administration in order to function legally; there were no reports that the Government refused to register any group. It is illegal for a religious group to operate without official recognition, but the law prescribes no specific penalties for doing so. Although official recognition confers no general tax benefits, it allows religious groups to receive real estate as gifts and legacies for the conduct of their activities. In order to register, a religious denomination must fulfill the legal requirement to qualify as a religious congregation. This definition includes "any group of natural persons or corporate bodies whose vocation is divine worship" or "any group of persons living in community in accordance with a religious doctrine." The denomination then submits a file to the Minister of Territorial Administration. The file must include a request for authorization, a copy of the charter of the group that describes planned activities, and the names and respective functions of the officials of the group. The Minister studies the file and sends it to the presidency with a recommendation for a positive or negative decision. The President generally follows the recommendation of the Minister, and authorization is granted by a presidential decree. The approval process usually takes several years, due primarily to administrative slowness. The only religious groups known to be registered are Christian and Muslim groups and the Baha'i Faith, but other groups may be registered. The Ministry has not disclosed the number of registered denominations, but the number of registered religious groups is estimated to be in the dozens. The Government does not register traditional religious groups, on the grounds that the practice of traditional religions is not public but rather private to members of a particular ethnic or kinship group, or to the residents of a particular locality.

The sites and personnel of religious institutions were not exempt from the widespread human rights abuses committed by government security forces. On April 20, government security forces reportedly attacked the parish of Notre Dame de Sept Douleurs in Douala during a Mass. Security forces reportedly arrested some parishioners and beat others (see Sections 1.c. and 1.d.). On April 24, the Ministry of National Education announced the suspension of two teachers of the Bertoua technical high school. The two teachers were accused of having "enticed" some of their students into their religious group.

In January 1998, an undisclosed number of personnel of the 21st Navy Battalion, allegedly broke into a church in Douala, beat and stabbed the priest and several youths, raped young women, and stole funds. On February 22, the Douala Military Tribunal convicted the personnel of breach of orders causing bodily harm and destruction. The tribunal sentenced them to 1-year imprisonment with no possibility of remission.

Disputes within registered religious groups about control of places of worship, schools, real estate, or financial assets are resolved in the first instance by the executive branch rather than by the judiciary.

Government officials criticized and questioned criticisms of the Government by religious institutions and leaders, but there were no reports that Government officials used force to suppress such criticism.

The practice of witchcraft is a criminal offense under the national penal code; however, persons generally are prosecuted for this offense only in conjunction with some other offense, such as murder. Witchcraft traditionally has been a common explanation for diseases of which the causes were unknown.

There was a media report that in September 1999 traditional authorities in Lobe, in Ndian Division of the Southwest Province, banished from the locality six persons, including one blind man, accused of having killed a woman by practicing witchcraft. According to the report, a traditional court tried the accused by requiring them to drink poison that traditionally is believed to kill only those who lie to the court, convicted the accused when they refused to drink, ordered them to pay inkind, bloodprice damages, and expelled them from the locality when they refused to pay. The accused reportedly filed a protest with the divisional officer of the central Government; however, initial investigations could not confirm this report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law does not restrict freedom of movement within the country; however, in practice government security forces routinely impede domestic travel. Police frequently stop travelers to check identification documents, vehicle registrations, and tax receipts as security and immigration control measures. Police commonly demand bribes from citizens whom they stop at roadblocks or at other points.

Roadblocks and checkpoints manned by security forces have proliferated in cities and most highways and make road travel both time-consuming and costly, since extortion of small bribes is commonplace at these checkpoints. In past years, violent and sometimes fatal confrontations have occurred repeatedly at such checkpoints when travelers would not or could not pay the bribes demanded by the security forces.

There were credible reports that police arrested and beat individuals who failed to carry their identification cards (see Sections 1.c., 1.d., and 1.f.).

The law contains provisions for granting refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The country has long been a safe haven for displaced persons and refugees from nearby countries. The Government provides first asylum to persons who arrive at the border without documentation but who can show a valid claim to refugee status. The UNHCR estimated that there were about 47,000 refugees in the country for whom Cameroon was a country of first asylum. However, some NGO's claim that the number is as high as 60,000. The majority of these persons are Chadians, whose total number was estimated to be more than 41,000. In May 1999, the UNHCR began a repatriation program for Chadian refugees. The remaining refugees principally were from Rwanda, Burundi, and the Democratic Republic of the Congo, with small numbers from Liberia, Sudan, and Ethiopia. The Government accepts for resettlement refugees who are granted refugee status by the UNHCR.

In 1997 government security forces detained 13 former senior military officers of Equatorial Guinea who had been granted refugee status by the UNHCR and had lived in the country for 4 years (see Section 1.d.). In August 10 of the 13 refugees from Equatorial Guinea detained at a military base since 1998 left for refugee resettlement in another country. Three refugees disappeared before they could depart (see Section 1.b.); however, they were believed to have returned voluntarily to Equatorial Guinea or to have established unofficial residence in the country.

Some illegal immigrants have been subjected to harsh treatment and imprisonment. In August Bassy Okon Edet, a Nigerian fisherman released after 7 days of incarceration by gendarmes (see Section 1.d.), claimed that security forces continue to hold other Nigerians for fishing in waters close to the disputed Bakassi Peninsula. Communities of Nigerians and Chadians often have been the targets of police and gendarme harassment. During raids, members of the security forces often extort

money from those who do not have regular residence permits or those who do not have valid receipts for store merchandise (see Section 5).

There were no confirmed reports of the forced return of persons to a country where they feared persecution. Although the Government occasionally returns illegal immigrants, there were no reports of forced repatriation of recognized refugees.

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

The Constitution provides that citizens have the right to change their government, but dominance of the political process by the President and his party limits the ability of citizens to exercise this right. President Paul Biya has controlled the Government since 1982 and the ruling party since 1985. The 1992 and 1997 presidential elections and the 1997 legislative contests were criticized widely and viewed as fraudulent by international and domestic observers. In these elections, which were administered by the Ministry of Territorial Administration, members of largely pro-opposition ethnic groups and inhabitants of largely pro-opposition localities effectively were prevented from registering or voting, registration and vote counting procedures were not transparent, a public announcement of results was delayed, and the number of votes cast in some progovernment areas exceeded the adult population.

Elections are held by balloting that officially is described as secret but may permit voters to leave the polling place with evidence of how they voted. At polling places on election day, registered citizens receive a package containing one card for each candidate. While alone inside a closed booth, citizens choose a ballot and seal it into an envelope. Citizens then exit the booth and vote by depositing the sealed envelope into a ballot box. Polling officials are supposed to provide a method by which voters can dispose of the unused ballots privately before exiting the closed booth, but this rarely was done in the 1996 or 1997 elections.

Following the flawed 1997 legislative elections, international observers endorsed a series of reform measures, including the creation of a permanent and autonomous electoral commission to replace the present system of elections run by the Ministry of Territorial Administration. The Government's control of the electoral process leads to a variety of abuses including preelection manipulation of voter registration lists.

President Biya's October 1997 reelection was marred by serious procedural flaws as well as by a boycott by the three major opposition parties. While the boycott made the outcome a foregone conclusion, most observers nonetheless considered the contest to be neither free nor fair. Election irregularities especially were egregious in opposition strongholds, where boycotting opposition activists chose not to be present to monitor the voting count.

In December 1997, after the Supreme Court announced the official election results declaring President Biya the winner with 92.57 percent of the vote, the UNDP, which previously had been an opposition party, joined the CPDM in a coalition government. The new ruling coalition also included a faction of the UPC party, which was not the same faction that had participated in previous CPDM-dominated coalition governments under President Biya.

In 1998 talks between the ruling CPDM party and the leading opposition party, the SDF, broke down over the issue of creating an independent electoral commission, as recommended by most international observers of the 1992 and 1997 Presidential elections. The SDF demanded such a commission but the CPDM initially refused to grant this demand; however, on December 13, the National Assembly passed legislation to create a National Election Observatory (NEO) to monitor all stages of the electoral process; however, the legislation was not implemented by year's end.

The Biya administration has proven particularly intolerant of opposition from within its Beti/Bulu ethnic-regional base in the Center Province. Following the unexpectedly strong showing of opposition parties in the region in the 1996 municipal elections, Titus Edzoa, a ruling CPDM member from the southern part of the country, a former Minister of Health, and a longtime presidential aide, declared himself a candidate to oppose incumbent President Biya in the October 1997 election. Edzoa and his campaign manager were arrested shortly after he declared his candidacy and before the election was held. They were sentenced to 15 years' imprisonment on embezzlement and corruption charges and remained incarcerated at year's end (see Section 1.e.).

The President's control over the country's administrative apparatus is extensive. The President appoints all Ministers, including the Prime Minister, who serve at the President's pleasure. The President also directly appoints the governors of each of the 10 provinces. The governors wield considerable power in the electoral process,

interpreting the laws and determining how these should be implemented. The President also has the power to appoint important lower level members of the 58 provincial administrative structures, including the senior divisional officers, the divisional officers, and the district chiefs. The governors and senior divisional officers wield considerable authority within the areas under their jurisdiction, including, significantly, the authority to ban political meetings that they deem likely to threaten public order. They also may detain persons for renewable periods of 15 days to combat banditry and other security threats.

The 1996 amendments to the 1972 Constitution retained a strongly centralized system of power, based on presidential authority. However, the amendments imposed a limit of two 7-year (in place of unlimited 5-year) terms on the President. They provided for the creation of a partially elected (70 percent) and partially appointed (30 percent) senate, along with the creation of a similarly constituted set of provincial assemblies with limited power over local affairs. Although promulgated by the President in January 1996, the senate and regional council amendments have not yet been implemented.

Citizens' right to choose their local governments remained circumscribed. In 1996 the Government held local government elections that were unprecedented in the Francophone region and the first such elections since the 1960's in the Anglophone region. These elections were for mayors or deputy mayors and council members in Douala, Yaounde, provincial capitals, and some division capitals. President Biya first promised such elections in 1992, but postponed them twice. In the meantime, the Government greatly increased the number of municipalities run by presidentially-appointed delegates, who have authority over elected mayors. Delegate-run cities, of which there were only four in 1992, by 1996 included most of the provincial capitals and some division capitals in pro-opposition provinces, but not in the southern provinces that had tended to support the CPDM. In 1998 a 60member Committee on Good Governance, created by the Government, publicly recommended that the Government eliminate the position of delegate in order to allow elected local officials to manage municipal governments more freely. Even in municipalities with elected mayors, local autonomy is limited, since elected local governments must rely on the central Government for most of their revenues and their administrative personnel.

Like the 1992 National Assembly elections, the 1996 municipal elections were less flawed than other elections held since 1990. Foreign observers considered the elections largely free and fair, having detected few instances of malfeasance during or after the voting; however, opposition parties credibly alleged systematic preelection government manipulation of the registration lists and arbitrary government disqualification of their candidates, especially in the south. Government election authorities acknowledged that opposition candidates won 104 of the 336 offices at stake. Ninety-six contests in which the Government declared the ruling party candidate the winner were appealed to the Supreme Court, which declared itself unqualified to adjudicate many of these complaints, but nullified the results of 18 elections, which it ordered the Government to hold again. As of year's end, the Government had not complied with any of these Supreme Court orders.

There were no new developments in the 1999 criminalized civil libel case against SDF Party Chairman John Fru Ndi by a disgruntled former SDF official. Fru Ndi's February 1999 felony conviction still is pending an appeal in the Yaounde High Court. Some observers believe that Fru Ndi's conviction might enable the Government in the future to disqualify him for any public office for which he may seek to run.

Women are underrepresented in government and politics. There are no laws that specifically prohibit women or members of minorities from participating in government, in the political process, or in other areas of public life. Women hold 4 of 50 cabinet posts, 10 of 180 seats in the National Assembly, and few of the higher offices of major political parties, including the CPDM.

Many of the key members of the Government are drawn from the President's own Bulu/Beti ethnic group, as are disproportionately large numbers of military officers and CPDM officials. Members of some of the other 200 ethnic groups hold 30 cabinet seats, compared with 18 cabinet positions held by members of the President's ethnic group.

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

Domestic and international human rights monitoring groups generally have considerable latitude to operate. A large number of independent human rights monitoring groups exist, although the activities of virtually all are limited by a shortage of funds and trained personnel. The Government did not formally prevent human

rights monitors from operating. In the past, the Government used its authority to approve or withhold official recognition of NGO's, but there have been no recent cases in which such recognition was withheld. However, Government officials repeatedly impeded the effectiveness of human rights NGO's by limiting access to prisoners, by refusing to share information, and increasingly by threatening and using violence against personnel of human rights NGO's (see Sections 1.c. and 1.d.).

Domestic human rights NGO's include the National League for Human Rights, the Organization for Human Rights and Freedoms, the Association of Women Against Violence, the Cameroonian Association of Female Jurists, the Cameroonian Association for Children's Rights, Conscience Africaine, the Movement for the Defense of Human Rights and Liberties (MDHRL), the Human Rights Defense Group, the National Association of Nontribalists and Nonracists, the Committee of Action for Women's and Children's Rights (CADEF), the Human Rights Clinic and Education Center, the Association of Women against Violence, the Cameroon National Association for Family Welfare (CAMNAFAW), Tribes Without Frontiers (TSF), the Association for the Promotion of Communal Initiatives, and the League for Rights and Freedoms (LDL). A number of these groups issued press releases or reports detailing specific human rights violations. Many held seminars and workshops on various aspects of human rights.

In 1999 the Government generally cooperated with the U.N. Special Rapporteur for Human Rights on a visit to the Far North Province, but Colonel Pom's special antigang gendarmerie unit denied him access to its holding cells (see Section 1.c.). In 1999 the Government allowed the ICRC, for the first time in 7 years, to generally have unrestricted access to all prisons and detention places and to hold private discussions with inmates.

The governmental NCHRF, although hampered by a shortage of funds, conducted a number of investigations into human rights abuses, visited prisons, and organized several human rights seminars aimed at judicial officials, security personnel, and other government officers. Although the Commission infrequently condemned the Government's human rights abuses publicly, its staff intervened with government officials in specific cases of human rights harassment by security forces, attempted to stop Friday arrests (see Section 1.d.), and attempted to obtain medical attention for jailed suspects in specific cases. The law prohibits the NCHRF from publishing information on specific human rights cases. However, it may and does submit reports on specific alleged abuses to the government authorities directly involved, along with recommendations for improving conditions or punishing violators. During the year, the NCHRF sent teams to Douala to investigative allegations of extrajudicial killings by the Operational Command (see Section 1.a.). Although the Commissioner sent two reports to the President and the Prime Minister, there are no plans to release the reports publicly.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution does not explicitly forbid discrimination based on race, language, or social status. The Constitution prohibits discrimination based on sex and mandates that "everyone has equal rights and obligations," but the Government does not enforce these constitutional provisions effectively.

Women.—Violence against women remains high. Women's rights advocates report that the law does not impose effective penalties against men who commit acts of domestic violence. There are no genderspecific assault laws, despite the fact that women are the predominant victims of domestic violence. Spousal abuse is not a legal ground for divorce. In cases of sexual assault, a victim's family or village often imposes direct, summary punishment on the suspected perpetrator through extralegal means ranging from destruction of property to beating. While there are no reliable statistics on violence against women, the large number of newspaper reports, which observers believer are a fraction of actual incidents indicates that it is widespread.

Despite constitutional provisions recognizing women's rights, women do not, in fact, enjoy the same rights and privileges as men. Civil law theoretically provides equal status and rights for men and women; however, no legal definition of discrimination exists, and some points of civil law are prejudicial to women. The 1981 Civil Code allows a husband to oppose his wife's right to work in a separate profession if the protest is made in the interest of the household and the family. While the law gives a woman the freedom to organize her own business, the Commercial Code allows a husband to end his wife's commercial activity by notifying the clerk of the commerce tribunal of his opposition based upon the family's interest. Partly for this reason, some employers require a husband's permission before they hire a woman. Polygyny is permitted by law and tradition, but polyandry is not. In cases of divorce,

the husband's wishes determine the custody of children over the age of 6. While a man may be convicted of adultery only if the sexual act takes place in his home, a female may be convicted without respect to venue.

Civil law offers a more equal standard than customary law, which is far more discriminatory against women, since in many regions a woman customarily is regarded as the property of her husband. Because of the importance attached to customs and traditions, laws protecting women often are not respected. Despite the law that fixes a minimum age of 15 years for a bride, many girls are married off by their families by the age of 12. In the customary law of some ethnic groups, husbands not only maintain complete control over family property, but also can divorce their wives in a traditional court without being required to provide either verifiable justification or alimony. Traditional law normally governs the extent to which a woman may inherit from her husband in the absence of a will, and customs vary from group to group. In many traditional societies, custom grants greater authority and benefits to male than to female heirs. Another problem facing women is forced marriage; in some regions, girls' parents can and do give them away in marriage without their consent. Often, the husband, who is sometimes many years older than the girl, pays a bride's parents a "bride price." Since a price has been paid, the girl is considered the property of the husband. When a married man dies, his widow often is unable to collect any inheritance, since she herself is considered part of the man's property. Often the widow is forced to marry one of the deceased's brothers. Refusal means that she must repay the bride price in full (she usually has no source of funds) and leave the family property. In the northern provinces, some Lamibe (traditional rulers) reportedly prevent their wives and concubines from leaving their palaces. The lack of a national legal code covering the family leaves women defenseless against male-oriented customs.

Children.—The Constitution provides for a child's right to education, and schooling is mandatory through the age of 14. After almost a decade of budget cuts for education, the Government took measures during the year to improve access to schools. In February President Biya announced the elimination of tuition fees for public elementary schools. In June the National Assembly passed a budget bill that increased spending on national education by 49 percent. Nonetheless, education spending during the 1999/2000 fiscal year was only approximately 2 percent of GDP. Since parents must pay uniform and book fees for primary school, and because tuition and other fees for secondary education remain even more costly, education remains unaffordable for many children. According to 1998 Government statistics, approximately 3.5 million children, about 81 percent of all children, were enrolled in school. In practice although not in law, girls suffer from discrimination in access to education. The gap in school attendance rates between boys and girls is 9 percent nationally and 14 percent in the three northern provinces. This problem, which is especially acute in rural areas, results in higher levels of illiteracy among women than among men. According to a 1995 study by a U.N. agency, the adult literacy rate was 75 percent for men but only 52 percent for women. In addition fewer girls are found at higher levels of education; according to a 1992 study by the Ministry of Women's Affairs, women made up only 23 percent of postsecondary students.

While the Government has closed unlicensed primary and secondary schools in the past, there were no reports of such closings this year.

Female genital mutilation (FGM), which has been condemned by international health experts as damaging to both physical and psychological health, is not practiced widely, but it is traditional and continues to be practiced in some areas of Far North and Southwest Provinces. It includes the most severe form of the abuse, infibulation, and usually is practiced on preadolescent girls. The Government has criticized the practice; however, no law prohibits FGM.

The degree of familial child abuse is not known but is one of several targeted problems of children's rights organizations. During a crime wave in the country's largest cities of Yaounde and Douala, newspaper reports often cited children as victims of kidnapping, mutilation, and even infanticide. There were several credible stories of mothers (usually young, unemployed, and unmarried) abandoning newborns in streets, garbage cans, and pit toilets. The Yaounde-based Center for Helpless Children, created by the Minister of Social Affairs in 1997, currently harbors 24 abandoned or abused children, only a fraction of the suspected cases of abuse, abandonment, or neglect.

Reports also indicate an alarming trend in the country's prisons of incarcerating juvenile offenders with adult prisoners, occasionally in the same cells or wards (see Section 1.c.). There are credible reports of sexual abuse of juvenile prisoners by adult inmates. The law specifies that children should not be detained without trial beyond 3 months after an investigation, but the Government detains children for longer periods of time. In June press sources indicated that between 34 and 38 chil-

dren are detained in the Douala New Bell Prison. Some children (particularly infants) are jailed with their detained mothers.

There were reports of forced child labor, child prostitution, and trafficking in children during the year (see Sections 6.c., 6.d., and 6.f.).

People with Disabilities.—A 1983 law and subsequent implementing legislation provide certain rights for persons with disabilities. These include access to public institutions, medical treatment, and education. The Government is obliged to bear part of a disabled person's educational expenses, to employ disabled persons where possible, and, as necessary, to provide them with public assistance. However, these rights in fact rarely are respected. There are few facilities for disabled persons and little public assistance of any kind. Lack of facilities and care for the mentally disabled is particularly acute. In recent years, the Government reportedly has reduced the share of its expenditures that benefit disabled persons and has terminated subsidies to NGO's that help disabled persons. Society tends to treat the disabled as tainted, leaving churches or foreign NGO's responsible for providing assistance. However, there is no widespread societal discrimination against the disabled. The law does not mandate special access provisions to buildings and facilities for the disabled.

Indigenous People.—A population of perhaps 50,000 to 100,000 Baka (Pygmies), a term that encompasses several different ethnic groups, primarily reside in the forested areas of the South and East provinces, of which Pygmies were the earliest known inhabitants. While no legal discrimination exists, other groups often treat Pygmies as inferior and sometimes subject them to unfair and exploitative labor practices. There have been credible reports of Pygmies being forced out of their homes by logging companies and security forces. There continued to be reports that Pygmies complain that the forests they inhabit are being logged without fair recompense for the negative consequences suffered by the Pygmies of the region. Some observers believe that sustained logging is destroying the Pygmies' unique, forest-oriented belief system, forcing them to adapt their traditional social and economic systems into a more rigid modern society similar to their Bantu neighbors. Some local activists also criticized possible effects from the Chad-Cameroon pipeline on nearby pygmy settlements.

Religious Minorities.—Approximately 40 percent of the population are at least nominally Christian, about 20 percent are at least nominally Muslim, and about 40 percent practice traditional indigenous religions or no religion. Of Christians, approximately half are Catholics, and about half are affiliated with Protestant denominations. Christians are concentrated chiefly in the southern and western provinces; the two Anglophone provinces of the western region largely are Protestant; and the Francophone provinces of the southern and western regions largely are Catholic. Muslims are concentrated mainly in the northern provinces, where the locally dominant Fulani (or Peuhl) ethnic group is overwhelmingly Muslim, and other ethnic groups, known collectively as the Kirdi, generally are partly Islamicized. The Bamoun ethnic group of the western provinces is also largely Muslim. Traditional indigenous religions are practiced in rural areas throughout the country but rarely are practiced publicly in cities, in part because many such religions are intrinsically local in character.

Relations among different religious groups generally are amicable; however, some religious groups face societal pressures within their regions. In the northern provinces, especially in rural areas, societal discrimination by Muslims against persons who practice traditional indigenous religions is strong and widespread. Some Christians in rural areas of the north complain of discrimination by Muslims, but this reported discrimination may reflect ethnic as much as religious differences. The northern region suffers from ethnic tensions between the Fulani, a Muslim group that conquered most of the region 200 years ago, and the Kirdi, the descendents of groups that practiced traditional indigenous religions and whom the Fulani conquered or displaced, justifying their conquest on religious grounds. Although some Kirdi subsequently have adopted Islam, the Kirdi remain socially, educationally, and economically disadvantaged relative to the Fulani in the three northern provinces. The slavery still practiced in parts of the north is reported to be largely enslavement of Kirdi by Fulani (see Section 6.c.).

In the past, there have been occasional reports of isolated conflict between Christians and practitioners of traditional indigenous religions; however, no specific incidents or violence stemming from religious discrimination were reported this year.

National/Racial/Ethnic Minorities.—The population is divided into more than 200 ethnic groups, among which there are frequent and credible allegations of discrimination. Members of virtually all ethnic groups commonly provide preferential treatment to fellow members when they are able to do so. Ethnic-regional differences continue to pose obstacles to political and economic liberalization.

Members of President Biya's Bulu ethnic group and of closely related Beti groups of southern parts of the country are represented disproportionately and hold key positions in government, the civil service, state-owned businesses, the security forces, the military, and the ruling CPDM party. The large size and centralized character of the public sector has long been perceived widely to favor these groups. Prospective economic and political liberalization is widely perceived as being likely to harm these groups, and to favor other groups, such as the large Bamileke and Anglophone ethnic-cultural groups of the west, whose members tend to be more active in private commerce and industry and have tended to support the SDF since the legalization of opposition parties. Since 1990 natives of the two Anglophone provinces, the Northwest and Southwest Provinces, have suffered disproportionately from human rights violations committed by the Government and its security forces (see Sections 1.c., 1.d., and 1.e.); have been underrepresented in the public sector; and generally believe that they have not received their fair share of public sector goods and services. Since the flawed 1992 presidential election (see Section 3), many residents of the Anglophone region have sought to achieve greater freedom, greater equality of opportunity, and better government, at least partly by regaining regional autonomy rather than through nationwide political reform. They have formed several quasipolitical organizations to pursue that goal.

At least one Anglophone group, the SCNC, advocates secession from the country. Subsequent to SCNC secessionist incidents in 1999, such activity calmed considerably during the year; however, the Government continued to hold some SCNC activists or suspected SCNC supporters in jail without trial (see Sections 1.c., 1.d., and 1.e.). The opposition SDF party (whose base of support rests in the Anglophone provinces) reiterated its commitment to pursuing nonviolent political struggle to restore a federal republic.

Northern areas of the country suffer from ethnic tensions between the Fulani (or Peuhl), a Muslim group that conquered most of the region 200 years ago, and the "Kirdi," the descendants of diverse groups who then practiced traditional indigenous religions and whom the Fulani conquered or displaced, justifying their conquest on religious grounds. Although some Kirdi subsequently have adopted Islam, the Kirdi remain socially, educationally, and economically disadvantaged relative to the Fulani in the three northern provinces. Traditional Fulani rulers (Lamibe) continue to wield great power over their subjects, often including Kirdi, sometimes subjecting them to tithing and forced labor (see Section 6.c.). The slavery still practiced in northern parts of the country is reported to be largely enslavement of Kirdi by Fulani. Although the UNDP party is based largely in the Fulani community, the ruling CPDM party has long been perceived widely to represent Fulani as well as Beti-Bulu interests.

During the 1990's, local-language broadcasts by governmentcontrolled regional radio stations in southern areas of the country, as well as private French-language newspapers with close ties to leading government and CPDM figures, broadcast or printed anti-Bamileke and anti-Anglophone commentaries; however, there were no reports of these types of commentaries during the year.

Members of the country's large community of Nigerian immigrants often complain of illegal discrimination and even persecution by elements of the Government (see Section 2.d.). Government officials repeatedly have announced crackdowns on undocumented Nigerian immigrants.

Section 6. Worker Rights

a. The Right of Association.—The 1992 Labor Code allows workers to form and join trade unions of their choosing. The Labor Code requires that unions register with the Government; it permits groups of at least 20 workers to organize a union by submitting a constitution, internal regulations, and non-conviction certifications for each of the 20 founding members. For unions in the private sector, the Government requires registration with the Ministry of Labor, Employment, and Social Insurance. Unions for public sector workers must register with the Ministry of Territorial Administration. The law does not permit the creation of a union that includes both public and private sector workers. The Government indicated that it remits certification within 1 month of union application; however, in practice, independent union especially in the public sector, have found it difficult to obtain registration. In addition the requirement for union registration apparently contradicts ILO Convention 87, to which the country signed and agreed in 1960, and which states that unions have the right to exist through declaration, not through Government recognition or registration. Registered unions are subject to Government interference. The Government chooses the unions with which it will bargain; some independent unions have accused the Government of creating small, non-representative unions amenable to the Government position and with which it can negotiate. Some sec-

tions of the Labor Code have never taken effect because the presidency has not issued implementing decrees.

There are two trade union confederations. Until 1995 the sole labor confederation was the Confederation of Cameroonian Trade Unions (CCTU), formerly affiliated with the ruling CPDM party under another name (the Organization of Cameroonian Trade Unions). In 1995 the Government encouraged the creation of a new labor confederation, the Union of Free Trade Unions of Cameroon (USLC), with which it maintains close ties. This move was seen as an effort by the Government to create a rival trade union confederation more firmly under its control. In 1997 the CCTU, government control of which had been eroding since large public sector salary cuts in 1993, split into two rival factions, and the Government banned a conference by the CCTU's reformist faction, led by Benoit Essiga. A CCTU Congress held in April 1999, which was attended by international observers and held under the auspices of the International Labor Organization (ILO), elected the reform faction slate of candidates to the CCTU leadership positions. However, the losing faction did not accept the results and continues to claim that it is the real CCTU. The Ministry of Labor, Employment, and Social Insurance has stated that it will not recognize the new CCTU leadership as long as another CCTU faction uses the same name. In September 1998, the new CCTU leadership took their case to court and won; however, the Ministry of Labor, Employment, and Social Insurance continues to withhold official status. Other ministries within the Government informally recognize the new CCTU leadership and include them in appropriate seminars and invitations. In a February press conference and an August "unity" conference, the Ministry of Labor, Employment, and Social Insurance appeared to back publicly the losing CCTU faction at the expense of the reformist faction. However, a court declared the August unity conference, attended by 400 people, illegal, stating that only the reformist faction of the CCTU had the power to convoke such a conference.

The Labor Code explicitly recognizes workers' right to strike, but only after mandatory arbitration. Arbitration proceedings are not enforceable legally and can be overturned or simply ignored by the Government. The Labor Code provides for the protection of workers engaged in legal strikes and prohibits retribution against them. However, these provisions of the Labor Code do not apply to civil servants, employees of the penitentiary system, or workers responsible for national security. Instead of strikes, civil servants are required to negotiate grievances directly with the minister of the concerned department and with the Minister of Labor.

During the year, labor unrest continued. There were strikes by workers in the privatized railroad company Camrail, the sugar producing company of Camsuco, the cotton producing company of Cicam, as well as strikes by some elementary and secondary school teachers and employees of the Douala Municipal Council. The National Autonomous Union of Telecommunications Workers (SYNATTEL) also discussed and negotiated salary and benefit issues, despite the Government's argument that it had not obtained full legal recognition.

The CCTU is a member of the Organization of African Trade Unions and the International Confederation of Free Trade Unions. The USLC is a member of the Organization of African Trade Unions.

b. The Right to Organize and Bargain Collectively.—The Labor Code provides for collective bargaining between workers and management in workplaces, as well as between labor federations and business associations in each sector of the economy; however, no formal collective bargaining negotiations have taken place since 1996. When labor disputes arise, the Government chooses which labor union to invite into the negotiations, selectively excluding some labor representatives. Once agreements are negotiated, there is no mechanism to enforce implementation; some agreements between the Government and labor unions have been shelved or ignored by the Government after being negotiated. The Labor Code prohibits antiunion discrimination, and employers guilty of such discrimination are subject to fines of up to an amount equivalent to approximately $1,600 (1 million CFA). However, employers found guilty are not required to compensate the workers against whom they discriminated, or to reinstate fired workers. The Ministry of Labor has reported no complaints of such discrimination during recent years; however, one organizer of the Union for Telecommunications Workers claims that his state-owned company demoted him due to his union activism.

In November the Prefet of Dschang arrested two union leadersuniversity professors trying to organize the University of Dschangallegedly because of an unsigned labor agreement (see Section 1.d.); ten others also were questioned. They were released the next day. There is an industrial free trade zone regime, but the Government did not grant approval to any firms to operate under it during the year. Free trade zone employers are exempt from some provisions of the Labor Code but must respect all internationally recognized worker rights.

c. Prohibition of Forced or Compulsory Labor.—The Constitution and the Labor Code prohibit forced or compulsory labor; however, it occurs in practice. The authorities continued to allow prison inmates to be contracted out to private employers or used as communal labor for municipal public works. Forced or bonded labor by children is not prohibited specifically, and there were reports that it occurs in practice (see Sections 5 and 6.f.).

On August 24, gendarmes released Bassy Okon Edet, a Nigerian fisherman, after a 7-day incarceration (see Section 1.d.). Edet claims that the gendarmes forced him to do labor during his incarceration.

There were credible reports that slavery continued to be practiced in northern parts of the country, including in the Lamidat of Rey Bouba, a traditional kingdom in the North Province (see Section 5). In the South and East Provinces, some Baka (Pygmies), including children, continued to be subjected to unfair and exploitative labor practices by landowners, such as working on the landowners' farms during harvest seasons without payment (see Section 5). There were reports of trafficking in children (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—A 1969 Ministry of Labor order and the 1992 Labor Code provide the legal framework for the protection of children in the field of labor and education, and specify penalties ranging from fines to imprisonment for infringement of the law. In April 1998, the National Assembly authorized President Biya to ratify ILO Convention 138 regarding to employment of children; however, the President has not signed the bill. Article 86 of the Labor Code and the Ministerial Order both set the minimum age for the employment of children at 14. The Ministerial Order also bans night work and enumerates tasks that cannot be performed legally by children between the ages of 14 and 18. These tasks include moving heavy weights, dangerous and unhealthy tasks, working in confined areas, or tasks that could hurt a child's morality. The order also states that a child's workday cannot exceed 8 hours. In order to improve knowledge and education of children between the ages of 14 and 18, employers are required to train them. To this end, work contracts must contain a training provision for these minors. The law prohibits children from working before 6 a.m. or after midnight, though enforcement of this law is inefficient.

According to an ILO study conducted during the year in conjunction with local NGO's and the Ministry of Labor, child labor remains a serious problem, although the Government has made some progress to address it. The ILO estimates there are 602,000 child laborers. In the nation's major cities of Yaounde, Douala, and Bamenda, from March to April, the ILO estimated that 40 percent of employed children were female, 7 percent were less than 12 years of age, and 60 percent had dropped out of primary schools. Primary education is compulsory through the age of 14, but the relatively high cost for school precludes many children from attending.

The Ministry of Social Affairs and the Ministry of Labor are responsible for enforcing existing child labor laws through site inspections of registered businesses; however, lack of resources inhibits an effective inspection program. Moreover, the legal prohibitions do not include family chores, which in many instances are beyond a child's capacity to do. According to the ILO study, child labor in cities exists mainly in the informal sector such as street vending and car washing or other non-qualified jobs. An increasing number of children work as household help, and some children are involved in prostitution. In the north of the country, there are credible reports that children from needy homes are placed with other families to do household work for money.

In rural areas, many children begin work at an early age on family farms. Often, relatives employ rural youth, especially girls, as domestic helpers, while many urban street vendors are less than 14 years of age.

The Government is a signatory to ILO Convention 182; however, the National Assembly had not ratified the convention by year's end.

Forced or bonded labor by children is not prohibited specifically, and there were reports that it occurs in practice (see Section 6.c. and 6.f.).

e. Acceptable Conditions of Work.—Under the Labor Code, the Ministry of Labor is responsible for setting a single minimum wage applicable nationwide in all sectors. The minimum wage is approximately $40 (23,514 CFA) per month. It does not provide a decent standard of living for an average worker and family.

The Labor Code establishes a standard workweek of 40 hours in public and private nonagricultural firms, and 48 hours in agricultural and related activities. The code makes compulsory at least 24 consecutive hours of weekly rest.

The Government sets health and safety standards, and Ministry of Labor inspectors and occupational health doctors are responsible for monitoring these standards; however, they lack the resources for a comprehensive inspection program. There is

no specific legislation permitting workers to remove themselves from dangerous work situations without jeopardy to continued employment.

f. Trafficking in Persons.—The Penal Code provides that any person who engages in any trafficking in persons shall be punished with imprisonment of from 10 to 20 years and that the court may also impose a forfeiture penalty. Trafficking is a problem, and an ILO report during the year pinpointed trafficking in children as especially serious.

An ILO study conducted in March and April in Yaounde, Douala, and Bamenda revealed that trafficking accounted for 84 percent (or approximately 530,000) of an estimated 610,000 child laborers (see Sections 5 and 6.c.). In most cases, intermediaries presented themselves as businessmen, approaching parents with large families or custodians of orphans and promising to assist the child with education or training. The intermediary paid parents an average of $8 (6,000 CFA) before taking the child, transporting the child to the city where the intermediary would subject the child to forced work for remuneration which was far below the minimum wage level. In 4 out of 10 cases, the child was a foreigner transported to the country for labor. The report also indicated that the country is a transit country for regional traffickers as well, transporting children between Nigeria, Benin, Niger, Chad, Togo, the Republic of the Congo, and the Central African Republic.

While there has been no study on trafficking in persons besides children, anecdotal evidence from the NCHRF indicates that there may also be some trafficking in adults, primarily women, as well. No NGO's were known to be working to reduce trafficking in persons.

The Government has condemned the practice of trafficking in persons, and the Ministry of Labor, Employment, and Social Insurance is responsible for fighting trafficking. However, that ministry is severely under-funded, and there are no known cases of prosecution of traffickers or protection of victims.

CAPE VERDE

Cape Verde is a multiparty parliamentary democracy in which constitutional powers are shared between the elected Head of State, President Antonio Mascarenhas Monteiro, an independent; the Head of Government, Prime Minister Carlos Wahnon Veiga; and Veiga's party, the Movement for Democracy (MPD). The MPD has an absolute majority in the National Assembly, although a disagreement within the top levels of the MPP during the year resulted in a split within the party and the formation of a new party. The principal opposition party, the African Party for the Independence of Cape Verde (PAICV), held power in a one-party state from independence in 1975 until 1991. National elections are scheduled for January and February 2001. The judiciary is independent; however, there were accusations of politicized and biased judicial decisions.

The Government controls the police, which has primary responsibility for maintenance of law and order. Some members of the police and prison guards committed human rights abuses.

Cape Verde has a market-based economy but little industry and few exploitable natural resources. Based on 1998 data, the per capita income is $1,312. The country has a long history of economically driven emigration, primarily to Western Europe and the United States, and remittances from citizens abroad remained an important source of income. Even in years of optimum rainfall, the country can produce food for only 25 percent of the population of approximately 435,000 persons, which resulted in heavy reliance on international food aid.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were a number of credible reports of police abuse, including beatings, of citizens detained on suspicion of criminal activity. While in principle the law and the judiciary provide means to deal with isolated instances of abuse, in practice the Government has not held accountable police officers who were credibly accused of human rights abuses. There were reports that immigration authorities harassed Nigerian citizens. Prison conditions are poor. The judicial system is overburdened, lengthy delays in trials are common, and there continued to be accusations of politicized and biased judicial decisions. There were some limitations on press freedom, and there continued to be allegations of media self-censorship. Revisions of the Constitution in 1999 created an independent ombudsman. Violence and discrimination against women and mistreatment of children continued to be serious problems. Although the Government supported legislation to ameliorate these problems, it failed to adopt, implement, and enforce policies de-

signed to address the most critical challenges. There were reports of trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, but there was one credible report that police beat a detainee on Sal Island in August; at year's end, no action had been taken against the police. While mechanisms for investigating citizen complaints of police brutality exist in theory, in practice these mechanisms neither ensure the punishment of all of those responsible nor effectively prevent future violations. In addition in some instances of violence against women, the police did not protect the victims effectively (see Section 5). There were reports that immigration authorities harassed Nigerian citizens (see Section 2.d.).

Prison conditions are poor, and they are severely overcrowded; however, there were no reports of prison deaths. The President's amnesty did not reduce the overcrowding. Sanitation and medical assistance is poor; a doctor and a nurse were available and prisoners were taken to the public hospitals for serious problems. Psychological problems were common. Although women and men are held separately, juveniles are not held separately from adults.

According to a study by the Ze Moniz Association (AZM), there were reports that guards abused female prisoners.

The Government permits both formal visits by human rights monitors to prisons and routine visits to individual prisoners; however, other than the AZM study there were no visits by human rights groups.

d. Arbitrary Arrest, Detention, or Exile.—The laws provide for protection from arbitrary arrest and detention, and the authorities generally observe these laws in practice. The law stipulates that a suspect must be charged before a judge within 48 hours of arrest. Police may not make arrests without a court order unless a person is caught in the act of committing a felony. In 1999 the Government revoked a provision that allowed authorities to detain a person for up to 5 days in exceptional cases.

The courts have jurisdiction over state security cases. There is a functioning system of bail.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for a judiciary independent of the executive branch, and the Government respects this provision in practice; however, there continued to be accusations of politicized and biased judicial decisions. In July 1999, a prosecutor dismissed a case against four persons associated with the main opposition party who had been arrested for church desecration in 1996. In 1998 a judge ordered their release from detention because of lack of evidence. The Attorney General refused to confirm the prosecutor's decision and declared that the case should await better proof that the persons were not culpable (see Section 5). At year's end, the case remained pending.

The judicial system is composed of the Supreme Court and the regional courts. Of the five Supreme Court judges, one is appointed by the President, one by the National Assembly, and three by the Superior Judiciary Council. This council, created by the 1999 revision of the Constitution, consists of the President of the Supreme Court, the Attorney General, eight private citizens, two judges, two prosecutors, the senior legal inspector of the Attorney General's office, and a representative of the Ministry of Justice. Judges are independent and may not belong to a political party.

The Constitution provides for the right to a fair trial. Defendants are presumed to be innocent; they have the right to a public, nonjury trial; to counsel; to present witnesses; and to appeal verdicts. Free counsel is provided for the indigent. Regional courts adjudicate minor disputes on the local level in rural areas. The Ministry of Justice does not have judicial powers; such powers lie with the courts. Defendants may appeal regional court decisions to the Supreme Court.

The judiciary generally provides due process rights; however, the right to an expeditious trial is constrained by a seriously overburdened and understaffed judicial system. A backlog of cases routinely leads to trial delays of 6 months and more.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, government authorities respect these prohibitions, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for the freedom to express ideas by words, images, or any other means, and for freedom of the press without censorship; however, although the Government generally respected these rights in practice, there were some restrictions on press freedom. There is a substantial and growing independent press. Nevertheless, there was continued criticism by independent political figures of the performance of the state-controlled television, radio, and print media for their failure to exercise vigorously their monitoring role in a multiparty system. In several instances, persons in the media (and other sectors) whose views did not coincide with those of the Government and the ruling party were transferred, fired, or subjected to other disciplinary actions; the Government does not acknowledge that the divergence of views was the reason for such actions. There continued to be reports of media self-censorship.

The constitutional provision of freedom of expression was amended in 1999, to exclude using this freedom as a defense in cases involving defamation or offense to personal honor. This wording was criticized strongly by opposition politicians and some journalists as potentially limiting the freedom of expression; however, at year's end, no legal challenge had been made to the provision.

There are three independent newspapers and one state-owned newspaper. There are six independent radio stations and one state-owned radio station. One television station is state-owned and two others are foreign-owned. Foreign broadcasts are permitted. Journalists are independent of government control and are not required to reveal their sources; however, there are credible reports that journalists within the government-controlled media still practice self-censorship. In November opposition party members demonstrated in Praia against what they considered to be MPD control of the public media.

Government authorization is not needed to publish newspapers or other printed material. Despite the broadly interpreted criminal libel laws, no independent media outlets reported direct pressure in their daily operations or business activities. The national radio station provided live broadcasts of National Assembly sessions.

The law requires a formal licensing mechanism for mass media, including government authorization to broadcast; however, there were no reports that licenses were denied or revoked or that the Government refused to authorize broadcasts.

The Government did not restrict Internet access. There was a single, private sector Internet service provider. There were technical limitations on Internet use related to bandwidth and the unavailability of electricity and telephone lines in isolated parts of the country.

The Constitution provides for academic freedom, and this right is respected in practice.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly, and the Government respected this right in practice. Throughout the year, labor organizations, opposition political parties, civic action groups, and numerous others exercised this right without government interference or objection.

In July students demonstrated in front of government offices in Praia to protest the requirement that they pass an achievement examination before receiving government scholarships. The demonstrations initially were peaceful, but they became violent when students blocked off main roads with burning tires; police fired into the air to disperse the demonstrators. There were no reported injuries.

The Constitution provides for freedom of association, and the Government respected this right in practice.

c. Freedom of Religion.—Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The overwhelming majority (more than 90 percent) of citizens are at least nominally Roman Catholic. It generally is recognized that the Catholic majority enjoys a privileged status in national life; for example, the Government provides it with free television broadcast time for religious services and observes its holy days as official holidays.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides citizens with the right to travel and establish residence without government restrictions.

The Constitution provides for repatriation, and the Government respected this right in practice.

The Constitution provides for the right of asylum by refugees, and no violations were reported. The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. According to the U.N. Human Rights Commission, credible media reports, and government officials, Nigerian citizens have been subjected to harassment and prejudice by immigration authorities. The Government has not reviewed charges of misconduct by immigration officials. Nigerians alleged that they have been subjected to discriminatory treatment by Government officials; however, some Nigerians were illegally present in the country or convicted of crimes. Other observers reported no evidence of a government policy of discrimination against Nigerians. Three or four Basque separatist asylees remained in the country; there are no refugees.

The Government has not formulated specific policies regarding refugees or first asylum, and the issue of first asylum has never arisen.

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

Citizens have the right to change their government. Power was transferred peacefully by the PAICV to the MPD following free and fair elections in 1991; a second general election in 1995 and municipal and presidential elections in 1996 also were judged free and fair by international observers. National elections are scheduled to be held on January 14 and February 11, 200l.

The Constitution provides for the separation of powers. Cabinet ministers are not required to be members of the National Assembly, but they are individually subject to confirmation by the President. Collectively, they must retain the support of a parliamentary majority. The President may dismiss the Government with the approval of the political parties represented in the National Assembly and the Council of the Republic. This council consists of the President of the National Assembly, the Prime Minister, the President of the Constitutional Court, the Attorney General, the Ombudsman, the President of the Economic and Social Council, the former presidents, and five private citizens appointed by the President.

In November 1999, a disagreement within the top levels of the MPD ended cooperation between the party's factions, and the group that controlled the party bureaucracy dismissed a number of dissident ministers and senior officials from the Government. Those who were dismissed claimed that they could not get a fair hearing for their views and formed a new political party, the Partido da Renovacao Democratica (PRD), which was legalized on October 25.

There are no restrictions in law or practice regarding the rights of women or members of minorities to vote or to participate in the political process; however, women are underrepresented in government and politics. Women constitute 11 percent of the deputies elected to the 72-member National Assembly. There are 2 female cabinet ministers and 3 female secretaries of state (junior ministers) in a cabinet consisting of 14 ministers and 6 secretaries of state.

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

There are two private human rights groups, the National Commission of the Rights of Man and the Ze Moniz Association. During 1999 a foreign government financed a professional study of prison conditions by the Ze Moniz Association, which was released to the Government and the public in September. The Government cooperated with the researchers who prepared the report and, upon its publication, expressed interest in using the report to help formulate new laws and regulations; however, no action had been taken by year's end.

The post of an independent Ombudsman, to be elected by the National Assembly, was created by the 1999 revision of the Constitution. The Ombudsman's powers remained undefined at year's end, and no Ombudsman has been elected.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status. However, despite the Government's increasing efforts to enforce all relevant constitutional provisions, it still does not do so effectively, and not all elements of society, particularly women and children, enjoy full protection against discrimination.

Women.—Domestic violence against women, including wife beating, remains common. The Government and civil society encourage women to report criminal offenses such as rape and spousal abuse to the police; however, longstanding social and cultural values inhibit victims from doing so, and according to the media, such reports remain rare. Nevertheless, reporting of such crimes to police slightly increased dur-

ing the year, and the media continued to report their occurrence. Women's organizations continued to seek legislation to establish a special family court to address crimes of domestic violence and abuse; however, they made no progress in achieving the required legislation.

Violence against women has been the subject of extensive public service media coverage in both government—and opposition—controlled media. In 1998 the Parliament revised the Penal Code, widening the scope of sexual abuse and strengthening penalties against abusers.

Despite constitutional prohibitions against sex discrimination and provisions for full equality, including equal pay for equal work, discrimination against women continued. Although they often are paid less than men for comparable work, women are making modest inroads in various professions especially in the private sector. However, some employers continued to claim that they prefer to hire men.

The Constitution prohibits discrimination against women in inheritance, family, and custody matters; however, largely because of illiteracy, most women are unaware of their rights. Women often are reluctant to seek redress of domestic disputes in the courts. The Organization of Cape Verdean Women alleged that there is disparate treatment in inheritance matters, despite laws that call for equal rights. For example, some women are pressured to sign judicial agreements detrimental to their statutory inheritance rights.

In July a group of female attorneys formed the Assoiagao Caboverdiana das Mulheres Juristas, an association whose purpose is to provide free legal assistance to women throughout the country suffering from social abuse (both violence and discrimination) and spousal abuse.

Children.—The Government updated its studies of social policy priorities and legal rights for children and adolescents and, during the year, it restructured the Cape Verdean Institute for Children in accordance with norms established in the Convention on the Rights of the Child. The Government provides free mandatory education for 6 years of primary school for all children. Normally this benefit covers children from age 6 to 12. Education is compulsory until age 16; however, secondary education is free only for children whose families have an annual income below approximately $1,700 (160,000 escudos). According to 1998 UNICEF statistics, primary school attendance is approximately 97 percent for children. Attendance rates by boys and girls differ by less than 1 percent. The Government also seeks to reduce infant mortality and disease, combat drug and alcohol abuse, and discourage teenage pregnancy; however, progress continued to be slow.

Child abuse and mistreatment, sexual violence against children, and juvenile prostitution are continuing but isolated problems, exacerbated by chronic poverty, large unplanned families, and traditionally high levels of emigration of adult men. The media reported cases of sexual abuse against children and adolescents. The inefficiencies of the judicial system made it difficult for government institutions to address the problem.

People with Disabilities.—Although the Constitution mandates "special protection" for the aged and disabled, the Government does not require access to public buildings or services for the disabled. There are no official schools or trained teachers for the disabled, although several nongovernmental groups, including an association for the blind, are active.

Religious Minorities.—More than 20 cases involving the desecration of Catholic churches have been reported to the police over the years. While some cases date from 1975, after 1990 the rate of incidence increased; however, in contrast to previous years, there were no incidents during the year. The persons responsible for the desecrations never were identified, and the topic has remained a controversial electoral issue since the MPD accused supporters of the main opposition party PAICV of involvement in the crimes; however, the courts have dismissed every formal accusation that has been brought against PAICV members, usually for lack of evidence. In August 1999, the Attorney General rejected a local prosecutor's dismissal of the case against the four individuals of the "S. Domingos Group," who were accused of desecrating a Catholic church in 1996 (see Section 1.e.), and no further action was taken during the year.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides that workers are legally free to form and join unions without government authorization or restriction. There are two umbrella union associations: The Council of Free Labor Unions, composed of 11 unions with about 14,000 members; and the National Union of Cape Verde Workers, formed by the former ruling party but operating independently, composed of 14 unions with about 16,000 members. The Government does not interfere with the activities of these organizations, but the National Union of Cape Verde Workers

claims that it received less than its share of funds for unions. Both unions suffer from a shortage of funds.

The Constitution provides union members with the right to strike, and the Government generally respects this right. However, in July and August 1999, the workers of the shipping company Arca Verde made two attempts to strike. The Government invoked a "civil request," under which it has the power, in an emergency or if a strike threatens coverage of basic needs, to name a list of minimum services that a union must continue to provide during any strike. Because of the Government's "civil request," the crew and workers of four of the five ships in the fleet were required to continue working. According to the National Union of Cape Verde Workers, the Government's decision violated the law, since there was no emergency. The union claimed that, under such circumstances, the "minimum services list" that it presented to the Government would have ensured the continuation of essential services of public interest. The union presented the case to the International Confederation of Free Trade Unions, which in August 1999 filed a complaint against the Government with the International Labor Organization (ILO). At year's end, the complaint remained unresolved.

In its November report, the ILO Committee on Freedom of Association (CFA) noted that the Government amended legislation in April 1999 so that organizations of workers may enjoy the right to peaceful demonstration without unreasonable restrictions, in particular with regard to time. The CFA also reported that the Government began to take measures to amend its legislation so that in the event of disagreement between the parties on the minimum services to be respected during strikes, this difference of opinion is resolved by an independent body. However, at year's end, the Government had not created an independent body to resolve such differences.

The law requires an employer either to reinstate a worker fired unjustly or to provide financial compensation. This law is enforced in practice.

There were a number of strikes during the year, including a 3-day strike by firemen in Praia in February demanding wages equivalent to those of the police and a 2 day strike by teachers in November to protest delays in the payment of their salaries. There also were strikes by undergraduate students in November and meteorology workers in December; however, neither of the strikes resulted in concessions to the strikers.

In 1999 the ILO invited the Government to contest a case presented by the labor union UNTO-CS regarding the arrest of two of its activists in connection with a demonstration in 1998. The Government contested the case in July, and the ILO requested that the Government revise its legislation to permit an independent agency to resolve disputes concerning the provision of minimum services during a strike. During the year, the Government took no action to revise its legislation; however, it did not prosecute persons who struck without providing "minimal services" such as the strike by firemen in February.

Unions are free to affiliate internationally and have ties with African and international trade union organizations.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to organize, to operate without hindrance, and to sign collective work contracts. Workers and management in the small private sector, as well as in the public sector, reach agreement through collective bargaining. Although there are no collective labor contracts, workers succeeded in collectively negotiating important issues such as salary increases. However, as the country's largest employer, the Government continued to play the dominant role in setting wages. It does not fix wages for the private sector, but salary levels for civil servants provide the basis for wage negotiations in the private sector. There are no collective bargaining agreements.

A 1991 legislative decree bans antiunion discrimination by employers with fines for offenders. No cases were brought to court during the year.

Praia has a 30-acre export processing zone, which houses two Portuguese companies and a Cape Verdean-Sengalese joint venture. There are no special laws or exemptions from regular labor laws for such zones.

c. Prohibition of Forced or Compulsory Labor.—The law forbids forced or compulsory labor, and it is not known to occur.

The Government prohibits forced and bonded labor by children, and enforces this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment is 14 years. The law prohibits children under the age of 16 from working at night, more than 7 hours per day, or in establishments where toxic products are produced; but the Government rarely enforces the law. In practice

the Ministry of Justice and Labor enforces minimum age laws with limited success, and then only in the urban, formal sectors of the economy.

The Government prohibits forced and bonded child labor and enforces this prohibition effectively (see Section 6.c.).

The Government has taken no action on ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—There are no established minimum wage rates in the private sector. Large urban private employers link their minimum wages to those paid to civil servants. For an entry-level worker, this wage is approximately $120 (11,193 escudos) per month. The majority of jobs pay wages insufficient to provide a worker and family with a decent standard of living; most workers also rely on second jobs, extended family help, and subsistence agriculture.

The maximum legal workweek for adults is 44 hours. While large employers generally respect these regulations, many domestic servants and agricultural laborers work longer hours.

The Director General of Labor conducts periodic inspections to enforce proper labor practices and imposes fines on private enterprises that are not in conformity with the law. However, the Government does not enforce labor laws systematically, and much of the labor force does not enjoy their protection. Few industries employ heavy or dangerous equipment, and work-related accidents are rare.

There is no legal provision for workers to remove themselves from unsafe working conditions without jeopardy to continued employment.

f. Trafficking in Persons.—There is no law addressing trafficking in persons. Illegal trafficking in emigrants to various points in Europe is believed to be a thriving business, with the country as a transit point; it has become a concern for local authorities. Several notices in the press report that the police have arrested some persons, traffickers as well as victims. During the year, cases involved fewer than 30 persons. The Government is cooperating with European authorities, neighboring governments, and embassies to counter the problem.

CENTRAL AFRICAN REPUBLIC

The Central African Republic is a constitutional democracy with a multiparty legislature. Ange Felix Patasse, leader of the Movement for the Liberation of the Central African People (MLPC), who first was elected president in 1993, was reelected with a narrow majority in 1999. The 1999 presidential election, like National Assembly elections held in late 1998, generally was free but was controlled by the Government and was marred by irregularities that tended to favor the ruling party candidate. Although the Constitution provides for separation of powers, the legislature is vulnerable to manipulation by the President, who dominates the Government. The president can veto legislation, although two-thirds of the unicameral legislature can override his veto, and he can rule by decree under special conditions. The Constitution provides for an independent judiciary; however, it is subject to executive interference.

The National Police under the direction of the Ministry of Interior and Public Security, and the military forces and the national gendarmerie under the Ministry of Defense, are responsible for presidential security and share responsibility for internal security. On January 26, President Patasse issued a decree which dissolved the Special Forces for the Defense of the Democratic Institutions (FORSDIR), the body responsible for internal security, and replaced them with the Special Presidential Unit (USP). The decree also decreased the number of presidential security forces from approximately 1,200 to approximately 400, and placed them under the full control of the Ministry of Defense. The integration of USP/FORSDIR into the military was completed by March; however, some remaining components of the decree were not implemented fully by year's end. The military, much of which mutinied in 1996-97, is widely perceived to be of doubtful loyalty to the Patasse Government, and implementation of government plans to reduce its size have been delayed by lack of funds for severance pay and pensions. MINURCA, a 1,350-person peacekeeping force, was deployed by the United Nations Security Council in 1998, with a mandate to assist national security forces in maintaining law and order, to strengthen the national reconciliation process, to maintain a climate of security and stability during the legislative and presidential elections, and to facilitate the disarmament process. In December 1999, MINURCA began to withdraw its forces over a 3-month period; the withdrawal was completed by February. The domestic security forces, and the USP in particular, continued to commit serious human rights abuses.

The country is landlocked and sparsely populated. The majority of the population is engaged in subsistence agriculture. Principal exports are coffee, cotton, timber, tobacco, and diamonds. Annual per capita gross domestic product decreased from an estimated $330 in 1999 to an estimated $273 (CFA 206,388). Foreign assistance is an important source of national income. Salary arrears continued during the year for civilian employees and the military. The arrears continued to impair the functioning of the Government and the authority of the state to enforce the rule of law. The misappropriation of public funds and corruption in the Government diminished in comparison to previous years, but remained widespread; the decrease contributed to an increase in the country's revenue. The country suffered a major fuel shortage from May to July, which initially was provoked by the unauthorized use of the country's fuel reserves that were stored in neighboring Democratic Republic of the Congo (DRC). The civil war in the DRC also impeded the safe passage of fuel by river into the country, which negatively impaired the economy.

The Government's overall human rights record remained poor, with serious problems in many areas and deterioration in others. Citizens generally were able to choose their national government; however, the Government controls the electoral process. Security forces continued to commit extrajudicial killings, including government-approved executions of suspected bandits and killings reportedly committed for political reasons by members of the presidential guard. There also were credible reports of deaths of prisoners due to police abuse. Police continued to torture, beat, and otherwise abuse suspects and prisoners. Other human rights abuses included harsh prison conditions; arbitrary arrest and detention; prolonged detention without trial; limits on judicial independence; and infringements on citizens' right to privacy. The Government restricted freedom of the press and freedom of assembly and association. There were some limits on freedom of religion and some limits on freedom of movement. Violence and discrimination against women; female genital mutilation (FGM); child prostitution; discrimination against indigenous people (Pygmies); and child labor, including instances of forced child labor, continued to be problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including

Freedom From

a. Political and Other Extrajudicial Killing.—Security forces continued to commit extrajudicial killings, including government-approved executions of suspected bandits and killings reportedly committed for political reasons by members of the presidential guard. There also were credible reports of deaths of prisoners due to police abuse.

A special police Squad for the Repression of Banditry (OCRB), formed in response to the spread of armed robbery throughout Bangui following the military mutinies of 1996 and 1997, continued to operate. The police commissioner continued repeatedly to publicize on radio and television the crimes of criminals apprehended by this squad; the OCRB executed these criminals the following day without a trial. Extrajudicial killings by the OCRB reportedly declined from over 100 in 1998 to fewer than 6 during the year, according to BONUCA, the U.N. peace-building office in Bangui. Joseph Bindoumi, the country's chief prosecutor, indicated that he has no records regarding the activities or detainees of this police squad. Medical staff have confirmed that the OCRB often takes the bodies of persons it has executed to the hospital and leaves them for the family to pick up. The OCRB's use of extrajudicial killing has both official Government and popular support, and is seen as an effective means of reducing crime and increasing public security. The Government tacitly approved the actions taken by the police squad to reduce armed robbery; it never has prosecuted members of the security forces for these extrajudicial killings. Officials justify the unit's actions as a consequence of nonexistent prison facilities in Bangui.

Some detainees died as a result of torture (see Section 1.c.). The Government tacitly approved the actions taken by the police squad to reduce armed robbery; it never has prosecuted members of the security forces for these extrajudicial killings. Police and security forces are immune from prosecution for extrajudicial killings.

In November 1999, armed men, reportedly members of FORSDIR, killed former army lieutenant Antoine Gbodo, in his home in Kembe, and four others. In December 1999, the Government dispatched a team of gendarmes to Kembe to investigate the incident, accompanied by a group of National Assembly members from the largely pro-opposition region; however, no representative of the Government's Office of Human Rights was permitted to accompany the team. According to Kembe deputy Desire Kolingba, the Government submitted a report based on its independent investigation into the Kembe killing to the National Assembly. The Assembly did not

discuss the report during its October session and it had not been released publicly by year's end. According to the Ministry of Defense, the general prosecutor concluded his investigation, but the results of that investigation also were not released by year's end.

On February 5, armed bandits attacked a vehicle transporting religious personnel, killing one nun and wounding another (see Sections 1.c, 2.d., and 5). The Government conducted a full investigation into the incident; however, it did not result in any arrests or indictments by year's end.

On August 29, armed bandits shot the Libyan Ambassador, Al Sanoussi Awad Abdallah, in a carjacking attempt as he was leaving a restaurant in Bangui; he died 3 days later. In September authorities arrested three persons and charged them with the murder; the three remained in detention pending trial at year's end. A French suspect was released shortly after being arrested on September 5; he left the country. Although political motives were suspected, an investigation by the police concluded that the killing was the result of an attempted carjacking.

Unlike in the previous year, there were no deaths during the year due to mob violence, nor any mob killings of persons suspected of practicing witchcraft. There was no progress in the trial of those alleged to be involved in the February 1999 mob killing of three men suspected of witchcraft.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the Penal Code prohibits torture and specifies sanctions for those found guilty of physical abuse, police continued to torture, beat, and otherwise abuse criminal suspects and prisoners. As in previous years, family members and human rights groups, including the Human Rights League (HRL) Executive Committee, continued to file court complaints with the prosecutor, Joseph Bindoumi, based on the deaths of several prisoners due to police abuse. Approximately 15 to 20 complaints were filed during the year; however, the authorities continued to take no action (see Section 1.a.).

On January 23, several members of the Karako militia marched on President Patasse's residence demanding to be enlisted in the regular army (see Section 2.b.). The Special Anti-Riot Police Squad (FECU) used automatic weapons and teargas grenades to disperse the protesters, and arrested five persons (see Section 1.d.). One man was taken to the hospital with serious injuries as a result of being beaten by police. On February 4, police and ex-presidential guardsmen fired shots into the air to disperse a similar protest (see Section 2.b.).

On November 14, riot police used tear gas and rubber bullets to disperse approximately 3,000 civil servants who marched in Bangui to protest salary arrears (see Section 6.a.). Witnesses said that police also beat several demonstrators.

On December 19, USP and riot police used tear gas to violently disperse a demonstration at Bangui's Bonga-Bonga stadium (see Sections 1.d. and 2.b.); police reportedly also beat several persons. Approximately 20 persons were injured during a stampede caused by the tear gas.

Legislation adopted in November 1999 to restructure the military placed the Presidential Security Unit (USP), formerly the FORSDIR, under the civilian control of the Minister of Defense. The President signed the restructuring implementing decree on January 26, and the Presidential Security Unit was reduced in size and placed under the command of the Army Chief of Staff. The USP, like the FORSDIR, is a well-equipped force parallel to the military that frequently used excessive force in its operations; it reportedly also was responsible for other serious human rights abuses.

The Government has not taken legal action against members of the presidential guard who tortured and beat trade union leader Sonny Cole in 1999.

Travelers and religious groups, particularly Catholic priests and nuns, were victims of organized highway bandits near Grimari, 180 miles northeast of Bangui (see Section 2.d.). On February 5, armed bandits attacked a vehicle transporting religious personnel, killing one nun and wounding another. A week later, the funeral procession for the nun was attacked near the same place (see Section 5); no injuries were reported. The Government conducted a full investigation into the incidents; however, it did not result in any arrests by year's end.

There were no developments in the case of the six armed men, alleged to be DRC soldiers, who in 1999 allegedly raped three foreign nuns at their residence in Bangassou, near the border with the DRC, and beat a local priest.

Unlike in the previous year, there were no cross-border conflicts or foreign troop movements by armed foreigners.

Prison conditions are harsh. Ngaragba, Bangui's main prison, was ransacked during the 1996 mutinies. Approximately 255 detainees, half of whom are awaiting trial, still were being kept in 10 police stations around Bangui; however, President

Patasse officially pardoned and released most of them during the year and the number remaining in detention at year's end was unknown. Police station cells in Bangui and prisons elsewhere are overcrowded, and basic necessities, including food, clothing, and medicine, are in short supply and often are confiscated by prison officials for their personal use. Prisoners frequently are forced to perform uncompensated labor at the residences of government officials and magistrates (see Section 6.c.). Male and female prisoners are confined in separate facilities in Bangui but housed together elsewhere. There are no separate detention facilities for juvenile offenders and minors in Bangui; elsewhere juvenile offenders routinely are housed with adults and are subjected to physical abuse. Although the Government has solicited funds to rebuild Bangui prison, construction had not started by year's end.

The Government permits prison visits by international and local human rights monitors. The national Red Cross and international and local religious groups routinely provide supplies, food, and clothes to prisoners. The International Committee of the Red Cross (ICRC) has unrestricted access to prisoners. On June 19, a representative of the African Commission on Human and Peoples' Rights responsible for monitoring prison conditions in Africa visited prisons and detention facilities throughout the country, including those located in Bangui (see Section 4). He concluded that general prison conditions in the country did not meet international standards.

d. Arbitrary Arrest, Detention, or Exile.—The law provides protection against arbitrary arrest and detention; however, the security forces often ignored these provisions. The law stipulates that persons detained in cases other than those involving national security must be brought before a magistrate within 96 hours. In practice authorities often do not respect this deadline, in part due to inefficient judicial procedures. Judicial warrants are not required for arrest. By law, national security detainees are defined as "those held for crimes against the security of the State" and may be held without charge for up to 2 months.

Prolonged pretrial detention is a serious problem; approximately one-half of the male prison population is made up of pretrial detainees. President Patasse officially pardoned and released most of them during the year, and the number remaining in detention at year's end was unknown.

On January 23, police arrested five protesters during demonstrations by members of the Karako militia; however, they subsequently were released without charges (see Sections 1.c. and 2.b.).

On December 19, police arrested 73 persons, including 4 members of the National Assembly, following a demonstration at Bangui's Bonga-Bonga stadium (see Sections 1.c. and 2.b.). All 73 persons subsequently were released. On December 20, police issued an arrest warrant for attorney Assingambi Zarambaud, an open critic of the Government, in connection with the December 19 rally. Zarambaud went into hiding after the rally; his whereabouts were unknown at year's end.

The law does not permit the use of exile, and the Government does not employ it in practice. The Government has stated repeatedly that any person in self-imposed exile for strictly political, rather than criminal, reasons may return without fear of persecution.

e. Denial of a Fair Public Trial.—The Constitution provides for an independent judiciary; however, it is subject to executive interference.

The judiciary consists of regular and military courts. New courts of justice were created in 1997 in both urban and rural areas. A juvenile court was created in 1998. However, these courts are not functioning due to inefficient administration, shortage of trained personnel, growing salary arrears, and a lack of material resources. The Criminal Court did not meet in session during the year.

In criminal cases, the accused are presumed innocent and have the right to legal counsel, to public trial, to be present at their trials, and to confront witnesses. The Government generally respects these safeguards in practice in many cases; however, a number of persons were subjected to prolonged detention without trial or were summarily and extrajudicially killed by the OCRB (see Section 1.a. and 1.d.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits invasion of homes without a warrant in civil and criminal cases. On occasions police used provisions of the Penal Code governing certain political and security cases that allowed them to search private property without a warrant. Security forces continued to carry out warrantless searches for guns and ammunition in private homes, a practice initiated in 1997 as part of a disarmament process following the 199697 military mutinies. The increase of banditry in Bangui has become a pretext for police to carry out warrantless house searches. The Government continued to monitor the telephones of some opposition figures and to engage in wiretapping without judicial authority.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press.—The Constitution provides for freedom of speech and of the press; however, the Government at times restricted the freedom of the print media to criticize the Government. Legislation enacted in 1998 rescinded the Government's authority to censor the press, defined the rights and responsibilities of private media, and created a High Broadcast Council to regulate the media; however, the Government continued to dominate domestic broadcast media. In August President Patasse issued a decree dissolving the High Broadcast Council without further explanation. Many observers believe that the President took such action because the Government cannot control the local private press. Libel cases are addressed in civil rather than criminal courts.

Citizens continued to speak freely and publicly, criticizing the Government and political parties. Opposition leaders in particular used press statements, manifestos, and copies of open correspondence to the Government to circulate their views. The Government made no apparent effort to censor, seize, or halt the printing and circulation of these materials.

The Government owns and controls two newspapers, the Agence Centrafricaine de Presse (ACAP) bulletin, which appears sporadically, and Be Africa Sango, which was not published during the year due to lack of finances. Echo de CentrAfrique, a private daily newspaper created at the beginning of 1999, is close to the ruling party. More than a dozen private newspapers were published over varying intervals; eight were published on a regular basis during the year. These newspapers often were outspoken in their criticism of the President, the Government's economic policies, and official corruption. In January both the President and Prime Minister threatened local journalists with sanctions if any newspaper transgressed the media code and went beyond journalistic propriety.

On August 4, the editor of the private daily "Le Citoyen" was arrested and detained at the gendarmerie in Bangui. A presidential spokesman accused Maka Gbassokoto, the editor, of defamation following the newspaper's publication of an official letter sent by the spokesman to all businessmen requiring them to buy pictures of President Patasse and to deposit the payments in a special account opened for this purpose by the President's communication advisor. These instructions violated restrictions imposed by the IMF and the World Bank; only the public treasury is authorized to collect and manage government funds. Gbassokoto was released on August 5, immediately rearrested on presidential orders, and finally released on August 8, pending an August 21 trial. However, on August 20, the spokesman withdrew his complaint, which was seen by the private press as a victory over government harassment; all charges were dropped and the judge cancelled the trial.

Radio is the most important medium of mass communication, since literacy is not universal and newspapers and television are relatively expensive and rarely are found outside urban areas. The Government owns and operates a radio station and a television station. Programming continued to be dominated by reporting on the activities of the President and senior government officials. It is a common complaint among political observers that ruling majority parties received more coverage of their activities or meetings than opposition parties. The presidency, especially the President's communications advisor, reportedly controls the radio programs and broadcasts. In 1999 some programs, such as a popular call-in show, whose listeners often expressed opinions critical of the Government, were taken off the air.

Government television and radio broadcasts included weekly programs that provided an opportunity for political parties to present their views and discuss their programs during the 1999 presidential elections. Although the opposition originally welcomed this promised access to the public media, in practice such access did not materialize. During the 1998 legislative and 1999 presidential elections, political parties had access to the public media according to a schedule established by the High Council of Communication; opposition candidates received equal coverage and had equal access to state-owned media.

Since the mid-1990's, the Government has relaxed partially its monopoly of domestic radio broadcasting. A private radio station, Africa Number One, part of a French-owned network based in Libreville, Gabon, has been broadcasting in Bangui since 1995. Its programming includes national news coverage by a correspondent based in the country. Radio Notre Dame, which is affiliated with the Catholic Church, also began operations in 1995. Its programming includes national news, debates, legal counseling, and human rights education. Radio France International (RFI) has been broadcasting domestically since 1997. Its programming includes some national news coverage by a correspondent based in the country. Radio MINURCA, the U.N. peacekeeping forces' radio that began broadcasting in 1998, ceased its operations on February 15. On June 3, a new private radio, N'deke Luka (Sangho for "bird of luck"), started broadcasting from Bangui on FM and shortwave

frequencies with assistance from foreign governments and development organizations. One of N'deke Luka's objectives is to promote peace and development by publicizing programs of international and local nongovernmental organizations (NGO's) working in the region. There are no broadcast media entities either privately owned or operated by citizens of the country, as distinct from transnational French networks or Catholic networks. There are no privately owned stations that broadcast domestically produced national news or political commentary.

The Government continued to monopolize domestic television broadcasting. Private television broadcasting is allowed by law; the High Council of Communication is responsible for authorizing private television as well as radio stations. No applications to establish a private television station have been received. The Government does not restrict domestic receipt or distribution of satellite or cable television, but few citizens can afford it, and it is not widespread even in the capital. A private telecommunications company, which was established pursuant to a 1996 law that liberalized telecommunications, operates a domestic Internet and e-mail service provider as well as cybercafes. Few citizens can afford home access to the Internet, but many urban residents rent brief access at cybercafes.

Unlike in the previous year, the Government did not impede foreign journalists in their work.

The Government respects academic freedom. University faculty and students belong to many political parties and generally express their views without fear of reprisal.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly; however, the Government restricted this right in practice on at least one occasion. In addition some legal restrictions on freedom of assembly remain. A 1992 decree requires organizers of demonstrations and public meetings to register with the Government 48 hours in advance and also prohibits political meetings in schools or churches. Unlike in the previous year, the Government did not ban public demonstrations and mass meetings nationwide; however, it rarely granted approval for public demonstrations. Prior to 1999, the Ministry of Interior generally had not prohibited demonstrations or public meetings if notified in advance. There were several incidents of Government interference with opposition meetings during the year. In 1999 the Government banned the Union des Forces Acquises a la Paix (UFAP), a coalition of political parties, labor unions, and NGO's, from holding public meetings on the grounds that it was not a registered organization. The organization dissolved following the presidential election; on November 15, opposition parties formed The Coalition of Opposition Political Parties, replacing the UFAP.

On January 23 and February 4, police forcibly dispersed demonstrations by members of the Karako militia (see Section 1.c.). The Karako militia, which come from President Patasse's district in the northwestern part of the country, was formed initially to protect the presidential regime during the 1996 and 1997 mutinies. The Ministry of Defense has enlisted several hundred of the 1000 Karako militiamen as it promised to do when recruiting the militiamen during the mutiny.

On November 14, riot police forcibly dispersed approximately 3,000 civil servants who marched in Bangui to protest salary arrears (see Section 6.a.). On November 24, over 10,000 civil servants and their union representatives marched through Bangui to protest salary arrears. Although the Government did not authorize the march, it did not take action to disperse it (see Section 6.a.).

On December 19, at Bangui's Bonga-Bonga stadium, USP and riot police violently dispersed approximately 4,000 demonstrators. The rally, which had been banned by the Government, was organized by opposition leaders to protest salary arrears and call for the President's resignation; several persons were injured and numerous persons were arrested (see Sections 1.c. and 1.d.).

The Constitution provides for freedom of association; however, the Government restricted this right in practice. All associations including political parties must register with the Ministry of Interior in order to enjoy legal status. The Government usually grants registration expeditiously.

There are more than 35 registered political parties and a variety of nonpolitical associations. The Government normally allows them to hold congresses, elect officials, and publicly debate policy issues without interference except when they advocated sectarianism or tribalism. Unlike the previous year, there were no incidents reported of Government restrictions on NGO activities during the year.

The law prohibiting nonpolitical organizations from coalescing for political purposes remains in place; no significant reports of enforcement of this law were reported during the year, although government officials complained publicly about labor unions coordination with opposition political parties in year-end demonstrations.

c. Freedom of Religion.—The Constitution provides for freedom of religion, but establishes fixed legal conditions and prohibits what the Government considers religious fundamentalism or intolerance. The constitutional provision prohibiting religious fundamentalism is widely understood to be aimed at Muslims. There is no state religion. In practice the Government permits adherents of all religions to worship without interference. Religious organizations and missionary groups are free to proselytize, worship, and construct places of worship.

Religious groups (except for traditional indigenous religious groups) are required by law to register with the Ministry of Interior. This registration is free and confers official recognition and certain limited benefits, such as customs duty exemption for the importation of vehicles or equipment, but does not confer a general tax exemption. The Ministry's administrative police keep track of groups that have failed to register, but have not attempted to impose any penalty on such groups. The Ministry of Interior has registered more than 100 religious and nonreligious groups since 1993. However, any religious or non-religious group that the Government considers subversive is subject to sanctions. The Ministry may decline to register, suspend the operations of, or ban any organization that it deems offensive to public morals or likely to disturb the peace. The Government has banned the Unification Church since the mid-1980's as a subversive organization likely to disturb the peace, specifically in connection with alleged paramilitary training of young church members. However, the Government imposed no new sanctions on any religious group during the year. The Ministry also may intervene to resolve internal conflicts about property, finances, or leadership within religious groups.

Muslims, particularly Mbororo (also known as Peulh or Fulani) herders, claim to be singled out for harassment by authorities, including extortion by police, due to popular resentment of their presumed affluence.

The practice of witchcraft is a criminal offense under the Penal Code; however, persons generally are prosecuted for this offense only in conjunction with some other offense, such as murder.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—Persons are free to move about within the country, but the police, security forces, and other officials harass travelers unwilling or unable to pay bribes at checkpoints along major intercity roads and at major intersections in Bangui. However, under pressure from the National Assembly, the Ministry of Interior continued to remove some security forces checkpoints on the main roads outside the capital during the year.

USP forces continued to be stationed at the airport to control travelers. The Government generally allows opposition leaders to travel outside or inside the country without restrictions. Although in the previous year, some citizens were prevented from leaving the country because their names were on unspecified official lists, there were no reports of such incidents during the year.

Attacks by bandits on major routes to the north and east sometimes occurred, even though most travelers moved in convoys with military escorts. Travelers and religious groups, particularly Catholic priests and nuns, were victims of organized highway bandits near Grimari, 180 miles northeast of Bangui. On February 5, armed bandits attacked a vehicle transporting religious personnel, killing one nun and wounding another. A week later, the funeral procession for the nun was attacked near the same place (see Sections 1.a., 1.c., and 5); no injuries were reported. Archbishop Joachim Ndayen protested assaults against Catholic clergy by accusing the Government of indifference and of not stopping highway banditry or prosecuting the perpetrators. The Government also established military bases in East Zemio, Bambari, Bria, Kaga-Bandoro, and Bossangoa in an effort to curb highway banditry.

The law includes provisions for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government respects these provisions in practice. The Government continued to work with the United Nations High Commission for Refugees (UNHCR) in hosting Chadian, Sudanese, Rwandan, and Congolese refugees. Almost all refugees were registered with the National Commission for Refugees. However, there is concern that the Government and the UNHCR may not be prepared to handle a mass influx of Congolese refugees from the war in the DRC. The Government and the UNHCR established refugee camps in Boubou, Kaga-Bandoro, and Mongoumba during the year.

During the week of January 24, the Government moved Rwandan refugees from the Bouca camp, near Boubou, due to pressure from local residents. The refugees were relocated to Bangui, where they remained at year's end.

Unlike in the previous year, there were no cross-border conflicts or foreign troop movements by armed foreigners.

Applicants for asylum generally are treated well and often are accepted. There were no reports of the forced return of persons considered to be refugees under international standards to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government. This right first was exercised in free and fair elections in 1993 that were the culmination of a successful democratization movement led by Ange Felix Patasse. Patasse's MLPC won both the presidency and a majority of seats in the unicameral national legislature. Citizens again exercised their constitutional right to change their government by democratic means through National Assembly and presidential elections in 1998 and 1999, respectively. International observers deemed both elections generally free and fair; however, the presidential elections were marred by irregularities in voter registration and distribution of electoral materials. Some of the registration irregularities tended to favor the ruling party.

In the 1998 National Assembly elections, opposition parties won 55 seats, while the ruling MLPC party of President Patasse and its allies won 54 seats. However, the defection of one opposition National Assembly member in December 1998 gave the ruling party and its coalition a one-seat majority. The opposition parties and the UFAP strongly protested this defection and boycotted the inauguration of the new session of the legislature.

President Patasse's first term of office expired in 1999, but he was eligible constitutionally to seek a second consecutive term. In June 1999, the Government established an Independent Electoral Commission (CEMI) to supervise the presidential election. Although the CEMI included representatives from many political parties on its board, persons loyal to the President controlled it. The Government explicitly rejected suggestions by elements of the international community, which provided material and financial support for the election, that the executive branch of the Government not involve itself in the management of the electoral process. In August 1999, President Patasse promulgated a decree that subordinated CEMI to the state Organ of Control (OCASPA), a state organization that he had created by decree in May 1999 to oversee the election process. Before the presidential election, there were credible reports of attempts to inflate sharply the number of registered voters in pro-MLPC northern areas, although this was corrected before the polling. The Government postponed the first round of the presidential election, first from August 29 to September 12, and then to September 19, after serious problems in ballot distribution became evident; however, the Government denied requests from opposition leaders for further delays to permit more complete resolution of the problems with the electoral process. Some provisions of the electoral code, requiring publication of voter lists at least 15 days before the election and distribution of voter identification cards at least 8 days before the election, were not respected. On election day, a shortage of ballots was reported in some largely pro-opposition districts. Opposition party poll-watchers reported the use of some falsified voter identification documents by voters, and there were several reports of ballot boxes being delivered to the CEMI without certified tally sheets, or from unofficial polling places.

Two weeks after the voting, the Constitutional Court announced the official results of the election and declared President Patasse reelected with 51.6 percent of the votes cast. Nine other candidates certified by the Constitutional Court had competed in the election. The Constitution required a secondround runoff election if no candidate received 50 percent of votes cast in the first round election. However, only one of the unsuccessful candidates filed a complaint with the Constitutional Court.

There was occasional violence during the presidential election campaign, including fighting in Bangui between supporters of President Patasse and former president Kolingba, and attacks by some opposition supporters on foreign diplomats whose governments' were perceived to have supported Patasse.

The Constitution provides for multiple political parties. The state is highly centralized. The central Government appoints all subnational government officials, and subnational government entities have no significant fiscal autonomy. The Government has not held constitutionally required local elections in recent years, ostensibly due to budgetary restrictions. The Government has appointed four successive mayors, including the current mayor of Bangui, the capital, a southern city well outside the ruling party's main political base in the north (see Section 5).

On April 14, the opposition groups in Parliament filed a motion of censure against Prime Minister Anicet-Georges Dologuele and his cabinet in response to a series of political and financial scandals in the early part of the year, including allegations of connections of public officials with organized crime, the illegal transfer of laundered money through the Central Bank, the duty-free purchase and subsequent

sale of oil in the country by a company close to the presidency, and the renting of government cars to visitors attending an official conference organized by the Government. The latter scandal led to the resignation of two ministers and a partial reshuffle of government officials. The motion won 43 of the 50 opposition votes, but the Prime Minister survived this vote of noconfidence with 58 votes (out of 109).

On July 8, following the month-long fuel crisis, 6 opposition parties holding 5 of the 109 seats in the National Assembly called on President Patasse to resign. In meetings with and statements to private newspapers, opposition leaders attributed the fuel crisis to the President's irresponsibility, incompetence, corruption, predation, and his ambiguous relationship with both DRC President Laurent Desiree Kabila and rebel leader Jean-Pierre Bemba. In reaction, political parties and personalities close to Patasse expressed their support for the President through a communique read on local radio and television, and accused the opposition of a brainwashing campaign.

There are no laws that restrict the participation of women or minorities in the political process; however, women are underrepresented in government and politics. Before and during the legislative and presidential elections in 1998 and 1999, the Government's Department of Social Affairs and women's NGO's implemented programs and launched an extensive public awareness campaign to encourage women to register to vote and to compete for public office; however, the effect has been nominal as there are very few women in prominent government positions. Only 8 members of the National Assembly are women, and only 3 of the 25 cabinet members are women. In 1999 the President, for the first time, appointed five women as prefects.

There are no laws that restrict the participation of minorities, in the political process; however, minorities are underrepresented in government and politics.

President Patasse is a member of the Sara-Kaba ethnic group. Members of northern ethnic groups, including the Sara and Baya, continued to predominate among the President's advisors, in the leadership of the ruling party, and among ruling party members of the National Assembly. Both Prime Minister Dologuele and National Assembly President Luc Dondon Konambaye are distant relatives of Patasse. In November 1999, President Patasse appointed a more ethnically diverse Government, which now includes more than 12 different ethnic groups, such as the Gbaya, Banda, Kaba, Dagba, Manjda, Ngbaka, Azande, Youlou, Rounga, Yakoma, and Banziri groups. At year's end, there was one Muslim in the Prime Minister's cabinet, and there were at least five Muslims in the National Assembly.

Pygmies (Ba'aka), the indigenous inhabitants of the southern part of the country, who represent 1 to 2 percent of the population, are not represented in the Government and have little political power or influence.

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

The Central African Human Rights League (LCDH) publicizes human rights violations and pleads individual cases of human rights abuses before the courts. The LCDH continued to distribute to prisons, police stations, courts, schools, and other NGO's pamphlets describing human rights and information on judicial access. In August the LCDH issued a press release protesting the arbitrary arrest and detention of Maka Gbassokoto, editor of the daily newspaper "Le Citoyen," (see Section 2.a). Unlike in the previous year, security forces did not harass the president of the LDCH.

The Association of Central African Women Lawyers advises women of their legal rights (see Section 5). Several other NGO's, including the Movement for the Defense of Human Rights and Humanitarian Action and some religious groups actively monitor human rights problems. Although the Government supported the role that some of these NGO's played in mediating its negotiations with military mutineers in 1996 and 1997, it did not welcome their criticism that some officials close to MLPC involved in alleged corruption scandals were neither arrested nor tried (see Section 3).

International NGO's are permitted in general to visit and monitor human rights problems; however, no organizations other than the African Commission on Human and Peoples' Rights (ACHRR) visited the country during the year. On June 19, a representative of the ACHRR visited prisons and detention facilities throughout the country (see Section 1.c.).

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution stipulates that all persons are equal before the law without regard to wealth, race, sex, or religion, but the Government does not enforce these provisions effectively, and significant discrimination exists.

Women.—Violence against women, including wife beating, occurs although inadequate data make it impossible to quantify the extent. Victims seldom report incidents. The courts try very few cases of spousal abuse, although litigants cite these abuses during divorce trials and civil suits. Some women reportedly tolerate abuse in order to retain a measure of financial security for themselves and their children. The Government did not address this problem during the year.

In practice women are treated as inferior to men both economically and socially. Single, divorced, or widowed women, even with children, are not considered by society to be heads of households. Only men are entitled to family subsidies. Women in rural areas generally suffer more discrimination than do women in urban areas. Approximately 60 to 70 percent of urban women have attended primary school, whereas only 10 to 20 percent of their rural counterparts have done so. At the primary level, women and men enjoy equal access to education, but the majority of young women drop out at age 14 or 15 due to social pressure to marry and bear children. Only 20 percent of the students at the University of Bangui are female. There are no accurate statistics on the percentage of female wage earners. Women's access to educational opportunities and to jobs, particularly at upper levels in the professions or in the government service, traditionally has been limited. Several active women's groups organized workshops and seminars to promote women's and children's rights and to fully participate in the political process. In February in Bossangoa, UNESCO funded a workshop to educate women on the principles of peace and democracy. On December 6, BONUCA organized a seminar with different NGO's, including many women's groups, on promoting human rights. In October a delegation of women attended the Women's International Symposium on Health and World March of Women.

Polygyny is legal, although this practice faces growing resistance among educated women. The law authorizes a man to take up to four wives, but a prospective husband must indicate at the time of the first marriage contract whether he intends to take additional wives. In practice many couples never marry formally because men cannot afford the traditional bride payment. Women who are educated and financially independent tend to seek monogamous marriages. Divorce is legal and may be initiated by either partner. The law does not discriminate against women in inheritance and property rights, but a number of conflicting customary laws often prevail. A family code designed to strengthen women's rights was enacted in May 1998; it has had a positive effect in strengthening women's rights, particularly in the courts. The Association of Central African Women Lawyers advises women of their legal rights, and publishes pamphlets in conjunction with the Ministry of Social Affairs on the dangers of female genital mutilation (FGM).

Children.—Although there is no official discrimination against children, the Government spends little money on programs for children. Churches and NGO's have relatively few programs for youths. The failure of the education system, caused by a meager budget and salary arrears, has resulted in a shortage of teachers and an increase in the number of street children. Public education is free and education is compulsory from ages 6 to 14; however, parents rarely are prosecuted for their children's nonattendance. Moreover, in practice, the age that a child starts school often varies by 2 to 3 years in rural areas. Many children survive by begging and stealing. Several charitable organizations work to assist children. In some rural areas, teachers or principals use their pupils as farm laborers (see Section 6.c.). The teachers' strike that lasted throughout 1999 and further reduced education opportunities for children ended in August; however, the strike resumed in October and was ongoing at year's end.

Juvenile prisoners routinely are housed with adults and often are subject to physical abuse (see Section 1.c.).

Some girls enter prostitution to earn money for their families (see Section 6.c.). Until late 1999, child prostitution increased in the capital due to the presence of international peacekeeping forces; however, the number of teenage prostitutes in the country decreased during the year as international peacekeeping forces withdrew from the country. The Government did not address this problem during the year.

The Penal Code forbids parental abuse of children under the age of 15 years. The Family Code was designed to strengthen children's rights. Illegitimate children now have the same rights as those born in wedlock. A juvenile court was set up in 1998 but has not begun operations due to lack of resources (see Section 1.c.).

A 1996 ordinance banned female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health; however, girls continued to be subjected to this traditional practice in certain rural areas, and to a lesser degree in Bangui. Approximately 45 to 50 percent of adult females have undergone FGM. In August the International Committee of African Women for Development (CIFAD), a central Africanbased women's rights organization, began a national campaign against FGM with financial assistance from a foreign donor. During the year, a Government-NGO campaign continued to reduce incidence of FGM in rural areas.

People with Disabilities.—There is no codified or cultural discrimination against the disabled. There are several government-initiated programs designed to assist the disabled, including handicraft training for the blind and the distribution of wheelchairs and carts by the Ministry of Social Services. There are no legislated or mandated accessibility provisions for the disabled.

Indigenous People.—Despite constitutional protection, there is societal discrimination against Pygmies (Ba'aka), the earliest known inhabitants of the rain forest in the southern part of the country, who make up approximately 1 to 2 percent of the country's population. In general Pygmies have little input in decisions affecting their lands, culture, traditions, and the allocation of natural resources. Indigenous forest-dwelling Pygmies, in particular, are subject to social and economic discrimination and exploitation, which the Government has done little to correct. Pygmies often work for villagers at wages lower than those paid to members of other groups.

Religious Minorities.—Although religious tolerance among members of different religious faiths is the norm, there have been occasional reports that some villagers who were believed to be witches were harassed, beaten, or sometimes killed by neighbors. Witchcraft traditionally has been a common explanation for diseases for which the causes were unknown. The practice of witchcraft is widely understood to encompass attempts to harm others not only by magic, but also by covert means of established efficacy such as poisons. Courts have tried, convicted, and sentenced some persons for crimes of violence against suspected witches. Unlike in the previous year, there were no mob killings of persons suspected of practicing witchcraft during the year.

Muslims (who constitute about 15 percent of the population), particularly Mbororo (also known as Peulh or Fulani) herders, continued to claim that they were singled out for harassment by authorities, including extortion by police, due to popular resentment of their presumed affluence. Muslims play a preponderant role in the economy.

Generally, amicable relations exist among members of different religious faiths. When serious social or political conflicts have arisen between the various religious communities, simultaneous prayer ceremonies have been held in churches, temples, and mosques to ask for divine assistance. The Catholic Commission for Justice and Peace often conducts developmental and educational programs and seminars throughout the country. The members work closely with other church groups and social organizations on social issues. On April 15, the commission organized a large, nationally televised rally at the national stadium to promote dialogue on peace and tolerance, with President Ange-Felix Patasse and other government officials in attendance.

Religious groups, particularly Catholic priests and nuns, were victims of organized armed highway bandits northeast of Bangui (see Sections 1.a. and 2.d.).

National/Racial/Ethnic Minorities.—The population of about 3.5 million includes approximately 90 ethnic groups; many of these groups speak distinct primary languages and are concentrated regionally outside urban areas. The largest ethnic groups are the Baya (more than 30 percent), the Banda (more than 25 percent), the Mandja (more than 20 percent), and the Sara (about 10 percent). The Mbororo make up about 5 percent of the population but play a preponderant role in the economy. They are involved in mining development and remain the most important cattle breeders in the country.

Until 1993 members of Kolingba's ethnic group, the Yakoma subgroup of the Ngbandi, held a disproportionate number of senior positions in government, the armed forces, and stateowned firms. As a result of President Patasse's 1993 election, Yakomas no longer hold a disproportionate number of positions in the civil service, but the armed forces still are being restructured to achieve greater ethnic balance. At year's end Yakomas still constituted the majority of the army. Approximately 80 percent of USP, former FORSDIR, members are native to the President's northern region; many belong to the President's Kaba ethnic group or closely related groups.

Major political parties tend to have readily identifiable ethnic or ethnic-regional bases. The results of the 1998 legislative elections and the 1999 presidential election confirmed that the MLPC Party of President Patasse has strong support in the

north, especially among the Sara and Baya ethnic groups, but also has strengthened its support in the capital. The Movement for Democracy and Development (MDD) party of former President Dacko is strong in the southwestern part of the country and the Central African Democratic Rally (RDC) Party of Kolingba, is popular in the southeast, in the Oubangui River basin, especially among the Yakoma.

Section 6. Worker Rights

a. The Right of Association.—Under the Labor Code, all workers are free to form or join unions without prior authorization. A relatively small part of the workforce has exercised this right, chiefly wage earners such as civil servants. There are five recognized labor federations. The two most important are the Organization of Free Public Sector Unions and the Labor Union of Central African Workers (USTC), which are independent of the Government.

Unions have the right to strike in both the public and private sectors. To be legal, strikes must be preceded by the union's presentation of demands, the employer's response to these demands, a conciliation meeting between labor and management, and a finding by an arbitration council that union and employer failed to reach agreement on valid demands. The union also must provide 8 days' advance written notification of a planned strike. The Labor Code states that if employers initiate a lockout that is not in accordance with the code, the employer is required to pay workers for all days of the lockout. Other than this, the code contains no other provisions regarding sanctions on employers for acting against strikers. No employer actions against strikers are known to have occurred during the year. The teacher's strike that lasted throughout 1999 and further reduced education opportunities for children ended in August; however, the strike resumed in October and was ongoing at year's end. Health workers went on strike several times during the year to protest unpaid salaries and poor working conditions. The last such strike began in August and was ongoing at year's end.

Since October the major labor federations have mobilized all striking civil servants to demand that the Government pay at least 12 months worth of salary arrears. On November 14, approximately 3,000 civil servants marched through Bangui to protest 30 months of unpaid salary. The Government had agreed to pay 3 months of arrears; however, it only paid 2 months worth to some civil servants. The march was dispersed by riot police who released tear gas, shot rubber bullets at the protesters, and reportedly beat several demonstrators (see Section 1.c.). On November 24, labor federations representing civil servants marched through Bangui again to protest salary arrears. The Government did not authorize the strike by over 10,000 civil servants and their union representatives; however, unlike in the previous march, the riot police did not disperse the protestors. Following the march, the Government agreed to pay 1 month of arrears; however, only some police, military officials, gendarmes, Justice Department officials, and health and education workers were able to collect their salaries. On December 11, all unions organized a "ville morte" or dead city strike to protest salary arrears. The strike closed offices, shops, and markets in Bangui from 5 a.m. to 4 p.m. On December 13, students from the University of Bangui marched to protest arrears, and on December 14, women's organizations marched for the same reason.

Labor federations are free to affiliate internationally. The USTC is affiliated with the International Confederation of Free Trade unions.

b. The Right to Organize and Bargain Collectively.—The Labor Code grants trade unions full legal status, including the right to sue in court. It requires that union officials be full-time wage-earning employees in their occupation, but they are allowed to conduct union business during working hours. The code does not provide specifically that unions may bargain collectively. While collective bargaining has taken place in the past, there was no collective bargaining during the year.

The Ministry of Labor and Civil Service sets wage scales. Salary arrears continued during the year at the same rate as the previous year for both civilian (12 months) and military (9 months) personnel; arrears continued to be a major complaint of the unions.

The law expressly forbids discrimination against employees on the basis of union membership or union activity. Employees can have their cases heard in the labor court. The Labor Code does not state whether employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities; however, employers legally are required to pay damages, including back pay and lost wages.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced labor is specifically prohibited by the Labor Code; however, prisoners were forced to work without compensation for government officials or magistrates (see Section 1.c.). The Labor Code also applies to children, although it does not specifically prohibit forced labor by chil-

dren; however, the Government does not have sufficient resources to enforce the prohibition effectively and some parents force their daughters into prostitution to help support the family (see Sections 5 and 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code forbids the employment of children less than 14 years of age; however, the Ministry of Labor and Civil Service enforces the provision only loosely. In practice child labor is common in many sectors of the economy, especially in rural areas. In some rural areas, teachers or principals use school children as labor on farms some rural schools have farms where teachers ostensibly teach school children how to work the land, because many students do not further their education beyond secondary school and return to their villages to work. The schools use the proceeds from the sale of the farm produce to purchase school supplies and equipment and to fund school-related activities. The Labor Code generally covers all labor sectors, although specific regulations cover specific sectors. In some cases, the Labor Code provides that the minimum age for employment could be reduced to 12 years of age for some types of light work in traditional agricultural activities or home services. The Government has adopted laws and regulations proscribing the worst forms of child labor, which the Labor Code defines as "dangerous work or work involving serious risk for the children's health, security or morality." In addition to the minimum age for basic employment, the code also defines age 14 as the maximum age at which children are required to be enrolled in school.

The Labor Code prohibits forced and bonded labor in general although it does not specifically prohibit forced labor by children; however, the Government does not enforce its provisions effectively and there were reports of forced prostitution by children (see Sections 5 and 6.c.).

e. Acceptable Conditions of Work.—The Labor Code states that the Minister of Labor must set minimum wages by decree. The minimum wage varies by sector and by kind of work. For example, the monthly minimum wage is equivalent to approximately $12 (CFA 7,800) for agricultural workers but approximately $28 (CFA 18,000) for office workers. The minimum wage does not enable a worker and family to maintain a decent standard of living. Most labor is performed outside the wage and social security system, especially by farmers in the large subsistence agricultural sector. The Government owes at least 12 months worth of salary arrears to civil servants (see Sections 1.c., 1.d., 2.b., and 6.a.).

The law sets a standard workweek of 40 hours for government employees and most private sector employees. Household employees may work up to 55 hours per week. The law also requires a minimum rest period of 48 hours a week.

There also are general laws on health and safety standards in the workplace, but the Ministry of Labor and Civil Service neither precisely defines nor actively enforces them, a matter about which the International Labor Organization has expressed concern to the Government for many years. The Labor Code states that a labor inspector may force an employer to correct unsafe or unhealthy work conditions, but it does not provide the right for workers to remove themselves from such conditions without risk of loss of employment.

f. Trafficking in Persons.—No law was known specifically to prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

CHAD

Chad is a centralized republic dominated by a strong presidency. President Idriss Deby, leader of the Patriotic Salvation Movement (MPS), has ruled since taking power in a 1990 rebellion. The Sovereign National Conference (CNS) confirmed Deby in 1993 as Chief of State, and he was elected President in 1996 under a Constitution adopted in a referendum earlier that year. According to credible reports, fraud, widespread vote-rigging, and local irregularities marred both the 1996 presidential election and the 1997 legislative elections in which members of the MPS won 65 of 125 seats in the National Assembly. The Government remained unable to exert effective control over the northwestern region of the country where former Defense Minister Youssouf Togoimi began a rebellion in October 1998. The Supreme Court began full operations in October. In May the National Assembly enacted a law calling for the election of 15 members of the High Court of Justice as required by the Constitution; they were elected on May 24. Despite these steps in fulfilling the 1996 Constitution's requirement for the establishment of an independent judiciary, the courts remained ineffective, overburdened, and subject to outside interference, including by the executive branch.

The army, Gendarmerie (State Police Force), police, National and Nomadic Guard (NNG), and intelligence services are responsible for internal security. Officers from President Deby's ethnic group dominate the Rapid Intervention Force (FIR), and the National Security Agency (ANS), a counterintelligence organization that has acted as an internal political police force. The National Army, Gendarmerie, the NNG, and the Republican Guard (the Presidential Security Force) were deployed to fight the rebels. The security forces continued to commit serious human rights abuses.

The economy is based on subsistence agriculture, herding, and fishing. Annual per capita income is estimated at $239. The country has little industry; its chief export is cotton. Among the impediments to sustainable economic growth are corruption, numerous state-owned monopolies, a bloated civil service, and a thriving informal sector outside government taxation policies. The Chad-Cameroon oil pipeline project officially started in October, and the construction of infrastructure for the project began during the year. The Government remains heavily dependent on assistance from external donors and international financial institutions.

The Government's human rights record remained poor, and serious problems continued. The Government limited citizens' right to change their government. State security forces committed extrajudicial killings, disappearances, and tortured, beat, abused, and raped persons. Prison conditions remained harsh and life threatening. Security forces continued to use arbitrary arrest and detention. Although the Government detained and convicted some members of the its security forces implicated or accused of criminal acts, it rarely prosecuted or sanctioned members of the security forces who commit human rights abuses. The Government also did not prosecute or punish security force personnel accused in previous years of killings, rape, torture, arbitrary arrest and detention. Lengthy pretrial detention remained a problem. The judiciary remains subject to executive interference and is unable to provide citizens with prompt trials. The Government holds political detainees. Security forces used illegal searches and wiretaps and monitored the contents of private mail. The Government at times infringed on freedom of speech and of the press. The Government continued to threaten judicial action against independent newspapers for publishing material, which it deemed prejudicial to the Government, on the rebellion in the north and actions of senior officials. The Government limited freedom of assembly. At times the Government limited freedom of religion and movement. Violence and societal discrimination against women remained common. Female genital mutilation (FGM) remained widespread. Both official and societal ethnic and regional discrimination remained widespread; northerners, in particular members of President Deby's Zaghawa ethnic minority, continued to dominate key positions in the public sector. There also were reports of forced labor, including forced child labor. Child labor is a problem. Serious armed conflict between the Government and rebels in the Tibesti continued.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Officially sanctioned extrajudicial killings of suspected criminals by police, customs officers, and gendarmes continued, although some members of the security forces, who committed such acts, were taken into custody for judicial adjudication. Units of the armed forces were responsible for the extrajudicial killings of suspected members of the northwestern rebellion in the Tibesti.

In January a relative of an advisor to rebel leader Togoimi reported that police killed 25 Tabou men, including a relative of Togoimi, after arresting them (see Section 1.d.).

According to human rights groups, in May the armed forces arrested and killed four persons, Sougui Mahamat Taher, Chaha Bougar, Ali Bakai Boursa, and Sougou Allatchi Tollymi in Zouar (Borkou-Ennedi-Tibesti). They were suspected of being supporters of the MDJT. At year's end, there had been no government investigation of the incident and no action taken against the personnel involved.

In May Le Temps newspaper reported that 8 armed Republican Guards kidnaped 10 persons, including 7 soccer players, from a public park in N'Djamena. The Republican Guards killed a 20-year-old man by breaking his neck. The others of those kidnaped received serious injuries; they were beaten by the Republican Guards. There were no reports of legal action against the Republican Guards involved.

On October 5, security officials reportedly beat and abused a Zaghawa tribesman, who died at his home 3 days after his release from custody (see Section 1.c.).

Armed bandits operated on many roads, assaulting, robbing, and killing travelers; some bandits were identified as active duty soldiers or deserters (see Section 2.d.).

There was no action taken in several 1999 extrajudicial killings. For example, no action was taken against officials in Bol who beat to death three men in February 1999 or against police in Tan'djile after two businessmen died while in their custody in January 1999. No action was taken against the security forces who killed seven presumed thieves in the Mayo Kebbi and Bongor areas in January 1999. Likewise, no action was taken against Hemchi Dogori, a gendarme who in July 1999 fired on a group of villagers in Gourma and wounded nine persons and killed another.

During the year, approximately 10,000 government armed forces engaged in sporadic battles with 1,000 to 2,000 insurgents in the Tebesti region in the northwest part of the country. Both government and insurgent forces suffered heavy casualties, including members of the leadership. On July 17, the Government suffered heavy casualties when the insurgents seized a major base. At year's end, the fighting intensified, and there were heavy casualties on both sides.

Throughout the year, members of the Tibesti rebellion reported that members of the army committed human rights abuses and killed suspected collaborators among the civilian population.

Landmines laid by government, foreign, and rebel forces in previous years caused several deaths and injuries during the year.

b. Disappearances.—In May soldiers in Tibesti followed and opened fire on businessman Souleyman Toke and a friend who were returning from Libya by car. Souleyman's friend was injured seriously and evacuated to Faya hospital. Toke was accused of supporting the Togoimi rebellion and sent to N'Djamena. He has not been seen since that time.

Cases of disappearances from 1998 remained unsolved. Political detainees either eventually are released or they disappear. In February 1998, security forces arrested Kibel Justin in Sarh for suspicion of aiding rebel leader Dr. Nahor Ngawara Mamouth. Although most of the detainees who were held for complicity in Dr. Nahor's 1998 kidnaping of four Frenchmen were released in July 1998, Kibel Justin cannot be accounted for nor has he been located in other prisons.

c. Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution specifically prohibits torture and degrading or humiliating treatment; however, members of the security forces tortured, beat, abused, and raped citizens. During the year, three members of the security forces were prosecuted; however, they escaped from prison.

In March a group of policemen led by the deputy police chief of Pala beat Tigalou Mbaiky, a local secondary school teacher. They subjected him to various forms of torture including "arbatachar" (where the victim's arms and legs are tied behind his back cutting off circulation and sometimes resulting in paralysis). The police then dragged Mbaiky to the jail, which was approximately 45 yards away, where he was detained without charge or trial; however, by year's end, he was released.

In March according to human rights groups, uniformed soldiers threatened and harassed the wife and minor children of rebel leader Youssouf Togoimi. In March the Government refused to issue them passports. In another attack upon Mrs. Togoimi, according to Le Temps, security forces were prevented from entering her home by relatives; however, on March 17, they beat her as she left her home. In April members of the armed forces illegally evicted the Togoimi family from their home in N'Djamena. At year's end, they were staying with a relative in N'Djamena with their movements closely observed by government security agents. No charges were filed against Mrs. Togoimi.

In May eight armed Republican Guards reportedly kidnaped 10 persons from a public park in N'Djamena, killing 1 and seriously injuring the others (see Section 1.a.).

In May 12 customs agents beat Armel Ramadji, a high school student, and fractured his skull. The newspaper Le Temps reported that Ramadji was returning home about 5:00 p.m. when he was stopped by several customs agents. The agents reportedly believed he was a smuggler, ordered him to open his briefcase, and then began beating him. Also in May, members of the N'Djamena police severely beat a civilian, Abdoulaye Absakine. The police chief reportedly ordered one of his agents to shoot Absakine, but the agent refused to do so.

In June the army badly beat and tortured inhabitants of several villages in the south—Bessokoyan, Bekolo, Bembaitada, and Bamadja—whom they accused of supporting the rebel chief Kette Nodji Moise. Soldiers beat the Bessokoyan village chief, Gaston Gangnon, and tortured the chief of Bekolo, paralyzing his left arm. Soldiers also raped women in the villages and stole possessions.

On August 15, five soldiers attacked and stoned a defendant at a session of N'Djamena's criminal court. The soldiers were friends of the person the defendant was accused of murdering. Later that day, the Minister of Justice publicly criticized the attack and said that the soldiers should protect the courts, not abuse them. On

August 17, the Minister of Defense delivered the five soldiers to the Minister of Justice. Four of the five were convicted and sentenced to 4 years in prison without parole and fined $100 (75,000 CFA); one of the accused was acquitted.

On October 5, two security officials reportedly beat and abused a Zaghawa tribesman by the name of Hissein who was acting erratically near a Western embassy. He died at his home 3 days after his release from the National Security prison on October 11. At year's end, no action had been taken against the officials.

After obtaining authorization from President Deby, victims filed a class action suit against torturers in the Habre regime on January 25; however, at year's end, the action had not been adjudicated.

In September 1999, members of police and military forces tortured a businesswoman. Although President Deby dismissed the Minister of Justice and other senior officials as a result of the negative publicity generated by the incident, there was no legal action against the police or military officials. No action was taken against the military officers and ANS agents who tortured Dr. Djibrine Ibrahim from February 1998 to June 1999. The Government did not permit Dr. Ibrahim legal counsel nor did it bring him before a judge on formal charges. No action was taken against police who dispersed demonstrations in February 1999 and injured two students. No action was taken against members of the N'Djamena gendarmerie who severely beat a member of the National Sugar Society for allegedly embezzling funds, nor against two members of the Ati gendarmerie who broke the arm of a student in January 1999.

The Special Weapons and Tactics (SWAT) Unit (RAID), a specialized police unit under the Ministry of Interior's authority, which committed numerous human rights abuses in previous years, was disbanded in 1999. During the year, a new chief of the Police Rapid Action Company (CARP) dismissed corrupt members of the unit.

Impunity for those who commit human rights abuses remained widespread. Prison conditions were harsh and life threatening. Prisons were characterized by serious overcrowding; poor sanitation; inadequate food, shelter, and medical facilities. The Government reported that there were 2,385 prisoners in 46 operational prisons throughout the country with one-third in N'Djamena's Central Prison. The prison, reportedly scheduled to be completed in June, did not open during the year. Juvenile males were held with adult male prisoners. Female prisoners usually were separated from males. The law provides that a doctor must visit each prison three times a week; however, there were credible reports that this was not done. The law authorizes forced labor in prison.

In 1999 human rights organizations called on the Government to investigate numerous accusations by citizens in the Kenga canton of the Guera prefecture who claimed that the canton chief was operating a private prison in which some prisoners were tortured and whipped. During the year, observers reported that the canton chief had closed the prison and that no prisoners were being held.

The Government permitted the International Commission of the Red Cross (ICRC) to visit all prisons including some military prisons, although the Government insisted on advance notice; the ICRC conducted 25 prison visits during the year. Domestic nongovernmental organizations (NGO's), including human rights groups, may visit a prison only with authorization from a court or from the Director of Prisons. These groups reportedly were not allowed access to military prisons, and their access to civilian prisons depended greatly on the personal inclinations of judges and prison administrators.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and the Penal Code prohibit arbitrary arrest; however, security forces continue to use arbitrary arrest and detention. A judicial official must sign arrest warrants; however, the Government often does not respect this requirement.

In January the director general of SONASUT (sugar parastatal), Ali Abderamane Haggar, submitted his resignation, and President Deby jailed him and ordered an investigation of SONASUT's finances to determine if there had been corruption. After an exhaustive investigation and being charged with misappropriation of public funds, Haggar was declared innocent and released from jail 8 months later. In March the police chief of Pala arrested and tortured a schoolteacher, Tigalou Mbaiky (see Section 1.c.). He was detained without charge or trial, and a human rights organization reported that he was released by year's end. In May the Sultan of Kanem arrested a large number of adherents of an Islamic group, Faydal Djaria (see Section 2.c.).

A relative of an advisor to the rebel Togoimi reported that the police arrested him and 25 other Toubou men in April. The person is now free, but he reported credibly to a human rights group that the other 25 men were killed.

Members of a special police unit (CARP) under the Ministry of Interior's authority were responsible for numerous cases of arbitrary arrest and detention; they beat,

tortured, and raped detainees, without sanction by government authorities. Subsequently the CARP chief was replaced, and one officer was fired for abuses; however, legal authorities took no action against him.

In January the Association of Chadian Jurists (AJT) protested the detention of Ali Abderaman Haggar and Malloum Maina, who were detained illegally for 5 and 24 days respectively in 1999 before being officially charged; they were never tried or convicted, but were imprisoned for 8 and 9 months respectively before being released in January. In a January press release, the Chadian League for Human Rights denounced the political nature of their arrest.

Persons accused of crimes may endure up to several years of incarceration before being charged or tried, especially those arrested for felonies in the provinces, who must await remand to the overcrowded house of detention in N'Djamena.

Human rights organizations cited the cases of over 100 detainees held from as early as 1996 by the canton chief in Kenga, Guera, who was accused of operating a private prison and abusing his authority in numerous cases; however, the prison was closed during the year, and no prisoners were being held at year's end.

The Government continued to hold political detainees. Detainees implicated in Dr. Nahor's rebellion in 1998 remained in jail without charges and without trial at year's end. Despite the arrests of individuals on suspicion of subversive activities against the Government, no one has been tried for such crimes since Deby came to power. Political detainees either eventually are released or they disappear (see Section 1.b.). In June 1999, the army returned from the Democratic Republic of the Congo with a group of Congolese prisoners of war, many of whom were ordinary civilians. Although the Government claimed that they were Ugandan and Rwandan soldiers, the group consisted entirely of Congolese nationals who were housed initially at a military facility in N'Djamena but were exchanged for Chadian detainees in 1999.

The Government does not practice forced exile; however, some family members of persons who have joined the northern rebellion choose to leave Chad for security reasons.

e. Denial of a Fair Public Trial.—The Constitution mandates an independent judiciary; however, the judiciary was ineffective, underfunded, overburdened, and subject to executive interference. In practice government officials and other influential persons often enjoyed immunity from judicial sanction. During the year, the President intervened in a number of legal cases for political reasons. Ali Abderamane Haggar and Malloum Maina were accused of misappropriation of funds and imprisoned for 8 and 9 months respectively (see Section 1.d.); they were never tried or convicted but were released in January. President Deby supported the prolonged incarceration of these two former administrators despite a lack of evidence. In April the Chief Justice demoted two Supreme Court justices, Maki Adam and Ruth Romba, reportedly because they made a decision adversely affecting the interests of the Chief Justice.

On August 15, five soldiers attacked and stoned a defendant at a session of N'Djamena's criminal court. The soldiers were friends of the person that the defendant was accused of murdering. Later that day, the Minister of Justice publicly criticized the attack and said that the soldiers should protect the courts, not abuse them (see Section 1.c.).

On April 28, 1999 President Deby swore in 16 members of the Supreme Court as well as 9 members of the Constitutional Court. In May the National Assembly enacted legislation calling for the election of 15 members of the High Court of Justice; however, they were appointed by President Deby and the president of the National Assembly. The court began formal operations on May 24 after the justices were appointed. The establishment of these bodies fulfills the Constitution's mandate for an independent judicial branch; however, due to inadequate funding, the Supreme Court and the Constitutional Court did not begin operations until October.

The Constitution mandates a Superior Council of Magistrates to act as a guarantor of judicial independence; however, at year's end, it had not been established. The national judicial system operates with courts located in provincial capitals. The N'Djamena court of appeals is supposed to conduct regular sessions in the provinces, but funding limitations do not permit the court to make periodic circuit visits.

Applicable law can be confusing, as courts often tend to blend the formal French-derived legal code with traditional practices. Residents of rural areas often lack effective access to formal judicial institutions. In most civil cases, they rely on traditional courts presided over by village chiefs, canton chiefs, or sultans. Decisions may be appealed to a formal court.

Official inaction and executive interference continue to plague the judiciary. Long delays in trials result in lengthy pretrial detention (see Section 1.d.). The 48-hour temporary police custody period after which a prisoner can be released if not

brought before a judge is not respected. Prisoners are not released but remain in jail due to lack of evidence, witnesses, or poor preparation of their cases.

The salaries of judicial officials often are low. Although the Government has stated that the strengthening and reform of the judiciary are top priorities, it made little progress in these areas.

The Government has not enforced the Military Code of Justice since the 1979-80 civil war, and courts-martial instituted early in the Deby regime to try security personnel for crimes against civilians no longer operate.

There were no reliable figures concerning the number of political prisoners. During the year, the Government reported that there were no political prisoners. In June detainees implicated in Kette Moise's rebellion, Charles Mbairem, Padja Ortingar, Mbairassem Elysee, Djikossem Nidja, Todjimbaye, and Michel Mbailemel received public trials. However, other individuals arrested for suspicion of subversive activities against the Government in the Tibesti region simply were released, or they disappeared (see Sections 1.b. and 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right to privacy of home, correspondence, and other communications, as well as freedom from arbitrary search; however, authorities infringed on those rights. The Penal Code requires authorities to conduct searches of homes only during daylight hours and with a legal warrant; however, in practice security forces ignored these provisions and conducted extrajudicial searches at any time.

The Government engages in wiretapping without judicial authority, monitors the contents of private mail through the postal service, and monitors private e-mail through the main post office server. The president of the political party Mouvement pour la Democratie au Chad reported to human rights groups that his telephone line continued to be tapped. According to a local newspaper, the N'Djamena Hebdo of March 16, the telephone lines of two embassies and opposition supporters also were tapped.

The Government illegally and forcibly conscripted young men from eastern Chad and Sudan into the army where they were trained for fighting against rebel forces in northern Chad.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government at times infringed on this right in practice. The Government continued to threaten journalists with legal retaliation for publishing material on the rebellion in the northern part of the country or about senior government officials accused of corruption or responsibility for attacks on Chadians in Libya. However, although the Minister of Communications labeled such material as seditious and urged the press not to publish it, the Government did not retaliate legally against journalists or other media for such coverage during the year. Several opposition newspapers strongly criticized government actions, and the Government did not prosecute private print journalists for libel.

The Government controls the newspapers Info Tchad and Victoire and influences Le Progres; however, it does not dominate the press. A number of private newspapers are published in the capital; most were extremely critical of government policies and leaders.

The Government reacted strongly to the Le Temps and L'Observateur editions of March 5 and 10. L'Observateur published a picture of rebel leader Togoimi in a vehicle with heavy weapons; Le Temps accused the President's party (MPS) of being Fascist. Both newspapers received unspecified threats from government officials. On March 10, the Le Temps editor Nadjikimo Benoudjita reported that both he and L'Observateur editor Sy Koumbo Gali had heard rumors of possible reprisals at their offices by state security forces; however, no official action was taken.

Due to widespread illiteracy and the relatively high cost of newspapers and television, radio is the most important medium of mass communication and information. La Voix du Paysan, which is owned by the Catholic Church, began operating in 1997. Located in Doba, it broadcasts locally produced programming including news coverage and political commentary in French and indigenous languages over a 140-mile range. The High Council on Communications (HCC), an independent institution, has set the licensing fee for a commercial radio station at a prohibitively high level: approximately $9,000 (5 million CFA) per year, 10 times the fee for radio stations owned by nonprofit NGO's like La Voix du Paysan. A community radio station in N'Djamena, DJA-FM99 received a license in 1999 from the HCC; DJA-FM99 began operations in May 1999 and programming in October 1999, but it only broadcast music. Station FM Liberte, owned by a group of human rights organizations,

also received a license in 1999, but it did not start operations and programming until August.

The Government owns and operates the only domestic television station. There have been no requests to establish a private television station as the economic preconditions, such as a sizeable audience with purchasing power, do not exist. There is one privately owned cable television station service that distributes foreign-sourced programming in French and Arabic, but relatively few citizens can afford to subscribe to the service. A South African cable station also sells subscriptions.

The sole Internet access server is provided by the government-owned telecommunications monopoly. The Government does not restrict access to the Internet; however, the state-owned firm reportedly set prices and provided a quality of service that has discouraged the establishment of private domestic Internet service providers.

The official media, consisting of a national radio network, a press agency, and N'Djamena's only national television station, are subject to both official and informal censorship; however, at times they were critical of the Government. The official media also gave top priority to government officials and events, while providing less attention to the opposition. The HCC acts as an arbiter whose main function is to promote free access to the media; however, it has no powers of enforcement.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government limited this right in practice. The law requires organizers of public demonstrations to notify local authorities 5 days in advance of the demonstration. Authorities banned demonstrations critical of the Government despite being notified in advance as required by law. In September the Ministry of Interior refused permission to Njarlejy Yorongar, leader of the Federation-Action-Republic political party, to hold a meeting. Les Forces Vives, an association of political parties, also was waiting for permission from the Interior Ministry to hold a march; they were denied permission, and at year's end, they had not been authorized to hold a march. By contrast peaceful demonstrations in support of the Government and its policies are condoned.

The Constitution provides for freedom of association, and the Government respected this right in practice.

c. Freedom of Religion.—The Constitution provides for religious freedom, and the Government generally respects this right in practice; however, at times it limited this right. The Constitution also provides that the country shall be a secular state; however, despite the secular nature of the state, a large proportion of senior government officials, including President Deby, are Muslims, and some policies favor Islam in practice. For example, the Government sponsored annual Hajj trips to Mecca for certain government officials.

The Government requires religious groups, including both foreign missionary groups and domestic religious groups, to register with the Ministry of Interior's Department for Religious Affairs. Registration confers official recognition but not any tax preferences or other benefits. There are no specific legal penalties for failure to register, and there were no reports that any group had failed to apply for registration or that the registration process is unduly burdensome. The Government reportedly has denied official recognition to some groups of Arab Muslims in Ati, near the eastern border with Sudan, on the grounds that they have incorporated elements of traditional African religion, such as dancing and singing, into their worship. Non-Islamic religious leaders claim that Islamic officials and organizations receive greater tax exemptions and unofficial financial support from the Government. State lands reportedly are accorded to Islamic leaders for the purpose of building mosques, while other religious denominations must purchase land at market rates to build churches.

On May 31, the Supreme Court rejected a request from one branch of a Christian evangelical church to deny government recognition to its independent sister branch. In 1998 the Eglise Evangelique des Freres (EEF) split into moderate and fundamentalist groups. The moderate branch of the EEF retained the legal registration for the Church, but on April 7, 1999, the Ministry of Interior awarded recognition to the fundamentalist branch under a new name, Eglise des Freres Independentes au Tchad (EFIT). Since 1999 the EEF branch has sought to bar the EFIT church legally from practice, and ultimately the case went before the Supreme Court, which upheld the rights of the EFIT to continue its religious work and its right to function.

The Government has imprisoned and sanctioned fundamentalist Islamic imams believed to be promoting conflict among Muslims.

A fundamentalist imam in N'Djdamena, Sheikh Faki Suzuki was restricted from preaching Islam for 6 months, from October 1998 to March 1999, and the authorities also placed him under house arrest during the same period. Although no longer

under house arrest, Suzuki has experienced problems since the beginning of the year with the Islamic Committee in N'Djamena for painting their name and logo on his car. He was warned twice to not represent the committee, and he responded by removing the committee name from his car. In January 1999, the Government arbitrarily arrested and detained Imam Sheikh Mahamat Marouf, the fundamentalist Islamic leader of the northeastern town of Abeche, and refused to allow his followers to meet and pray openly in their mosque. Sheikh Marouf was released from prison in November 1999 after nearly 1 year in jail. Sheikh Marouf may pray but is not permitted to lead prayers. His followers are allowed to pray in their mosques, but they are forbidden from debating religious beliefs in any way that might be considered proselytizing; however, the Tidjani followers throughout the country are allowed to proselytize.

In both instances, the Government claimed that the imams were responsible for inciting religious violence; their followers rejected the Government's claim and cited religious differences with the Government.

On May 25, the Sultan of Kanem arrested a large number of adherents of an Islamic group, Faydal Djaria. The group arrived in the country from Nigeria and Senegal and incorporates singing and dancing into its religious ceremonies and activities. The group is found from the Kanem region around Lake Chad into neighboring Chari Baguirmi. The Chadian Superior Council of Islamic Affairs considered that the Faydal Djaria group does not conform to Islamic tenets, and it requested the Ministry of Interior to arrest the group's spiritual leader, Ahmat Abdallah. In January 1998, the Minister of Interior banned the group; however, from the beginning of the year, the group was increasingly active, resulting in the arrests in the Kanem. The new Director of Religious Affairs at the Ministry of Interior requested that the Superior Council of Islamic Affairs provide the specific sections of the Koran that support the ban of the group. There was an undetermined number of Faydal Djaria prisoners in Kanem at year's end.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, there are some limits on them in practice. The Government did not require special permission for travel in areas that it effectively controls; however, elements of the security forces, rebels, and bandits continued to maintain many roadblocks throughout the country, extorting money from travelers. The Government did not officially condone such behavior on the part of members of security forces, but it did not discourage it effectively. In addition armed bandits operated on many roads, assaulting, robbing, and killing travelers; some bandits were identified as active duty soldiers or deserters (see Section 1.a.).

In March the Government refused to issue passports to the wife and children of rebel leader Togoimi. At year's end, Togoimi's family limited their movements in response to government surveillance; they did not pursue their request for passports, despite the Ministry of Interior's statements indicating that the Government was disposed to reconsider favorably the Togoimi family's earlier request (see Section 1.c.).

Some family members of persons who have joined the northern rebellion choose to leave Chad for security reasons.

The Government adheres to the principles of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, these principles are not incorporated into the law. An official national structure, the National Committee for Welcoming and Reinsertion, is in place to deal with domestic and foreign refugee affairs. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations assisting refugees. Since 1993 the Government has registered refugees in N'Djamena and sent their applications for refugee status to UNHCR Central African headquarters in Kinshasa, the Democratic Republic of the Congo, or other regional UNHCR offices in Africa. A person whose application is accepted is eligible to enroll in a 6-month care maintenance program that includes a monthly subsistence allowance, medical care, and assistance in finding work. This program is funded by a local NGO. The Government provides first asylum for refugees and has done so in past years. The Government has granted refugee and asylee status informally to persons from Sudan and the Republic of the Congo and has allowed them to remain for resettlement. The World Refugee Survey stated that the country hosted 20,000 Sudanese refugees.

Chadian refugees are legally free to repatriate. In May the Cameroonian Government repatriated 300 Chadian refugees to Lere, with the assistance of the UNHCR. This group is the first of 2,400 Chadian refugees who fled the country during the civil war in 1980. In October about 350 families were repatriated from Libya after clashes between Libyans and Subsaharan Africans, which were described in the press as xenophobic. Most Chadian refugees reside in the Central African Republic,

Niger, Libya, Sudan, Nigeria, and Cameroon. The World Refugee Survey stated that approximately 15,000 Chadians were refugees (5,000 in the Central African Republic, 5,000 in Sudan, 3,000 in Cameroon, and 1,000 in Nigeria).

A group of foreign individuals, mostly Sudanese, claiming to be refugees, continue to charge that foreign officials often monitor refugees applying at the UNHCR branch office in N'Djamena and have stated that this surveillance intimidates some refugees. There were no confirmed reports of the forced expulsion of persons with a valid claim to refugee status, but refugees continue to complain about threats to their safety while waiting for their cases to be adjudicated.

There were no known instances of persons being returned to a country where they feared persecution. Persons forcibly repatriated by Sudan and initially under movement restrictions were free to leave the country during the year.

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

The Constitution provides citizens with the right to change their government peacefully; however, the Government continued to limit this right in practice. The 1996 presidential election and the 1997 National Assembly elections, in which President Deby's MPS party won 65 of a total of 125 seats in the National Assembly, were the first multiparty elections in many years; however, both elections were compromised by widely reported fraud, including vote rigging and other irregularities committed by election officers, government officials, members of the ruling party, and others.

The Government is headed by a prime minister who is nominated by the President and confirmed by the National Assembly. In December 1999, President Deby replaced former Prime Minister Nassour Ouaidou Guelengdouksia with Nagoum Yamassoum.

The State remains highly centralized. The national government appoints all subnational government officials, who must also rely on the central government for most of their revenues and their administrative personnel. Using its parliamentary majority, the Government passed twin legislative bills in 1999 outlining the country's proposed decentralization structure for local government elections as required by the Constitution. Local elections have been delayed since the conclusion of the 1997 parliamentary elections and had not taken place by year's end. In September 1999, the Constitutional Court returned both legislative bills to the Parliament after finding that they violated the Constitution. On January 4, the Constitutional Court rejected a decree redrawing provincial borders and separately rejected the bill on decentralization.

Many political parties objected to the Government's proposed decentralization plan and presidentially decreed internal territorial divisions, which appeared to be an attempt at gerrymandering. Opposition political leaders accused the Government of coopting their most popular local politicians to run as MPS members in upcoming local elections and also alleged intimidation by the military against those party members who refused.

The National Assembly created an Independent Elections Commission (CENI) in September to prepare for the presidential and National Assembly elections. The President's political party dominates the CENI.

Women are underrepresented in government and politics; few women hold senior leadership positions. There is 1 woman of cabinet rank, and there are 3 women who are members of the 125-seat National Assembly.

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

Human rights organizations generally operate with few overt restrictions, investigating and publishing their findings on human rights cases; however, the Government obstructed the work of human rights organizations during the year through arrest, detention, and intimidation. Government officials often are accessible to human rights advocates; however, they generally are unresponsive or hostile to their findings. Incidents between state security forces and human rights activists occurred in Kelo, Bessao, and Bedaralal.

Human rights groups are outspoken, and often partisan, in publicizing the abuses through reports, press releases, and the print media, but only occasionally are they able to intervene successfully with authorities. They often send statements to diplomatic missions and international NGO's. Many human rights groups are composed of opponents of the Government, which impairs their credibility with the Government and also with international organizations.

NGO's have gained recognition under the Deby regime and play a role in political events. Human rights groups have assisted the Government in meditation efforts to

reconcile the ancient conflict between herders and farmers over land and water rights.

At the turn of the year, the Collective of Human Rights Associations, consisting of five human rights organizations, issued a declaration urging the Government to respect human rights; at year's end, there was no government response.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal rights for all citizens, regardless of origin, race, religion, political opinion, or social status. In practice cultural traditions maintain women in a status subordinate to men, and the Government favors its ethnic supporters and allies.

Women.—Domestic violence against women is believed to be common, although no statistics were available. By tradition wives are subject to the authority of their husbands, and they have only limited legal recourse against abuse. Family or traditional authorities may act in such cases; however, police rarely intervene.

Discrimination against women remains widespread. In practice women do not have equal opportunities for education and training, making it difficult for them to compete for the few formal sector jobs. Property and inheritance laws do not discriminate against women, but traditional practice favors men. The exploitation of women is especially pervasive in rural areas, where women do most of the agricultural labor and are discouraged from formal schooling. Illiteracy was estimated at 65 percent for women, but only 38 percent for men. Under the law, polygyny is the norm; however, spouses may opt for monogamy. If a monogamous relationship is violated, the marriage may be dissolved at the wife's request alone; however, she must repay the dowry and other expenses related to the marriage.

During the year, the Government promoted increased awareness of women's rights by sponsoring a national women's march in N'Djamena on October 17. In August 1999, the Government held meetings with representatives of religious groups and civil society to update the Family Code. In the absence of a comprehensive law governing women's rights, the Family Code sets the parameters of women's rights under the law. In a subsequent meeting with the national women's group during the year, the group called upon the Government and the rebels to cease the fighting in the Tibesti.

Children.—The Government took several actions to improve children's rights and welfare, but it devoted few resources and little attention to implementing its proposals. Although the Government continued to increase modestly its assistance to the education sector, it has not committed adequate funding to public education and medical care. Government education policy for children and youth is focused on increasing classroom facilities and infrastructure.

The Government does not enforce compulsory education. The Constitution provides for free education; however, parents complained that they must pay tuition to public schools. Educational opportunities for girls are limited, mainly because of tradition. About as many girls as boys are enrolled in primary school, but the percentage of girls enrolled in secondary school is extremely low, primarily because of early marriage. Although the law prohibits sexual relations with a girl under the age of 14, even if married, this law is rarely enforced, and families arrange marriages for girls as young as the age of 12 or 13; the minimum age for engagements is 11 to 12. There are some forced marriages, for the financial gain of a dowry (see Section 6.c.). Many young wives are then forced to work long hours of physical labor for their husbands in fields or homes. Children also work in agriculture and herding (see Section 6.d.).

The law considers any citizen under the age of 18 years as a minor. Sexual relations, even with consent, before the age of 13 years are considered to be rape and the prescribed sentence is for hard labor in perpetuity; the age of consent is 14. Rape of children and child abuse are problems.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is widespread and deeply rooted in tradition. A U.N. study in 1995 estimated that approximately 60 percent of all females have undergone FGM; the practice is especially prevalent among ethnic groups in the east and south, where it was introduced from Sudan. All three types of FGM are practiced; the least common but most dangerous and severe form of FGM, infibrulation, is confined largely to the region on the eastern border with Sudan. FGM usually is performed prior to puberty as a rite of passage and an occasion during which many families profit from gifts from their communities.

Opposition to the elimination of FGM is strong. Both the Government and the NGO community in recent years have conducted active and sustained public edu-

cation campaigns against this practice. The Ministry of Social Action and the Family is responsible for coordinating activities to combat FGM. The law makes FGM theoretically a prosecutable offense as a form of assault, and charges can be brought against the parents of FGM victims, medical practitioners, or others involved in the action; however, no suits have been brought under the law. A law to criminalize the practice of FGM was passed by the Council of Ministers; however, by year's end, no action had been taken by the National Assembly.

People with Disabilities.—There is no official discrimination against disabled persons; however, the Government operates only a few therapy, education, or employment programs for persons with disabilities, and no laws mandate access to buildings for the disabled. Several local NGO's provide skills training to the deaf and blind.

Religious Minorities.—Although the different religious communities generally coexist without problems, there were reports of increasing tension between Christians and Muslims due to the proselytizing by evangelical Christians. In addition tensions and conflicts between government supporters from the politically dominant northern region and rebels from the politically subordinate southern region occasionally have religious overtones.

National/Racial/Ethnic Minorities.—There are approximately 200 ethnic groups, many of which are concentrated regionally and speak distinct primary languages. Most ethnic groups are affiliated with one of two regional and cultural traditions: Arab and Saharan/Sahelian zone Muslims in the north, center, and east; and Sudanian zone Christian or animist groups in the south.

Societal discrimination continued to be practiced routinely by members of virtually all ethnic groups and was evident in patterns of buying and employment, in patterns of de facto segregation in urban neighborhoods, and in the paucity of interethnic marriages, especially across the north-south divide. Although the law prohibits state discrimination on the basis of ethnicity, in practice ethnicity continued to influence government appointments and political alliances. Northerners, in particular members of President Deby's Zaghawa ethnic group, continued to dominate the public sector and were overrepresented in key institutions of state power, including the military officer corps, elite military units, and the presidential staff. Political parties and groups generally continued to have readily identifiable regional or ethnic bases.

In the army's struggle against the Tibesti rebels, hundreds of soldiers were killed or injured by landmines in 1998 and 1999; deaths and injuries from landmines continued during the year. In 1999 the Government exhibited a pattern of discrimination in selectively separating wounded northerners, especially Zaghawa, from southerners for treatment, with the Zaghawa given preferential medical treatment, including evacuation abroad. Human rights groups in Faya Largeau charged that many untreated wounded southerners were left to die as a result of the selective access to medical treatment based solely on ethnicity; however, there were no similar reports during the year.

Section 6. Worker Rights

a. The Right of Association.—The Constitution recognizes freedom of association and union membership, as well as the right to strike, and the Government generally respected the right to organize and strike in practice. All employees, except members of the armed forces, are free to join or form unions. However, few workers belong to unions, since most workers are unpaid subsistence cultivators or herders. The main labor organization is the Federation of Chadian Unions (UST). Its former major constituent union, the Teacher's Union of Chad, broke off from UST and became independent in 1998. Neither union has a tie to the Government. A number of minor federations and unions, including the Free Confederation of Chadian Workers, also operated, some with ties to government officials.

Ordinances of the law permitted forced labor imprisonment for participation in strikes; however, there was no such punishment during the year.

The 1996 Labor Code ended long-standing legal restrictions on trade union rights; however, there were reports that a 1962 ordinance requiring prior authorization from the Ministry of the Interior before an association can be formed is still in force. The ordinance also allowed for the immediate administrative dissolution of an association and permitted the authorities to oversee associations' funds. Although the Government allegedly has applied this law to unions on several occasions despite assurances that only the Labor Code would govern the unions, there were no reports of such action during the year.

A strike by butchers from January to March was provoked by the new value added tax and caused a shortage in the meat supply for several weeks and a consequent price increase for meat.

Labor unions have the right to affiliate internationally. The Union des Syndicates du Tchad (UST) affiliates with the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The Constitution contains only general provisions for the rights of the Government to set minimum wage standards and to permit unions to bargain collectively. The Labor Code has specific provisions on collective bargaining and workers' rights. The Labor Code empowers the Government to intervene in the bargaining process under certain circumstances.

The Labor Code protects unions against antiunion discrimination, but there is no formal mechanism for resolving such complaints.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution and the Labor Code prohibit slavery and forced or compulsory labor by adults and children; however, there were reports of forced labor practices in the formal economy, and isolated instances of forced labor by both children and adults in the rural sector by local authorities as well as in military installations in the north. During the year, a local newspaper reported that workers in SONOSUT, the sugar parastatel, were forced to work but were not paid. Some young girls were forced into marriages by their families; these girls then were forced to work in their husbands' fields or homes (see Section 5). There were reports that Zaghawas were conscripted forcibly into the armed forces throughout the year. In December security forces in N'Djamena reportedly rounded up army deserters and other individuals described as bandits, sent them to the northern military front, and forced them to fight alongside government troops. Ordinances of the law permitted forced labor imprisonment for participation in strikes.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code stipulates that the minimum age for employment in the formal sector is 14 years; however, the Government does not enforce the law in practice. Children are rarely employed except in agriculture and herding due to the high unemployment rate; however, in agriculture and herding, nearly all children work. Children rarely are employed in the commercial sector; however, some children work on contract with herders.

Abusive and exploitative child labor exists and affects an estimated 19 percent of children between the ages of 6 and 18 years of age. For example, Ngaryade Togyambaye, a 12-year-old student in the third grade, and Nanguerimbaya Masrabaye, a 16-year-old student in the sixth grade, were taken from school and delivered by their father, Ngaryade Victor, to Ahmat Izergue, a herder, for $13 (6,600 CFA). Such practices are a consequence of parental resignation, dislocation of the family unit, endemic poverty, lack of appropriate legal protection, demographic and population explosion, and civil war. The instability resulting from civil wars contributed to the Government's limited ability to improve living conditions of children. Despite the ratification of international conventions on child labor, no government policies protecting child labor existed before the National Assembly ratified the Convention on Children's Rights on August 4.

There were reports that in the southern part of the country, families contract out their children to Arab nomadic herders to help care for their animals, and the children often are abused and return with little financial compensation for their work. Some children work as domestic servants in the households of relatives for little compensation.

The Government does not support the use of minors in the military, and observers believe that most minors were demobilized in 1997; however, there were credible reports that minors continue to serve in the military. President Deby reportedly conscripted teenage Zaghawa to fight in the Tibesti.

During the year, the Government sponsored a number of workshops, seminars, and radio broadcasts to raise awareness of the abuses of child labor and to advocate elimination of the worst forms of child abuse. The Council of Ministers adopted ILO Convention 182 on the worst forms of child labor in October 1999, and the National Assembly ratified the convention in August. The labor law states anyone under the age of 18 is a minor, and, in accordance with ILO Convention 182, it prohibits children from undertaking "any work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children."

The Government prohibits forced and bonded labor by children; however, it does not enforce this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—The Labor Code applies to both foreign and domestic workers and requires the Government to set minimum wages. The minimum wage at year's end was $50 (25,480 CFA) per month. Most wages, including the minimum wage, were insufficient to provide a decent standard of living for a worker and family. Nearly all private sector and state-owned firms paid at least the min-

imum wage, but the lowest public sector wages remained below the minimum wage. The Government increased civil servant's salaries by 5 percent in January 1999, but salaries were not increased subsequently. In 1999 the Government reduced wages paid to the armed forces, which were already well below the minimum wage.

The State, which owns businesses that dominate many sectors of the formal economy, remained the largest employer. The Government reduced significantly the large salary arrears owed to civil servants and military personnel, although some arrears remain. Nevertheless, wages remained low and many state employees continued to hold second jobs, raise their own food crops, or rely on family members for support.

The law limits most agricultural work to 39 hours per week, with overtime paid for supplementary hours. Agricultural work is limited to 2,400 hours per year. All workers are entitled to an unbroken period of 48 hours of rest per week, although in practice these rights rarely are enforced.

The Labor Code mandates occupational health and safety standards and inspectors with the authority to enforce them; however, these standards rarely are respected in practice in the private sector and nonexistent in the civil service. The UST has alleged before the ILO that the labor inspection service is not allocated the resources necessary to perform its duties. In principle workers can remove themselves from dangerous working conditions; however, in practice they cannot leave without jeopardizing their employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, within, or through the country.

The Penal Code makes trafficking in persons a crime punishable by 5 to 20 years in prison; however, no governmental organization focused on the potential problem, and no economic or financial aid would be available unless a victim seeks damages in court. The Government has sponsored educational campaigns through the media to advise parents to instruct children about the danger of trusting strangers.

COMOROS

The Federal Islamic Republic of the Comoros is ruled by Colonel Azali Assoumani, who took power in a coup in April 1999. The country consists of three islands (Grande Comore, Anjouan, and Moheli) and claims a fourth, Mayotte, which is governed by France. Comoros has been prone to coups and political insurrection since independence in 1975. In April 1999, army commander Colonel Azali staged a bloodless coup and overthrew President Tadjiddine Ben Said Massounde, the Interim President who had held office since the death of democratically elected President Mohamed Taki Abdoulkarim in November 1998. In December 1999, in response to international criticism, Azali appointed a civilian prime minister, Bianrifi Tarmidi; however, Azali remains the Head of State and army Commander in Chief. When he took power, Azali said that he would step down on April 14 and relinguish power to a democratically elected president, but by year's end, he had not done so. In May 1999, Azali decreed a Constitution that gave him both executive and legislative powers. In August Azali organized a national congress in response to pressure from his political supporters to restore civilian rule. Opposition parties boycotted the National Congress, but pro-Azali parties participated. The Congress agreed on a new constitution in which Azali would remain Head of State, but daily government administration would be handled by the civilian Prime Minister and the Council of State, which would act as both a legislature and constituent assembly. In November a Tripartite Commission, composed of representatives from Grande Comore, Moheli and Anjouan, was inaugurated and charged with developing a new constitution based on the Fomboni Declaration—an agreement between the Government and Anjouan—and the constitution that was articulated by the National Congress in August. In December Azali named a new civilian Prime Minister, Hamada Madi, and formed a new civilian Cabinet. The opposition parties initially refused to participate in the Tripartite Commission, but in December met with the Azali Government. At year's end, the Organization for African Unity (OAU) was mediating negotiations between the Government and the opposition on the provisions of the new constitution and a timetable for elections in 2001; however, it remained unclear whether the representatives from Anjouan would participate in or accept any agreement resulting from the negotiations. Although the OAU initially had maintained the position that the Antananarivo Accord was the only viable option to reunify the islands, in December the OAU stated its intention to accept an agreement that maintained the territorial integrity the country and that provided for a democratic constitutional

government. The August constitution provided for the continuation of an independent judiciary; however, it was not implemented by year's end. In the past, both the executive and other elites influenced the outcome of cases, and the executive intervened in at least two cases during the year.

The Anjouan secession crisis subsided after the August 26 signing of the "Fomboni Declaration of National Unity" by Azali and separatist leader Lieutenant Colonel Said Abeid. The Fomboni Declaration provides for a loose confederation between the islands, giving each island the ability to maintain an army and conduct its own foreign relations. On Anjouan the signing of the Fomboni Declaration resulted in 4 days of violent clashes between opponents and supporters of Abeid's separatist faction.

The Comorian Defense Force (FCD), and the gendarmerie are responsible for internal security and are under Azali's direct control. Security forces committed some human rights abuses.

The economy of this extremely poor country is dominated by agriculture. Revenues from the main crops—vanilla, essence of ylang-ylang, and cloves—continued to fall while the population of 547,600 has been growing at a rate of 2.7 percent annually. Per capita income was approximately $400 per year in 1997—the national accounts have not been updated since 1998. The country depends heavily on foreign assistance from the European Union and Arab countries, including Bahrain, Kuwait, Qatar, Saudi Arabia, and the United Arab Emirates.

The Government's human rights situation remained poor, and it continued to commit abuses. Citizens do not have the right to change their government. Security forces reportedly continued to threaten Christians. Separatist authorities on Anjouan tortured, beat, and raped opponents of the separatist Government. Prison conditions remain poor. Security forces and the separatist authorities on Anjouan used arbitrary arrest and detention. In at least two instances, the executive intervened with the judiciary. Authorities restricted citizens' privacy rights. There were infringements on freedom of the press and assembly and movement. The military Government limits freedom of religion. Societal discrimination against women and Christians continued to be serious problems. There were some instances of forced child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings by security forces on Grande Comore or Moheli.

Between May 11 and 13, 1998, police clashed with protestors on Grand Comore over the May 6, 1998, government closure of the opposition party's Radio Tropique. Police seriously injured several persons, but the only death reportedly was due to a traffic accident caused by the fighting. By year's end, no police officers were held responsible for their actions during the protests.

In addition to the police and the military, there are many groups throughout Anjouan that are armed, including paramilitary forces, militias, and civilians. In 1999 battles between rival militias resulted in approximately 12 deaths; however, there were no such deaths reported during the year.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution does not prohibit torture or other cruel, inhuman, or degrading treatment or punishment specifically; however, while there were no reports of security force brutality, police reportedly continued to threaten Christians on Grande Comore (see Section 2.c.).

On October 13, police used tear gas to disburse forcibly demonstrators protesting against rising fuel prices and protestors who were marching to the OAU offices in Moroni (see Section 2.b.). Police reportedly also threw tear gas canisters into private homes (see Section 1.f.). Two policemen and several protestors reportedly were injured, and some protestors reportedly were arrested.

Separatist security forces tortured, beat, and otherwise abused persons on Anjouan. There were reports that separatist security forces on Anjouan intimidated, arrested, and beat persons during the referendum at the end of January (see Section 3). In August separatist authorities on Anjouan arrested approximately 100 opponents of the Fomboni Declaration, following demonstrations against the agreement (see Section 1.d.). There were unconfirmed reports that as many as 28 of those arrested, who primarily were members of the Comoros Red Crescent Society and the opposition party GIRMA (Group for the Recovery Initiative for the Anjouan Movement), were tortured, and, in one case, raped. By November the Government had

freed all of those arrested; there were no reports of government action against those persons responsible for the abuses.

In April 1999, quasi-police authorities known as embargoes arrested, beat, and detained three local Christians; there was no further information on the incident at year's end. Prison conditions continued to be poor. A lack of proper sanitation, overcrowding, inadequate medical facilities, and poor diet are common problems. The military Government has not taken action to remedy these problems. Although there were reports of deaths as a result of disease in prisons in previous years, there were no reports of such deaths during the year. Female prisoners are held separately from male prisoners. Juveniles are not imprisoned; they are returned to the custody of their parents.

The military Government permits prison visits by independent monitors; however, no such visits occurred during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution does not prohibit arbitrary arrest and detention specifically, and there were instances in which authorities arbitrarily arrested and detained citizens. The new constitution, approved in August, prohibits arbitrary arrest and detention; however, it was not implemented by year's end.

Two Azali opponents who reportedly led a coup attempt in March were detained in a military prison. In November one of the opponents escaped from prison; the other opponent remained in detention at year's end (see Section 3).

On August 15, authorities arrested four opposition politicians, including Cheik Ali Bacar Kassim, former Member of Parliament (M.P.) and owner of the opposition radio station Radio Tropique, for allegedly plotting to overthrow Colonel Azali. The four were detained in a military prison, despite a judge's order to transfer them to the civilian prison in the capital of Moroni. Cheik Ali reportedly was denied access to defense counsel until he launched a hunger strike in protest (see Section 1.e.).

After the August demonstrations against the Fomboni Declaration, separatist authorities on Anjouan arrested and beat numerous opposition supporters (see section 1.c.). At the end of September, 3 of the approximately 100 persons arrested were freed by a tribunal in Anjouan's capital, Mutsamudu. At the end of November, authorities reportedly freed Kassim on the condition that he leave the country; when he refused to leave, he reportedly was returned to prison. No trial date had been scheduled by year's end.

On Anjouan local authorities continued to attempt to suppress or convert the Christian minority.

On October 13, police arrested approximately 20 persons while dispersing a demonstration in Moroni; police broke into houses and one mosque to make arrests (see Section 1.c., 1.f., 2.b., and 2.c.). The protestors were released within 24 hours, and no charges were filed against them.

One Anjouanais Christian estimated that approximately 50 Christians, both men and women, were detained in Anjouan by embargoes during the past 18 months.

In September 1999, secessionist authorities on Anjouan exiled a group of opponents to Mayotte, then imprisoned several of the group's leaders when they were sent back to Anjouan by French authorities. The opponents were released from prison in early October, and no charges were filed against them.

The Constitution does not prohibit forced exile, but the military Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in the past, the executive and other elites have exercised influence over court cases, and the executive intervened in at least two cases during the year. The Head of State names magistrates by decree. In August despite regulations that prevent the removal of judges, Colonel Azali transferred to other duties nine judges who had initiated a strike calling for judicial reform and regular payment of salaries. In October Colonel Azali issued a presidential decree which reduced the number of Supreme Court justices from nine to five and transferred judges to other courts. Although the official reason for the action was a lack of resources, opposition critics accused Azali of punishing certain judges for questioning government policies and participating in a strike by judges and court personnel. In the case of detained opposition politician Cheik Ali Bacar Kassim and three others, the trial judge resigned in protest when authorities failed to obey his order to transfer the opposition leaders from a military prison to a civilian prison in Moroni. Authorities stated that the poor condition of the Moroni Prison prohibited the transfer.

The High Council, made up of four members appointed by the President, three members elected by the Federal Assembly, and a member of each island council, also serves as the High Court of the Republic and rules on cases of constitutional law. The August Constitution, which was not implemented during the year, provides for equality before the law of all citizens and provides for the right of accused to

mount a defense. Trials are open to the public except for limited exceptions defined by law. The legal system incorporates Islamic law as well as French legal codes. After he was arrested in August (see Section 1.d.), opposition leader Cheik Ali was denied access to defense counsel for almost 1 month, but authorities allowed Cheik Ali's lawyer to visit him after he began a hunger strike. There are very few lawyers in the country, making it difficult to obtain legal representation. The military Government does not provide legal counsel to the accused. Most disputes are presented to village elders for possible resolution before being taken to court.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—There were no known cases of arbitrary interference with correspondence; however, police interfered with the privacy of the home. On October 13, during protests in Moroni, police reportedly raided houses by breaking down doors and throwing canisters of tear gas through windows; police arrested approximately 20 persons during the raids, and there were reports that some protestors and police were injured (see Sections 1.c. and 2.b.). Police also arrested worshipers in a mosque (see Sections 1.d. and 2.c.).

Bans on alcohol and immodest dress are enforced sporadically, usually during religious months, such as Ramadan. Alcohol can be imported and sold with a permit from the Government.

In October several hundred Comorian illegal immigrants were evicted from their homes and places of employment after the local Government in Mayotte announced new penalties against persons who housed or employed illegal immigrants (see Section 2.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution does not provide specifically for freedom of the press, and on at least one occasion authorities infringed on this right. In August former M.P. Cheik Ali Bacar Kassim, who also owns the independent radio station Radio Tropique and is a well-known opposition figure, was arrested for allegedly plotting to overthrow the Azali Government (see Sections 1.d. and 1.e.). The new constitution approved in August, provides for freedom of the press; however, it was not implemented during the year.

There are two independent newspapers that publish regularly. These newspapers exist side-by-side with the semiofficial weekly Al-Watwan. Some of the independent newspapers criticized the Government freely.

The government-controlled radio station, Radio Comoros, was the only national radio station until the opposition radio station Radio Tropique resumed operations in June 1999. In August Radio Tropique stopped broadcasting news for a week to protest the arrest of its owner, Cheik Ali Bacar Kassim. In addition there are at least 10 regional and local stations, some of which are openly critical of the Government. Residents also receive broadcasts from Mayotte Radio, as well as from French television, without government interference. A national television station is under construction with assistance from the Government of the People's Republic of China. There are several private local television stations, and satellite antennas are popular. Amateur radio licenses have been issued without hindrance in the past.

Foreign newspapers are available, as are books from abroad. Internet service was introduced in 1998.

In August 1999, an independent radio station on Anjouan, Radio Ushababi, which was opposed to the independence movement, reportedly was forced to cease broadcasting after being harassed by police and threatened on several occasions by a group of separatist militiamen. In November the station resumed broadcasting.

The Government respects academic freedom. There is no university, but secondary students and teachers spoke freely and criticized the Government openly. Strikes by teachers and students resulted in periodic school closures.

b. Freedom of Peaceful Assembly and Association.—The Constitution does not provide specifically for freedom of assembly and association, and on at least one occasion the Government restricted this right in practice. The new constitution, approved in August, provides for freedom of assembly; however, it was not implemented by year's end.

On October 13, a general strike was held in the capital of Moroni to protest the rising cost of fuel. Police and protestors violently clashed after the demonstrators reportedly blocked roads with stones and burning tires. The protest began after an earlier demonstration by women in Mtsangani district was held to protest the military Government. There were reports that police raided numerous homes, disrupted persons in a mosque during prayers, and arrested persons during the incident (see Sections 1.d., 1.f., and 2.c.). Two policemen and several protestors reportedly were injured, and some protestors reportedly were arrested. There were also reports that

security forces used tear gas to disperse protesters who were marching to the OAU offices. Police briefly detained some of the protestors who were marching to the OAU offices. There were reports that some protestors and police officers were injured.

Between August 28 and 31 on Anjouan, separatist authorities clashed violently with opposition protesters who were demonstrating against the Fomboni Declaration of National Unity. Separatist authorities arrested as many as 100 of the protesters, some of whom reportedly were tortured and raped while in custody. (see sections 1.c. and 1.d.).

The Constitution does not provide specifically for freedom of association; however, the Government generally respects this right in practice. The new constitution, approved in August, provides for freedom of association; however, it was not implemented by year's end.

c. Freedom of Religion.—The Constitution does not prohibit discrimination based on religion or religious belief specifically, and authorities infringed on freedom of religion. An overwhelming majority of the population is Sunni Muslim, and authorities restricted the right of Christians to practice their faith. Police regularly threatened and sometimes detained practicing Christians. In previous years, the authorities held those detained for a few days and often attempted to convert them to Islam forcibly; however, there were no reports of such actions during the year. In October 1999, two citizens were arrested, tried, and convicted of "anti-Islamic activity" in part because they possessed Christian books and audiovisual material. One of the citizens was sentenced to 18 months in prison, while the other was sentenced to 4 months. Although in previous years, local government officials attempted to force Christians to attend services at mosques against their will, there were no reports of such incidents during the year. The Fombani Declaration that was signed by Azali and the Anjouan separatist leader in August included an agreement to make Islam the national religion. The constitution, approved in August, provides for equality of citizens under the law regardless of religion, belief, or ideology; however, it was not implemented by year's end.

During protests in Moroni on October 13, there were reports that police arrested persons inside a mosque while they were praying (see Section 1.f. and 2.b.).

There are two Roman Catholic churches and one Protestant church. However, prior to the April 1999 coup, the former military Government restricted the use of these three churches to noncitizens. There was no information available as to whether the new military Government continued this practice. Many Christians practice their faith in private residences. The Government permited Christian missionaries to work in local hospitals and schools, but did not permit them to proselytize.

An Anjouanais Christian estimated that approximately 50 Christians, both men and women, have been detained by the embargoes during the last 18 months. In April 1999, embargoes on Anjouan arrested, beat, and detained three local Christians for a day. Some community authorities on Anjouan banned Christians from attending any community events and banned Christian burials in a local cemetery.

Bans on alcohol and immodest dress are enforced sporadically, usually during religious months, such as Ramadan. Alcohol can be imported and sold with a permit from the Government.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution does not specifically provide for these rights and the military Government restricts these rights in practice. The new constitution, approved in August, provides for these rights; however, it was not implemented by year's end.

In February in response to a call by the OAU, the Azali Government imposed partial sanctions on Anjouan for its failure to sign the Antananarivo Accords by the February 1 deadline. These sanctions included travel and financial restrictions on Anjouan's leaders. In March broader sanctions were imposed on Anjouan, including restrictions on all telecommunications, air, and sea links, on oil and petroleum products, and on the non-recognition of travel documents and passports. Following the signing of the Fomboni Declaration in August, the Azali Government lifted the embargo unilaterally, permitting travel between Grande Comore and Anjouan. However, the embargo continued to be enforced by other nations.

There were reports during the year that persons fled Grand Comore and Anjouan for Mayotte; many of these persons reportedly drowned when they attempted to reach Mayotte on rafts or by swimming.

Comorian illegal immigrants in Mayotte are sometimes harassed by citizens of Mayotte. For example, in October several hundred Comorian illegal immigrants were evicted from their homes and places of employment after the local government

in Mayotte announced new penalties against persons who housed or employed illegal immigrants.

The Government has not formulated a policy regarding refugees, asylees, or first asylum. During the 1990's, refugees from central Africa fled to the country. Some have received asylum in other countries; approximately 10 of these refugees remained in the country, and they were awaiting placement by the UNHCR in other countries at year's end.

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

The Constitution does not provide for the right of citizens to change their government specifically, and in practice citizens do not have this right. The Constitution states that national sovereignty belongs to the nation's citizens who may exercise it through referendums; however, the Government had not scheduled a referendum by year's end.

According to the Constitution, the Head of State is appointed by the national army and has legislative power, which he then delegates to the Prime Minister and the Council of State. All laws proposed by the Council must be approved by the Head of State. In December 1999, in response to international criticism, Azali appointed a civilian Prime Minister, Bianrifi Tarmidi; however, Azali remains the Head of State and army Commander in Chief.

In March dissident political and army elements attempted a coup against Azali. This coup was suppressed, and the leaders of the coup were detained. In November one of the detained leaders escaped from prison, and the other leader remained in detention at year's end. The Government had not filed charges against the coup leaders by year's end.

In August Azali organized a national congress in response to pressure from his political supporters to restore civilian rule. Opposition parties boycotted the National Congress, but pro-Azali parties participated. The Congress agreed on a constitution in which Azali would remain Head of State, but daily government administration would be handled by the civilian Prime Minister and the Council of State, which would act as both a legislature and constituent assembly. The constitution was approved the National Congress in August, but it was not implemented by year's end.

On August 26, the Fomboni Declaration was signed by Azali and separatist leader Abeid. The declaration was an agreement to create a "new Comorian entity," in which the islands would share a common policy on religion, nationality, currency, foreign relations, and defense. In November a Tripartite Commission, composed of representatives from Grande Comore, Moheli, and Anjouan, was inaugurated and charged with developing a new constitution based on the Fomboni Declaration—an agreement between the Government and Anjouan—and the constitution that was articulated by the National Congress in August. The opposition parties initially refused to participate in the Tripartite Commission, but in December they met with the Azali Government. By year's end, the OAU was mediating negotiations between the Government and the on the provisions of the new constitution and a timetable for elections in 2001; however, it remained unclear whether the representatives from Anjouan would participate in or accept any agreement resulting from the negotiations. Although the OAU had initially maintained the position that the OAU-brokered Antananarivo Accord was the only viable option to reunify the islands, in December the OAU stated that it would accept an agreement that maintained the territorial integrity of the country and that provided for a democratic constitutional government. On December 12, Azali named a new civilian Prime Minister, Hamada Madi, and formed a new civilian Cabinet, which is composed of Azali supporters.

There were no bans in effect on political parties, which continued openly to criticize the Government without penalty. There are 21 political parties in the country; 5 parties represent the Azali Government and 16 parties represent the opposition.

Village chiefs and Muslim religious leaders tend to dominate local politics. Traditional social, religious, and economic institutions also affect the country's political life in important ways.

Although women have the right to vote and to run for office,

they are underrepresented severely in national politics and government. At least three women hold senior government positions; one is the Minister for National Education; one is the President of the Tribunal of First Instance, and the third is the General Secretary of the State Council, which advises the Cabinet.

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

The military Government did not prevent the operation of human rights nongovernmental organizations (NGO's), and a number of NGO's operated in the country. However, the Comoros Human Rights Association, established in 1990, was on the verge of disintegration due to a lack of funds, and it was inactive during the year.

The military Government cooperated with international NGO's, and a few international NGO's operated in the country.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution does not prohibit discrimination based on these factors specifically, but only states that the judiciary is the guardian of individual liberties. There is discrimination against women, and local communities discriminate against and harass Christians. The new constitution, approved in August, provides for equality under the law to all citizens regardless of sex, origin, race, religion, belief, or ideology; however, it was not implemented by year's end.

Women.—Violence against women occurs, but medical authorities, the police, and women's groups believed that it was rare. In theory a woman could seek protection through the courts in the case of violence, but the problem is addressed most often within the extended family or at the village level.

Men have the dominant role in society. A matriarchal African tradition affords women some rights, especially in terms of landholding. Societal discrimination against women is most apparent in rural areas where women have onerous farming and childrearing duties, with fewer opportunities for education and wage employment. In contrast an improvement in the status of women was most evident in the major towns, where growing numbers of women are in the labor force and generally earn wages comparable to those of men engaged in similar work; however, few women hold positions of responsibility in business. While legal discrimination exists in some areas, in general inheritance and property rights do not disfavor women. For example, the house that the father of the bride traditionally provides to the couple at the time of their marriage remains her property in the event of divorce.

Children.—The Government has not taken any specific action to protect or promote children's welfare. Education is compulsory until the age of 10; however, attendance is not enforced. An estimated 60 percent of children attended primary school, while only 34 percent attending secondary school. Fifty-five percent of boys attended school, and 45 percent of girls attended school. Population pressure and poverty forced some families to place their children in the homes of others. These children, often as young as 7 years of age, typically worked long hours as domestic servants in exchange for food and shelter (see Section 6.c.). Legal provisions that address the rights and welfare of children were not enforced because of a lack of inspectors.

Child prostitution and child pornography are criminalized under the law. Unmarried children under the age of 13 are considered minors, and they are legally protected from sexual exploitation, prostitution, and pornography.

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, generally is not practiced. Child abuse appears to be rare.

People with Disabilities.—There is no evidence of widespread discrimination against the disabled in the provision of education or other services. There are no laws concerning accessibility to public buildings or services for persons with disabilities.

Religious Minorities.—There is widespread societal discrimination against Christians in all sectors of life. Attempts have been made to isolate Christians from village life. In September and October 1999, on Anjouan, a religious leader started an unofficial campaign against Christians. Committees were formed in many villages to harass Christians, and lists of names of suspected Christians were circulated. Anti-Christian rhetoric was broadcast on the radio. This campaign resulted in threats, but there were no reports of violence. Christians faced insults and threats of violence from members of their communities. Christians have been harassed by mobs in front of mosques and called in for questioning by religious authorities. In some instances, families forced Christian members out of their homes or threatened them with a loss of financial support. Some Christians have had their Bibles taken by family members. Local government officials, religious authorities, and family members have attempted to force Christians to attend services at mosques against their will.

Islamic fundamentalism is growing in popularity as more students return to the country after studying Islamic subjects in foreign countries.

In 1999 community members and authorities in Lingoni, Anjouan, banned Christians from attending any community events, and in Mremeni, Anjouan, they banned Christian burials in the local cemetery.

Section 6. Worker Rights

a. The Right of Association.—The Constitution does not provide for the right to unionize; however, the Government has not prevented industries from unionizing. Farming on small land holdings, subsistence fishing, and petty commerce make up the daily activity of most of the population. The wage labor force is small, and numbers less than 7,000 including government employees, and less than 2,000 excluding them. Teachers, civil servants, and dockworkers are unionized. Unions are independent of the Government. The Constitution does not provide for the right to strike; however, the right to strike has been exercised freely by public sector workers. The new constitution, approved in August, provides for the right to strike; however, it was not implemented by year's end.

Government workers and teachers held strikes intermittently during the year. Teachers and hospital workers strike intermittently, mostly because they often are not paid for months at a time (see Sections 1.e. and 2.a.). In August, despite regulations that prevent the removal of judges, Colonel Azali transferred to other duties nine judges who had initiated a strike from mid-June to early August that called for judicial reform and regular payment of salaries. There are no laws protecting strikers from retribution, but there were no known instances of retribution.

There are no restrictions on unions joining federations or affiliating with international bodies; however, none are known to do so.

b. The Right to Organize and Bargain Collectively.—Unions have the right to bargain collectively, and strikes are legal. Wages are set by employers in the small private sector and by the Government, especially the Ministries of Finance and Labor, in the larger public sector. The Labor Code, which is rarely enforced, does not include a system for resolving labor disputes, and it does not prohibit antiunion discrimination by employers.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution does not prohibit forced or bonded labor, but it generally is not practiced; however, some families place their children in the homes of others where they work long hours in exchange for food or shelter (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code defines the minimum age for employment as 15 years of age. The Ministry of Labor has few resources to enforce this provision; however, except for domestic work, child labor is not a problem due to the general lack of wage employment opportunities. Children generally help with the work of their families in the subsistence farming and fishing sectors (see Section 5).

The law does not prohibit forced or bonded labor, and there were some instances of forced or bonded labor by children (see Section 5 and 6.c.).

e. Acceptable Conditions of Work.—There is no minimum wage. The Government often pays workers late or fails to pay them at all; during the year, government workers received wages through August.

The Labor Code specifies 1 day off per week plus 1 month of paid vacation per year, but the Government has not set a standard workweek.

There are no safety or health standards for the minuscule manufacturing sector.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

DEMOCRATIC REPUBLIC OF THE CONGO

Much of the Democratic Republic of the Congo (formerly Zaire) continued to be ruled by President Laurent Desire Kabila, whose Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL) overthrew the authoritarian regime of Mobutu Sese Seko by armed force in 1997. Kabila continued to rule by decree, despite creating and personally selecting members of a Constituent and Legislative Assembly, and the Government continued to operate without a constitution. The State continued to be highly centralized formally, although in practice the country's dilapidated transportation and communications infrastructure impaired central government control. The Government recognized two progovernment political parties and a splinter

group of a prominent opposition party; however, it banned all other opposition parties. The "People's Power Committees" (CPP's) continued to monitor the activities of citizens in neighborhoods, schools, and workplaces. War broke out in 1998 between the Government and rebel forces. The Lusaka Accords, which were signed on July 10, 1999, provided for a political dialog among the Government, rebel factions, the unarmed opposition, and elements of civil society; however, the Government repeatedly frustrated attempts to begin initial talks during the year. The judiciary continued to be subject to executive influence and corruption.

As the war grew into an increasing stalemate, government forces controlled less than half of the country. Several rebel groups, the Congolese Rally for Democracy based in Goma (RCD/Goma), the Movement for the Liberation of the Congo (MLC), and the Congolese Rally for Democracy based in Bunia (RCD/ML) controlled the remaining territory, with the active military support of the Rwandan and Ugandan Governments. The RCD/Goma remained dominated by members of the Tutsi ethnic minority and continued to be supported by the Government of Rwanda; the RCD/ML commanded fewer troops and, like the largely non-Tutsi MLC, was supported by the Government of Uganda. War broke out in August 1998, when Kabila tried to expel Rwandan military forces that had helped him overthrow Mobutu. Congolese Tutsis as well as the Governments of Burundi, Rwanda, and Uganda all relied on the Rwandan military presence for protection against hostile armed groups operating from the eastern part of the country. These groups included: The Interahamwe militia of Hutus, mostly from Rwanda, which took part in the 1994 genocide of Tutsis in Rwanda and who fought the Tutsi-dominated Government of Rwanda; Hutu members of the former Rwandan armed forces, which also took part in the 1994 genocide of Tutsis in Rwanda, and which also fought the Government of Rwanda; the Mai Mai, a loose association of traditional Congolese local defense forces, which fought the influx of perceived Rwandan immigrants; the Alliance of Democratic Forces (ADF), made up of Ugandan expatriates and supported by the Government of Sudan, which fought the Government of Uganda; and several groups of Hutus from Burundi fighting the Tutsi-dominated Government of Burundi. In the ensuing war, elements of the armed forces of Rwanda and Uganda operated inside the country in support of the RCD or the MLC; elements of the armed forces of Angola, Namibia, and Zimbabwe operated inside the country in support of the Government; and the Mai Mai and Hutu armed groups operated inside the country on the side of the Government, often as guerrillas operating inside territory held by antigovernment forces. Elements of the armed forces of Burundi operated inside the country against armed groups of Hutus from Burundi who used the country as a base. Libya was among those countries supplying arms and logistical support to the Kabila Government, but did not conduct combat operations in the country. North Korea had advisers in the country who trained government troops. The front that separated government from antigovernment forces generally was stable, except in the province of Equateur, where government and rebel MLC troops fought running engagements along the Ubangi River. The cease-fire agreement, negotiated as part of the Lusaka Accords, was violated by all parties, especially in the north and east where the Government launched a major military offensive along the Ubangi River. In October the Congolese Armed Forces (FAC) launched an offensive on the rebel-occupied territories in northern Katanga Province; however, the offensive was pushed back by Rwandan and RCD forces, who captured the town of Pweto.

The Government's security forces consist of a national police force under the Ministry of Interior, the National Security Council (CNS), the National Intelligence Agency (ANR), and the FAC, which includes an Office for the Military Detection of Subversive Activities (DEMIAP). The Presidential Guard was integrated into forces of the 7th Military District to form the Forces d'Intervention Rapide (FIC) during the year. The immigration service, Direction General de Migration (DGM), the Autodefense Forces (FAP), and CPP's also functioned as security forces. In 1999 Kabila gave Mai Mai leaders commissions in the FAC and coordinated operations with the Mai Mai and Hutu militias. The People's Defense Committees (CPD's), which are armed elements of the CPP's and operated outside the formal structure of the State, had not yet been armed in some areas by year's end. The police force, reorganized in 1997, handles basic criminal cases. The CNS shares responsibility for internal and external security with the ANR, including border security matters. The FAC retains some residual police functions. Military police have jurisdiction over armed forces personnel. The security forces committed numerous, serious human rights abuses.

Most sectors of the economy continued to decline. Production and incomes continued to fall, and the modern sector virtually has disappeared. Physical infrastructure was in serious disrepair, financial institutions have collapsed, and public education and health have deteriorated. Annual per capita national income remained at less

than $100. Subsistence activities, a large informal sector, and widespread barter characterized much of the economy; the insolvent public sector could not provide even basic public services. External economic assistance remained limited, and the State's revenues from diamond exports, its leading source of foreign exchange, declined. Public sector employees, including most soldiers, routinely went months without pay, which caused widespread hardship and contributed to tensions within the armed forces; however, unlike in 1999, there were no strikes. Rebel-held areas increasingly were integrated financially and administratively with the economies of Rwanda and Uganda. The Governments of Rwanda and Uganda established commercial agreements, maintained cadres in key income-collecting agencies, levied and collected taxes and customs duties, and systematically extracted hard currency from the regions they controlled.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. Citizens do not have the right to change their government peacefully. Security forces were responsible for numerous extrajudicial killings, disappearances, torture, beatings, rape, and other abuses. In general security forces committed these abuses with impunity, although a special military tribunal tried and executed some security force members for various human rights abuses. Prison conditions remained harsh and life threatening. Security forces increasingly used arbitrary arrest and detention throughout the year. Prolonged pretrial detention remained a problem, and citizens often were denied fair public trials. The special military tribunal tried civilians for political offenses, frequently with total disregard for due process protections, and sentenced civilians to death; however, no civilians were executed during the year. The judiciary remained subject to executive influence and continued to suffer from a lack of resources, inefficiency, and corruption. It largely was ineffective as either a deterrent to human rights abuses or a corrective force. Security forces violated citizens' rights to privacy. Forcible conscription of adults and children continued, although children were conscripted to a lesser extent than in the previous year. Government security forces continued to use excessive force and committed violations of international law in the war. Government aircraft routinely bombed civilian populated areas in rebel-held territory. Although a large number of private newspapers often published criticism of the Government, the Government continued to restrict freedom of speech and of the press by harassing, arresting, detaining, and torturing newspaper editors and journalists and seizing individual issues of publications, as well as by increasing its restrictions on private radio broadcasting. Harassment of journalists, human rights activists, and opposition politicians increased during the year. The Government severely restricted freedom of assembly and association. Government forces committed some abuses against religious entities. The Government continued to restrict freedom of movement and continued to require exit visas. The war resulted in a massive increase in internally displaced persons (IDP's). The Government continued to ban political party activity and used security services to stop political demonstrations, resulting in numerous arrests and detentions. It also harassed, imprisoned, and tortured members of opposition parties and harassed human rights nongovernmental organizations (NGO's). Violence against women was a problem and rarely was punished. Discrimination against women was widespread and common. Female genital mutilation (FGM) persisted among isolated populations in the north. Child prostitution was a problem. Discrimination against indigenous Pygmies and ethnic minorities was a problem. Serious governmental and societal violence and discrimination against members of the Tutsi ethnic minority continued; however, the Government protected many Tutsis who were at risk and facilitated the departure of approximately 3,000 to neighboring countries. On occasion tension between the Hema and Lendu flared into violence that resulted in hundreds of deaths. The Government restricted worker rights. The Government arrested labor leaders during public sector strikes and allowed private employers to refuse to recognize unions. There were reports of forced conscription, including of children, and there were reports of forced child labor. Child labor, including use of child soldiers, remained a problem. Mob violence resulted in killings and injuries.

There were numerous credible reports that Mai Mai groups fighting on the side of the Government committed serious abuses, including many killings, torture, and the arbitrary arrest and detention of civilians.

During the year, antigovernment forces committed serious abuses against civilians living in territories under their control, including deliberate, large-scale killings, disappearances, torture, rape, extortion, robbery, dismemberment, arbitrary arrests and detention, harassment of human rights workers and journalists, and forcible recruitment of child soldiers. In particular RCD/Goma and Rwandan units committed mass killings generally in reprisal for Mai Mai attacks against RCD or Rwandan forces. There also were numerous and widespread unconfirmed reports

that armed bands of Rwandan Hutus posing as Interahamwe fighters committed abuses. The Rwandan army allegedly recruited these groups in order ostensibly to demonstrate the need for a continued Rwandan military presence in the areas they controlled. Rebel organizations severely restricted freedom of speech, assembly, association, and religion in areas they held. There were reports of attacks against local and international NGO's in rebel-held areas. There also were many deaths due to interethnic mob violence in areas held by antigovernment forces.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Members of the security forces committed extrajudicial killings, and the Government misused the judicial system to try, sentence, and execute numerous persons without due process. The Government also materially supported Mai Mai and Hutu armed groups, which, according to credible reports, repeatedly killed unarmed as well as armed persons in areas held by antigovernment forces. An international humanitarian NGO estimated that as many as 1.7 million persons have died during the war because of killings, malnutrition, or starvation (see Section 1.g.).

On January 5, FAC soldiers shot and killed William Mbulu in the Lingwala district of Kinshasa for no apparent reason. On January 14, in the Limete district of Kinshasa near Kuaka, a soldier in the Presidential Guard known by the name of Pipiyu killed a policeman who intervened on behalf of a civilian being harassed by the soldier. On the morning of January 28, in the Masina district of Kinshasa near Mizola, a FAC soldier shot and killed Addy Lisasi in a building near the railroad tracks. On May 21, in the village of Kimpaka, near Kinshasa, soldiers killed "Ya Rolly" Ngimbi after he refused to give them money. The soldiers then raped and killed his wife, and stole money and valuables from the household before leaving. On May 25, near the village of Kimbiolongo, there were unconfirmed reports that FAC soldiers killed Nsiala Nkia Mbiyavanga for unknown reasons. The soldiers then beat his parents severely, raped his 13yearold sister Mirielle, and stole numerous items from their home (see Section 1.c.). On May 25, there were unconfirmed reports that Mukoko died from injuries inflicted during a severe beating by FAC soldiers. The soldiers later allegedly tortured his family members when they sought justice from village authorities (see Section 1.c.). On May 31, Mpadi Mamikamona Moko, a veterinarian at the MULENDA MBO farm outside of Kinshasa and a resident of the Masina district of Kinshasa, was beaten to death and thrown into the Ndjili river by men dressed in military uniforms. On the evening of July 22, in the MontNgafula district of Kinshasa, two armed men believed to be soldiers broke into the home of Irenge Kako, an employee of the Central Bank of the Congo. The men stole money from Kako and then shot him twice in the head, killing him. On September 8, government soldiers shot and killed 47 men and 4 women in a house in Dongo; 2 persons survived by jumping out of a window. The soldiers reportedly killed the persons while retreating from a rebel attack.

On October 31, security forces rearrested Commandant Anselme Masasu Nindaga, a political prisoner arrested in 1998 but released on March 24 (see Sections 1.b., 1.d., and 1.e.). On November 24, there were reports that government officials executed Masasu and 35 suspected collaborators at a FAC military court near Pweto, allegedly for plotting a coup against President Kabila during the year. There also were widespread rumors that the Government executed hundreds of suspected Masasu collaborators with Kivusian origins in Kinshasa.

On December 7, a group of armed police attacked the car of JeanClaude Masangu as he was returning home. The police shot and killed Masangu's bodyguard; Masangu and his chauffeur escaped without harm. The local press declared that the police were attempting to kill Masangu; however, at year's end, the intent of the attack remained unknown. On December 11, a military court tried, convicted of manslaughter, sentenced to death, and executed two of the policemen.

Throughout the year, government military tribunals continued to sentence to death many civilians after military trials that were often perfunctory, and many of these civilians were executed (see Section 1.e.). Members of the security forces repeatedly killed civilians, particularly in areas that they were preparing to abandon to advancing antigovernment forces. The military justice system, which was revised in 1997, prosecuted FAC members for individual incidents ranging from armed robbery to rape to murder, and sentenced to death and executed at least 17 FAC members during the year (see Section 1.e.).

Harsh prison conditions and abuse led to an undetermined number of deaths in prisons. Many prisoners died of illness or starvation (see Section 1.c.). It was reported that, since Kabila took power in 1997, both extrajudicial killings and deaths

due to torture and neglect have become common at a secret detention center known as "Alfa," which was run directly by the Office of the President. On January 21, in Inongo, Bandundu Province, Iyela Mokolo died in detention from injuries he sustained while being tortured (see Section 1.c.).

No action is known to have been taken against the members of the security forces responsible for the following 1999 killings: University student Remy Lushima Nyamangombe in January 1999; a person in the Sebastian bar in Kinshasa in February 1999; public transportation driver Kalle in April 1999; a minibus driver in April 1999; Colonel Ndoma Moteke who was tortured in May 1999; a 12-year-old boy in July 1999; Charles Bokeleale in July 1999; student Kamba Kanyinda in November 1999; and Simon Makoko in November 1999.

The Government did not prosecute any state officials or other persons in connection with the mass extrajudicial killings of Tutsis in 1998.

There were reports that landmines continued to be used, particularly in the eastern half of the country, despite agreements not to do so in the Lusaka Accords. Government forces, rebel groups, and the armed forces of Rwanda, Uganda, Zimbabwe, and Chad allegedly used landmines; however, it is impossible to know which groups laid landmines.

In July a Belgian judge issued an arrest warrant against Congolese Foreign Minister Yerodia Abdoulaye after a number of Tutsis in Belgium claimed that Yerodia's radio broadcasts in August 1998 incited the populace to murder Tutsis randomly. A similar case was filed against Kabila in September.

There were widespread reports throughout the year of killings and other human rights abuses by both progovernment and antigovernment forces. Verification of these reports was extremely difficult, particularly those emanating from remote areas and those areas affected by active combat, primarily in the eastern areas of the country. Independent observers often found access difficult due to hazardous security conditions as well as frequent impediments imposed by authorities (see Section 4). Both progovernment and antigovernment forces extensively used propaganda disseminated via local media, including charges leveled at opposing forces, further complicating efforts to obtain accurate information (see Section 2.a.).

Progovernment Mai Mai guerilla units killed many civilians, sometimes after torturing them, in areas where they operated. In August there were reports that Mai Mai killed dozens of civilians fleeing from Shabunda. Hutu militia units fighting on the side of the Government, and reportedly supported materially by the Government, also killed many noncombatants. Information about killings by Mai Mai, Interahamwe, and Hutu militia units remained very incomplete, and many such killings may not have been reported.

Mob violence resulted in killings, but the Government did not incite directly lethal mob violence during the year. However, following the October death of Archbishop Emmanuel Kataliko of Bukavu due to a heart attack, the Kabila Government claimed that Tutsis had poisoned the Archbishop, a charge the Catholic Church denied (see Section 2.c.). The government statement contributed to demonstrations in the occupied territories that were suppressed by RCD/Goma rebel authorities (see Section 2.b.). At least one child was killed by gunfire during the incident.

Throughout the year in the Ituri district in Orientale Province, an area dominated by Ugandan and Ugandan-supported forces, fighting continued between members of the Lendu and Hema tribes, which reportedly killed thousands of persons and displaced tens of thousands of others (see Section 5). This fighting reportedly arose from a dispute about land use and also reportedly was manipulated by Ugandan troops who charged the tribes fees in order to provide protection to their members. Specific incidences of violence were difficult to verify due to the general unrest in the region. There were reports during the year that intertribal fighting between December 28 and 31, 1999, in the area of Blukwa in the Walendu Pitsi collective, left 300 persons dead, the majority Hema, according to credible sources. There were unverified reports of up to 40 Lendu killed at Lita, near Katoto, in late August, and between 20 to 25 Lendu killed at Nyangaray. According to credible sources, clashes occurred in August and September in Linga, Ngongo, Kobu, and Bunia.

In July a group believed to be Interahamwe attacked an internally displaced persons (IDP) camp in North Kivu Province (see Section 2.d.). Approximately 50 persons were killed, including some who were burned alive inside their homes. On September 5, Interahamwe reportedly attacked settlements near Goma; six persons were killed and nine were wounded. On September 6, Interahamwe reportedly attacked a team of civilian conservationists in the Gahuzu-Biega National Park near Bukavu; 10 persons were killed, including a journalist and 2 park guides, and a number of others were injured. Progovernment forces routinely bombed civilian populations in air raids against towns held by antigovernment forces, which resulted in heavy civilian casualties (see Section 1.g.).

On two occasions during the year in May and June, Rwandan and Ugandan forces fought in Kisangani, resulting in hundreds of civilian deaths, thousands of wounded, and 60,000 displaced persons (see Section 2.d.). The most severe of these clashes occurred from June 5 to 11, during which time both forces shelled the city with artillery and mortar fire, destroying homes and much of the city's infrastructure. Credible sources claim that Rwandan and Ugandan troops raped many women and shot persons during extensive fighting in the city. Humanitarian organizations report that approximately 700 Congolese civilians were killed during the fighting; many died as a result of lack of medical attention since transportation to hospitals during the fighting often was unavailable. Many displaced persons remained for several months at a camp outside of the city because they feared to return (see Section 2.d.). There were reports that both Ugandan and Rwandan forces used landmines during the fighting in Kisangani.

During the year, antigovernment forces committed repeated mass killings. In particular RCD/Goma and Rwandan units committed mass killings generally in reprisal for Mai Mai attacks against RCD or Rwandan forces. Some of the many reports of such killings were credible, particularly attacks, murders, and looting committed against members and facilities of the Catholic Church (see Section 2.c.). Investigations of many reported killings often were difficult, and details of reported abuses sometimes emerged long after the events occurred. There have been no known serious attempts by any of the combatants in the conflict to investigate incidences in which their troops allegedly committed numerous murders, rapes, lootings, and other abuses in areas under their control.

During the year, there were numerous credible reports that RCD forces, participating with or supported by the Rwandan Patriotic Army (RPA), beat, tortured, and then buried alive 15 women at Mwenga in December 1999. However, the Rwandan Government denied these charges and claims that 3 women, not 15, only were beaten severely by civilians who accused the women of witchcraft. According to the Rwandan Government, the women were rescued from mob justice by RCD troops but later died from their injuries. In December 1999, the RCD/RPA arrested Frank Kasereke, the RCD commander, but he escaped from jail on February 5 along with 32 other detainees.

On January 29, in Bunia, a Rwandan soldier reportedly summarily executed a Congolese rebel soldier based on the suspicion that the Congolese soldier was passing information to an opposing rebel group (see Section 1.e.).

On February 5, RCD and RPA soldiers reportedly attacked the village of Kilambo, North Kivu Province. The rebels allegedly tied up men, raped their wives in front of them (see Section 1.c.), and then killed 30 persons.

On February 12, RCD/Goma rebels killed Kitoko, chief of the Lulonge-Fizi, and Tchalanga, chief of the Ziralo, in Kalele, South Kivu Province.

On February 16, a Banyamulenge militia attacked a Catholic mission in the Kilibu area of South Kivu Province (see Section 2.c.). Two priests fled, but militiamen captured a third priest, Father Pepin Beta; the militiamen forced the priest to kneel, and then shot and killed him.

From March 6 to 8, RPA forces reportedly made repeated attacks on the village of Kilambo in Masisi, North Kivu Province, and allegedly executed numerous persons suspected of collaborating with the Interahamwe. Among others, the RPA reportedly killed two men known as Kapalata and Mamboleo, Samuel Kanyomo, a woman named Suzana, and her three children.

On March 10, RCD soldiers killed Lwina Samuel, the chief of the Office of Environmental Protection in Rutshuru, North Kivu Province, for refusing to allow soldiers to steal his belongings. RCD soldiers later killed Lwina Bwangi, Samuel's 17-year-old son, after he identified his father's killers.

On March 24, RCD soldiers shot and killed Thomas Kumbuka in the village of Kishondja in Masisi, North Kivu Province, after they allegedly mistook him for an Interahamwe militiaman.

On April 10, Muulwa, a farmer from the village of Habula in Walikale territory, North Kivu Province, was killed by RCD soldiers who had entered the village to investigate whether the residents were harboring Interahamwe soldiers. On April 16, following a Mai Mai attack on the RCD/Goma camp at Mulume Munene in South Kivu Province, RCD soldiers attacked the village of Izege. Soldiers reportedly warned villagers to leave their homes, then set the homes on fire, and killed four persons; soldiers burned hundreds of homes and animals.

On May 14 and 15, in response to the apparent Mai Mai slaying of RCD commander Ruzagura during an ambush on his motorcade, RCD/Goma forces killed hundreds of civilians in and around the town of Katogota in South Kivu Province. According to some reports, RCD soldiers killed as many as 300 villagers by slitting their throats.

On June 23, in Walikale, RPA Captain Alexis Rugira and other RPA soldiers killed Baligizi Mufungizi, stole his bicycle, and robbed him. Captain Rugira, Lieutenant Gapfunsi, S/Major Rutabana, and two privates were arrested and were in pretrial detention awaiting prosecution by the military tribunal at year's end.

Between August 18 and 24, following a period of intense fighting between Mai Mai and RCD forces in the Shabunda region of South Kivu Province, the RCD carried out a punitive campaign against the villages between the towns of Lulingu and Nzovu. Soldiers sent by RCD Commandant Macumu burned the villages; more than 300 villagers were burned alive and 3,000 homes were destroyed.

On August 29, Bukavu students demonstrated to protest the arrest of four civil society members (see Sections 1.d and 2.b.). In their effort to disperse the demonstrations, RCD soldiers fired into the air and reportedly shot and killed one student.

On August 30, RCD/Goma vice military police commandant Tshisekedi ordered subordinates to arrest his younger brother, Mbuyi Tshibwabwa, and Nyamulinduka Ndelo Zagabe, whom he suspected of stealing his sewing machine. Military police repeatedly beat the two men with hammers, shovels, and clubs until they eventually died (see Section 1.c.). There was no known action taken against Tshisekedi by year's end.

On September 1, RPA Captain Peter Kabanda and other RPA soldiers allegedly killed 67 unarmed civilians in Masisi, North Kivu Province. The captain and the other RPA soldiers were arrested for acting contrary to operational orders and for failing to differentiate between the enemy and unarmed civilians. The soldiers were in detention awaiting prosecution for murder before the military tribunal at year's end.

On November 1, a group of suspected Interahamwe soldiers armed with guns, machetes, and clubs attacked the village of Kehero, near Goma, North Kivu Province, allegedly in revenge for an October 10 killing by RCD forces of their leader known as Rwenderi. The alleged Interahamwe killed nine persons on suspicion that they had collaborated with the RCD forces.

On November 8, Ugandan soldiers allegedly shot and killed nine persons at a wedding party in the village of Kikere, near Butembo, North Kivu Province; the soldiers believed the village to be sympathetic to the Mai Mai. The attack reportedly followed violent clashes between Ugandan and Mai Mai forces in the surrounding area. The soldiers also allegedly set fire to houses in the village; 11 persons burned to death in the houses.

There also were reports of killings by Banyamulenge militias and Burundian military forces. On July 19, in the Fizi district of South Kivu Province, Banyamulenge and Burundian soldiers killed an estimated 150 persons in the town of Lubamba by slitting their throats. The local population sought refuge in the nearby town of Dine.

Although unconfirmed, there were widespread and numerous reports throughout the occupied territories of a Rwanda-supported Hutu militia posing as Interahamwe and operating as an instrument of terror against civilians. Rwandan authorities reportedly coordinated attacks by this group on civilian and church targets and then blamed the attacks on the Interahamwe. Rwandan authorities allegedly used the insecurity brought on by this Hutu militia to further justify its military presence in the country.

By year's end, it was more difficult to identify the armed groups responsible for attacks. On June 19, approximately 50 unidentified soldiers attacked and pillaged a Catholic church and convent, a hospital, and homes in the town of Kabare, South Kivu Province (see Section 2.c.); 3 civilians were killed. The RCD blamed the attack on the Interahamwe, but local humanitarian groups disputed this claim because of the number of RPA soldiers in the area.

During the night of July 9 and 10, an unidentified militia attacked an encampment of displaced persons at Sake, in the Masisi territory of North Kivu Province (see Section 2.d.). Official estimates indicated that the assailants killed as many as 40 persons and wounded a number of others; 20 were treated at Goma General Hospital. In addition 48 homes were burned and 2 pharmacies were looted.

There were numerous reported killings along the road from Uvira to Bukavu in South Kivu Province; many were aimed at looting and theft. Observers believe that Mai Mai, Interahamwe, FDD, Banyamulenge, or RPA combatants could have been responsible for the attacks, with or without the knowledge or consent of their commanders. The climate of insecurity in the occupied territories and particularly in the Kivu Provinces forced many local residents to abandon their homes and created food shortages as armed bands kept farmers from working in their fields.

b. Disappearance.—There were many reported cases of disappearance, most as a result of the war. Government forces reportedly were responsible for the disappear-

ance of many persons. Throughout the year, government security forces regularly held alleged suspects in detention for varying periods of time before acknowledging that they were in custody. Typical accounts described unidentified assailants who abducted, threatened, and often beat their victims before releasing them. Journalists and opposition members claimed that they were targets of such actions.

On October 31, security forces rearrested Commandant Anselme Masasu Nindaga, a political prisoner who had been arrested in 1998 but released on March 24 (see Sections 1.a, 1.d., and 1.e.). Masasu reportedly was detained in undisclosed locations in Kinshasa for at least 3 weeks. On November 24, there were reports that government officials executed Masasu and 35 suspected collaborators. The Government has denied these reports. The persons reportedly executed remained unaccounted for at year's end.

In the 1999 disappearance cases of Commandant Jean Nkumu Wangala, Bernard Ntandou, Jean Mpalabouna, Justin Djuambe Tegi, Michel Gbetoro, and Belmonde Ma Gloire Coffi, human rights NGO La Voix des Sans Voix (VSV) reported that Belmonde Ma Gloire Coffi had been executed and that Jean Nkumu Wangala fled the country. VSV believed that the others also had fled, but did not have evidence to prove this belief.

There have been no developments in the December 1998 case of Donnat N'Kola Shamuyi, an investigator for the human rights NGO Collectif pour le Development des Droits de l'Homme, who disappeared while working in Tshikapa in Western Kasai Province.

The bodies of many persons killed in the war were burned, dumped in rivers, or buried in mass graves that remain unopened. Neither side is known to have kept or released records of the identities of the persons whom its forces killed.

Antigovernment and rebel forces reportedly were responsible for the disappearance of many persons. There were reports that antigovernment forces repeatedly failed to acknowledge detaining persons.

On April 2, RCD security forces arrested Christian Ngongo Kasumba at the border post of Bunagana. Kasumba was returning from a business trip to Nairobi, Kenya, via Kampala, Uganda; he has not been seen since his arrest. Efforts to locate him have been unsuccessful; an RCD commandant named Karim reportedly was responsible for Kasumba's arrest and detention.

On May 15, Rwandan soldiers reportedly arrested Ainakafota, the director of the Bolongo-Bas office of Friends of Nelson Mandela for Human Rights (ANMDH) in Orientale Province, and two other staff members of the human rights NGO, on suspicions of spying (see Section 4). The ANMDH and family members have not been able to locate Ainakafota or the staff members since their arrests; inquiries to Rwandan officials concerning their whereabouts have produced no results.

Reportedly persons whom rebel, Rwandan, or Ugandan forces allegedly detained sometimes were transferred to Rwanda or Uganda. Persons reported missing in 1998, including 22 Franciscan friars from Sola in Katanga Province and 3 university professors from Bukavu in South Kivu Province, still were unaccounted for at year's end.

Ugandan and Rwandan troops, in addition to RCD rebels, reportedly abducted many young women from the villages they raided. These night raids on villages became so frequent that in many parts of the Kivu Provinces peasants slept in their fields.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law forbids torture; however, security forces and prison officials used torture, and often beat prisoners in the process of arresting or interrogating them. The Government has not responded to charges of inmate abuse and repeated beatings by its security force and prison officials. Members of the security forces also raped, robbed, and extorted money from civilians; some abusers were prosecuted. Incidents of physical abuse by security forces occurred during the arrest or detention of political opponents, journalists, businessmen, and others (see Sections 1.d. and 2.a.).

On January 1, Albert Angbana Mate, a Mobutu government official, was arrested in Mbandaka by the ANR for predicting that rebels soon would capture the government-held town of Bikoro (see Section 1.d.). Agbana was transferred to the ANR facility in Kinshasa (Lemera), where security agents reportedly subjected him to severe torture.

On January 9, 7th Military District soldiers forcibly entered the home of Christophe Kalonji Ntambwe in Kinshasa's Barumbu commune, ransacked the home, and arrested Kalonji. The soldiers reportedly were working as agents of Joseph Mbuyi Lusambo, who wished to expropriate land owned by Kalonji. On January 13, the soldiers returned to Kalonji's home, searched his files, and destroyed furniture. When Kalonji's wife, Muawuka Kena Bantu, visited him at the 7th Military District holding facility, she was detained from January 13 to 15, and stripped. Dur-

ing their detention, soldiers commanded by Major Jose Mopia Agaga beat both Kalonji and his wife, who was 5 months pregnant. Kalonji was released on February 8.

On January 13, security forces arrested, detained, and tortured for 5 days Union for Democracy and Social Progress (UDPS) activist Crispin Ipondo Banda, reportedly for distributing brochures on the Lusaka Accords published by the NGO LINELIT. Police held Banda at the Inspection Provinciale de la Police de Kinshasa before transferring him to another ANR facility. He was accused of committing offenses against President Kabila but all charges subsequently were dropped, and he was freed on February 2. On February 29, rapid intervention police arrested seven members of the UDPS in Kinshasa, near the home of UDPS president Etienne Tshisekedi, and detained them at a jail in the Kasavubu district of Kinshasa where security agents reportedly lashed the detainees with whips until their release the following morning (see Section 1.d.).

On January 21, in Inongo, Bandundu Province, Iyela Mokolo died in detention from injuries he had sustained while being tortured (see Section 1.a.). He had been detained in December 1999 on accusations of illegal possession of weapons and poaching.

There were many recorded instances of torture, harassment, and theft committed against the residents of villages that surround Dingi-Dingi, the location of a FAC airfield that was under construction during the year. On February 19, FAC soldiers beat Makengo Mbila Mbua, a resident of the village of Kinsala, and stole his money, chickens, and sacks of corn. On February 20, FAC soldiers lashed Godet Hiemba, a resident of Ingidi village, 50 times with a whip and confiscated his belongings because he did not respond properly to the Commandant of the Presidential Protection Unit (PPU) at the airfield. The same day, soldiers lashed Mawete Mbiyavanga 10 times with a whip and confiscated all of the food and money that she had in her possession. Also on February 20, FAC soldiers beat Manianga after he prevented the Commandant of the PPU from sexually exploiting Manianga's daughter. The soldiers also confiscated his belongings and money.

On the night of March 10, security forces reportedly abducted and detained five Congolese refugees from Angola's enclave of Cabinda. The refugees were registered with U.N. High Commissioner for Refugees (UNHCR) in Angola and reportedly were associated with an Angolan independence movement. Security officials released three of the detainees; however, two remained in detention at a Conseil de Securite d'Etat facility in Kinshasa at year's end. Security forces reportedly beat and tortured the two who remained in detention, Macario Romao Lembe and Vosso Fuila. One of the detainees reportedly is in poor health as a result of torture.

In March a police commandant severely beat the president of the Front for the Survival of Democracy (FSD) after he inquired at the police station about the arrests of FSD supporters who gathered for a FSD demonstration on March 16 (see Section 2.b.).

On March 20, police officers publicly raped a young girl in the town of Pusuku, Bandundu Province, after villagers intervened on behalf of a young man named Kituku who had an altercation with another officer (see Section 1.d.). There was no known action taken against the officers.

On April 7, government security forces under the command of Faustin Numbi arrested and tortured Freddy Lomboto wa Lomboto, the second vice president of the opposition party FONUS (Forces Novatrices pour l'Union et la Solidarity or New Forces for Unity and Social Progress). Lomboto's interrogators smashed his fingers with metal bars and beat him until he lost control of his bodily functions in order to extract information regarding the party and its president, Joseph Olenghankoy. The Government released him after 4 days of questioning and further abuse; however, on June 9, Commandant Numbi's soldiers returned to Lomboto's house and interrogated his wife when they could not find him; she later fled.

On April 30, members of the Special Presidential Security Group allegedly beat Koyagialo Ahonzima Wasana for ignoring government restrictions on movement within the vicinity of the Marble Palace, President Kabila's residence (see Section 2.d.).

On May 25, near the village of Kimbiolongo, FAC soldiers killed Nsiala Nkia Mbiyavanga for unknown reasons (see Section 1.a.). The soldiers then beat his parents severely, raped his 13yearold sister Mirielle, and stole numerous items from their home.

On May 25, there were unconfirmed reports that a man known as Mukoko died from injuries inflicted during a severe beating by FAC soldiers (see Section 1.a.). The soldiers later allegedly tortured his family members when they sought justice from village authorities.

On October 11, security agents abducted seven UDPS members from a street corner in Kinshasa (see Section 1.d.). They reportedly continued to be detained at Camp Kokolo at year's end and were subjected to daily beatings by security agents.

On October 18, national police arrested military court officials Ambroise Kusa and Ndaba (see Section 1.d.). Kusa and Ndaba reportedly were detained at Makala prison and were beaten and tortured. They were released on October 25.

On November 16, police reportedly beat 10 students who intervened on behalf of two students arrested while carrying their lunches on the campus of the Institut Pedagogique National (IPN) in Kinshasa, because the police wanted the food. Several students were arrested (see Section 1.d.). On November 17, approximately 800 students demonstrated to protest the incident; allegedly FAC forces briefly detained a journalist covering the protest and confiscated her recordings (see Sections 2.a. and 2.b.). The commander of the police detachment reportedly was arrested following the incident.

On November 26, a group of armed government soldiers assaulted and shot in the leg Athanese Matenda Kyelu, the manager of the Chamber of Commerce, at his house in the Ngaliema district of Kinshasa. The soldiers searched and robbed the house (see Section 1.f.). Matenda received treatment at Ngaliema Hospital.

On at least two occasions, members of the security forces beat taxicab and minibus passengers who were unable to pay bribes at roadblocks (see Section 2.d.).

Security forces harassed, beat, and tortured journalists, including foreign journalists, during the year (see Section 2.a.). For example, on January 3, security forces arrested Freddy Loseke Lisumbu, editor of the newspaper Le Libre Afrique (see Sections 1.d. and 2.a). Security agents allegedly subjected Loseke to torture; he reportedly was in ill health at year's end but was denied medical attention. In May a military court sentenced Loseke to 3 years in prison (see Section 1.e).

On February 26, police arrested, detained, and severely beat Zuzi Phukuta Dieudonne, a reporter for the newspaper Palme d'Or and president of the human rights NGO Justice Sans Frontiere (see Sections 1.d. and 2.a.). Phukuta reportedly was riding in a public van with a number of students who shouted anti-Kabila remarks; Phukuta was accused of having insulted the President. Security force agents reportedly tortured Phukuta, and the beatings left permanent scars. Police released Phukuta shortly after his arrest but have continued to threaten his life.

There was no known action taken against members of the security forces responsible for torturing, beating, or abusing the persons in the following 1999 cases: The January case of human rights activists Christophe Bintu and Bienvenu Kasole; the January case of newspaper publisher Thierry Kyalumba; the February case of Toussaint Muhavu Shankulu; the February case of Luyinumu Lelo Koko and Jonas Ndoko; the February case of Professor Tshibangu Kalala; the March case of two female money changers; the March case of a journalist; the April case of Lambert Edimba; the May case of eight members of the opposition Parti Lumumbist Unifie (PALU) party; the May case of Christian Badibangi, president of the opposition party Union Socialist Congolaise; the May case of Colonel Ndoma Moteke; the June case of journalists for the daily newspaper Tempete des Tropiques; the June case of the owner of a dugout canoe known as Motinga; the July case of Jean Marie Kashils of the Agence Congolaise de Presse and Bienvenu Tshiela of Kasai Horizon Radio Television; the July case of Professor Kambaj Wa Kambaji; the September case of human rights NGO activist Wetemwani Katembo Merikas; the September case of Francois Mpoyi Mukandu, the legal advisor of the governor of Eastern Kasai Province, Marcel Mpuanga Mindu, who also was an attorney, and Ditutu bin Bwebwe, a court clerk; and the October case of Pascal Kusehuka, secretary general of the PALU opposition party for Bandundu Province.

Street children in Kinshasa were subject to severe harassment and exploitation, particularly by soldiers and police (see Section 5). There were credible reports that the FAC sexually exploited homeless girls.

There were numerous reports that nongovernmental armed groups fighting on the side of the Government, and reportedly materially supported by the Government, tortured, raped, and otherwise physically abused many persons during the year. Mai Mai guerillas reportedly killed persons by torture, including by mutilation and crucifixion (see Section 1.a.).

Unlike in the previous year, there were no reports that mobs beat persons.

There were reports that Interahamwe militia in South Kivu Province often raped women.

There also were numerous reports of torture by antigovernment forces in the occupied territories.

During the year, there were numerous credible reports that RCD forces, participating with or supported by the RPA, beat, tortured, and then buried alive 15 women at Mwenga in December 1999 (see Section 1.a.). However, the Rwandan Gov-

ernment denied these charges and claims that 3 women, not 15, only were beaten severely by civilians who accused the women of witchcraft.

There were reports that Rwandan and Ugandan soldiers allegedly raped women during extensive fighting in Kisangani in May and June (see Section 1.a.). Rwandan troops and RCD rebels also reportedly engaged in the rape of women in public and often in the presence of their families and in-laws. A woman raped in this manner generally is forced out of the village, leaving her husband and children behind (see Section 5). In June an RCD/Goma soldier, described only as a Munyamulenge, stopped a young girl, Fitina, on the road between Baraka and Mboko and raped her. After he raped her, the soldier discharged his weapon into her vagina. According to a number of credible human rights organizations, marauding bands of armed men in the occupied territories often put victims of rape through further painful humiliations by inserting rocks, sharp sticks, and hot peppers into their vaginas.

On February 5, RCD and RPA soldiers reportedly attacked the village of Kilambo, North Kivu Province. The rebels allegedly tied up men, raped their wives in front of them, and then killed 30 persons (see Section 1.a.).

On March 25, security agents for the rebel group RCD/ML arrested Kule Thatha, coordinator for the human rights NGO Fondation Yira pour les Droits de l'Homme in North Kivu Province. He was detained in the town of Beni, where security forces tortured him for having criticized the RCD/Goma. He was released on June 15.

On July 12, the Goma provincial police detachment, which is a part of the RCD/Goma rebel government, arrested and tortured Jules Saruti for stealing. Police Commandant Charles LumbuLumbu and officer Emmanuel Sikuli burned Saruti's tongue with a cigarette, tied him to a pole, stuffed his mouth with toilet rags, and beat him. Saruti was hospitalized for his injuries following his August release.

On July 29, RCD/ML security forces detained two of their senior officials, Deputy Director of Mining Michel Rudatenguha and Brigade Commander Mukalayi, on suspicion of conspiring to overthrow the leader of the RCD/ML rebel movement, Professor Wamba dia Wamba (see Section 1.d.). The officials were allies of the deputy leader of the RCD/ML movement, Tibasima Mbogemu Ateenyi, who was then in conflict with Wamba. RCD/ML forces loyal to Wamba at the military training camp at Rwampara tortured the men while they were detained. It was not known whether the men had been released by year's end. Other RCD/ML soldiers who were suspected of disloyalty also were tortured.

On August 30, RCD/Goma vice military police commandant Tshisekedi ordered subordinates to arrest his younger brother, Mbuyi Tshibwabwa, and Nyamulinduka Ndelo Zagabe, whom he suspected of stealing his sewing machine. Military police repeatedly beat the two men with hammers, shovels, and clubs until they eventually died (see Section 1.a.). There was no known action taken against Tshisekedi.

On October 9, RCD rebels reportedly publicly arrested, detained, and beat 13 human rights activists who attended a meeting of a human rights umbrella group in Bukavu (see Sections 1.d., 2.b., and 4).

There were reports that both Ugandan and Rwandan forces used landmines during the fighting in Kisangani (see Section 1.a.).

There were numerous reports of killings and torture of prisoners by some antigovernment forces. A number of prisoners reportedly died of suffocation after guards detained them in overcrowded shipping containers. Guards reportedly sealed the prisoners inside overcrowded containers without ventilation, then denied them all food and water, causing death by dehydration, suffocation, and exhaustion. This treatment reportedly was reserved for suspected Interahamwe or Mai Mai collaborators.

The Kabila Government operated 220 known prisons and other places of detention, and in all such facilities, conditions remained harsh and life threatening; there reportedly were many other secret or informal detention centers (see Section 1.d.). During the year, the Government continued to make limited efforts to improve conditions at Kinshasa's main prison, the Makala National Penitentiary and Reeducation Center. The Government provided food at some prisons, but not in sufficient quantities to ensure adequate nutrition for all inmates. Prison conditions remained a threat to prisoners' lives. Living conditions were harsh and unsanitary, and prisoners were treated poorly. The penal system suffered from severe shortages of funds, medical facilities, food, and trained personnel.

Overcrowding and corruption in the prisons were widespread. Prisoners reportedly were beaten to death, tortured, deprived of food and water, or starved to death (see Section 1.a.). Prisoners are wholly dependent on the personal resources of family or friends for their survival. Guards have been known to steal food brought to prisoners. Inmates at Makala prison in Kinshasa sleep on the floor without bedding and have no access to sanitation, potable water, or adequate health care. There were reports of guards forcing 55 or 60 prisoners into a small cell with room only to stand.

No water or food is given to these prisoners. There are no toilets, forcing prisoners to urinate and defecate on the floor. Tuberculosis, red diarrhea, and other infectious diseases are common and widespread.

According to credible reports, prison guards demand bribes to allow family members to bring food to prisoners. Prisoners also pay bribes to receive better treatment. On February 29, three NGO activists who were arrested in Bukavu had to pay bribes in order to be moved from a closet where they had spent the first night in detention. Guards have shown reluctance to release prisoners due to fear of losing part of their incomes.

Although authorities do not target women for abuse, prison guards rape female inmates. In general women and juveniles are detained separately from men.

The Government exacerbated the overcrowding of civilian prisons by incarcerating many soldiers who declined to fight for the Kabila Government in the war. In July President Kabila pardoned and ordered the release of approximately 500 former Zairian Armed Forces (FAZ) troops held at Makala prison; however, there were reports that these soldiers immediately were reenlisted in Kabila's military and sent to fight against the rebels. At year's end, it was unknown how many soldiers, if any, continued to be detained in civilian prisons.

In June the Government released 93 Rwandan prisoners of war (POW's) in accordance with the Lusaka Accords (see Section 1.g.).

The Government allowed some international humanitarian organizations to visit political prisoners on a regular basis, but only when the detainees were held in an official prison (see Section 1.e.); however, the International Committee of the Red Cross (ICRC) was denied access to some regular detention facilities. The Government did not allow these organizations to visit the numerous unpublicized and unofficial detention sites scattered throughout the country where most newly arrested detainees are held, questioned, and sometimes subjected to abuse. The ICRC was denied access to these sites; however, the ICRC visited facilities where the Government holds Tutsis for their own protection. The ICRC is the only international NGO allowed to visit POW's.

In the previous year, it was reported that RCD/Goma forces frequently used the private residences of Rwandan or rebel military commanders for incarcerations; it was not known whether such detentions occurred during the year. Reports from former detainees indicate a systematic pattern of beatings, undernourishment, and deliberate killings in these houses.

d. Arbitrary Arrest, Detention, or Exile.—Despite legal provisions governing arrest and detention procedures, the security forces were responsible for numerous cases of arbitrary arrest and detention.

Under the law, serious offenses (those punishable by more than 6 months' imprisonment) do not require a warrant for a suspect's arrest. Only a law enforcement officer with "judicial police officer" status is empowered to authorize arrest. This status also is vested in senior officers of the security services. The law requires security forces to bring detainees to the police within 24 hours. The law also requires that detainees be charged within 24 hours and be brought within 48 hours before a magistrate, who may authorize provisional detention for varying periods.

In practice these provisions were violated systematically. Security forces, especially those carrying out the orders of any official who could claim authority, used arbitrary arrest to intimidate outspoken opponents and journalists. Charges rarely were filed, and the political motivation for such detentions often was obscure. When the authorities did press charges, the claims that they filed sometimes were contrived or recitations of archaic colonial regulations.

Detention without charge has been a frequent problem under the Kabila administration. During the year, a number of human rights and religious organization leaders continued to indicate that it increasingly was difficult to monitor arrests and detentions or investigate reports of arbitrary arrest and detention due to increases in the number of arrests and detentions, in the number of security agencies involved, and in the number of detention facilities. There were many secret or unofficial detention centers in Kinshasa, some of which reportedly were run by the Office of the President (see Section 1.a.); there were several reports of secret jails on the premises of the presidential palace.

The Government no longer followed a policy of arresting and detaining members of the Tutsi ethnic group without charge and merely on the basis of their ethnicity. Approximately 1,516 Congolese Tutsis arrested in 1998 after the start of the war were allowed to depart between August 1999 and February for refugee camps in Cameroon and Benin and eventual resettlement abroad. On May 26, 156 Rwandans were repatriated by the ICRC from Lubumbashi to Rwanda. In June 1999, the ICRC repatriated detained Tutsis whom the Government regarded as Rwandan, Ugandan, or Burundian nationals, and who were willing to depart the country; however, ap-

proximately 300 Tutsis chose to remain in detention due to difficulties in repatriating them to neighboring countries, notably Uganda and Burundi. Terms of detention became increasingly liberal during the year and included substantial freedom of movement by year's end. Government detention of Tutsis became protective rather than punitive. Many Tutsis increasingly felt safer in government custody than elsewhere in the government-controlled part of the country (see Sections 1.c., 1.f., and 5). In July Human Rights Minister She Okitundu opened the Institut National de Securite Sociale (INSS) protection facility to the foreign diplomatic corps, media, and international organizations.

On January 1, Albert Angbana Mate, a Mobutu government official, was arrested in Mbandaka by the ANR for predicting that rebels would soon capture the government-held town of Bikoro. Agbana was transferred to the ANR facility in Kinshasa (Lemera), where security agents reportedly subjected him to severe torture (see Section 1.c.).

On the morning of January 2, security officials arrested Jose Malika, advisor to the Economics Minister, at his home in the Binza district of Kinshasa. The security officials questioned Malika at Camp Kokolo without revealing the charges for his detention; his personal property, including his car, were confiscated.

On the evening of January 6, four police officials arrested Professor Balanda Mikueni, former president of the Supreme Court, at his home in the Kintambo district of Kinshasa. The police entered the house without an arrest warrant and reportedly threatened to beat Balanda's son. Balanda was detained at a holding prison at Kin Maziere and then moved to an unknown location before being released on January 20. Security officials confiscated his house; it was returned by year's end.

On January 13, police arrested and tortured Crispin Ipondo Banda, a member of the opposition party UDPS, for talking about the Lusaka peace accords with a group of friends (see Section 1.c.). The police initially detained him at their facilities in the Kalamu district of Kinshasa, but subsequently transferred him to the Provincial Inspection Center of Kinshasa.

On January 14, ANR agents arrested Kayembe Kasuku, a member of the human rights NGO Lawyers Without Borders. Kayembe was the defense counsel for two Lebanese citizens who were tried by the military courts on charges of smuggling money. He also was responsible for the seizure of a vessel in the port of Matadi that reportedly was carrying goods destined for a Kinshasa merchant. Security agents detained Kayembe at the ANR holding facility at Ma Campagne. He reportedly was stripped and beaten for several hours for having insulted the President; jailers threw water mixed with cement and sand on him during the beating. On January 16, he was released and flown to South Africa for medical treatment for multiple injuries. It was unknown whether any charges were filed against Kayembe, and there was no known action taken against the security agents.

On January 24, ANR agents arrested four missionaries, Jean Denis Lokulo, Jean Robert Bompanda, Henri Bofala, and Jean Andiswa, from Equateur Province, and detained them at the Lemera holding facility on the suspicion that they were rebel informants (see Section 2.c.). The missionaries were released on February 22.

On February 5, security agents at Ndjili airport arrested Belgian development workers Pieter Vermaerke and Jesse Cnudde as they were about to board a flight to Brussels following a 1-week visit to Kinshasa. They were arrested when inspectors found reports on local prison conditions and development policies in their bags. Police detained them at an interrogation facility in the Ngaliema section of Kinshasa; they were released on February 19.

On February 7, police arrested Time Missine and Betshi Pitchal in Matadi, Bas Congo Province, for possessing literature distributed by a human rights NGO. The women were sent to Kinshasa and released on February 15. It was unknown whether any charges were filed against Missine or Pitchal.

On February 17, ANR agents arrested four members of the PALU opposition political party for engaging in political activities (see Section 3). They were released on February 25.

On February 26, police arrested, detained, and severely beat Zuzi Phukuta Dieudonne, a reporter for the newspaper Palme d'Or and president of the human rights NGO Justice Sans Frontiere. Phukuta reportedly was riding in a public van with a number of students who shouted anti-Kabila remarks; Phukuta was accused of having insulted the President. Security force agents reportedly tortured Phukuta, and the beatings left permanent scars. Police released Phukuta shortly after his arrest but have continued to threaten his life (see Sections 1.c. and 2.a.).

On February 29, rapid intervention police arrested seven members of the political party UDPS in Kinshasa, near the home of UDPS president Etienne Tshisekedi, and detained them at a jail in the Kasavubu district of Kinshasa where security agents reportedly lashed the detainees with whips until their release the following

morning (see Section 1.c.). Police provided no explanation for their arrest. On October 11, security agents abducted seven other UDPS members from a street corner in Kinshasa. They reportedly continued to be detained at Camp Kokolo at year's end and were subjected to daily beatings (see Section 1.c.).

On March 8, security agents from the DGM detained Joseph Olenghankoy, president of the opposition party FONUS, as he was departing Kinshasa for Brazzaville, Republic of the Congo. The security agents confiscated his documents and prevented him from leaving the country (see Section 2.d.).

On March 16, security agents prevented a planned demonstration by the FSD in the Ndjili district of Kinshasa (see Section 2.b.). Immediately prior to the event, police arrested some FSD members who gathered for the demonstration; all were released the same evening or the following morning. The police commandant severely beat the president of the FSD, Eugene Diomi, when he arrived at the precinct in Ndjili to inquire about the arrests. Police also arrested a woman whom they wrongly thought to be Diomi's wife; she later was released. On November 15, security forces arrested Diomi after he questioned whether the aggression against the country began in 1998 when Rwanda invaded or in 1996 when the AFDL took over the country with the help of Rwanda. He was released from Makala prison on December 7.

On March 20, in the town of Pusuku, Bandundu Province, an altercation between a police officer named Masango and a young man named Kituku escalated after villagers intervened to assist Kituku. The police officer initially fled; however, federal police from the Mungindu station returned to the town the same evening and destroyed Kituku's home. The police arrested any persons who approached the house and forced them to pay bribes to secure their release.

On April 22, police arrested Francois Lumumba, President of MNC–L, during a party meeting at his home (see Section 2.b.). He was detained without formal charges at the Palais du Peuple in Kinshasa until May 3.

On May 1, security forces arrested Raphael Ghenda, the Secretary General of the CPP's. The Government released Ghenda several days later, but provided no explanation for his arrest or detention.

On May 5, police arrested four tax authority employees, Blaise Banzwa Kabo, Albano Mopipi, Andre Yoba Mbesi, and Kakale Makala, and detained them for 10 days for "endangering state security" (see Section 6.a.).

On May 25, security forces arrested Kinshasa University students Placide Nkoso and Jean-Pierre Mofila Mboma for involvement in a student demonstration on May 17 (see Section 2.b.). Both were detained on the charge of suspected collaboration with MLC rebel leader Jean-Pierre Bemba. Both Mofila and Nkoso remained in detention at Makala prison at year's end (see Section 2.a. and 2.b.). It was unknown at year's end whether the students had been charged. On July 18, security force agents arrested a Kinshasa University student known only as Kosso, in connection with a student demonstration on July 17 (see Section 2.b.). Kosso remained in jail at year's end.

On May 29, the National Intelligence Agency (ANR) arrested Felicien Malanda and Georges Nazimbika, leaders of the National Council of Development NGO's (CHONGD), and detained them until June 27 without formal charges.

On June 3, ANR agents arrested Felicien Malanda Nsumba, executive secretary of CNONGD, and detained him at the BinzaMacampagne facility in Kinshasa. He was released later in June but received no explanation for his arrest.

On June 3, police arrested Jeannot Bemba Saolona, Minister of Economy and Industry and father of MLC rebel leader Jean-Pierre Bemba, Badimanyi Mulumba, Minister of State for Planning, and Frederic Kibassa-Maliba, Minister of Mines; President Kabila released the three on July 5. On June 10, government authorities arrested Victor Mpoyo, Minister of State for Petroleum Affairs. Bemba was accused of misappropriating hard currency; however, no specific charges were given for the other arrests.

On the night of June 10, in the Masina district of Kinshasa, there were unconfirmed reports that soldiers forcibly entered the home of Reverend Placide Tshisumpa Tshiakatumba, president of the International Society for Human Rights (ISHR). Under the pretense of searching for "suspicious" documents, the soldiers allegedly systematically searched Tshisumpa's belongings and stole jewelry, money, and a camera. The soldiers reportedly then blindfolded and bound Tshisumpa, abducted him in their jeep, and drove him around Kinshasa until 3 a.m. (see Section 1.f.).

On June 23, security police arrested Jonas Mukamba Nzemba, former governor of Eastern Kasai Province and head of an Mbuji Mayi diamond company, and 33 guests at his home. Mukamba was released on December 7; the others were released in small groups prior to Mukamba's release.

On July 7, security forces arrested Transportation Minister Odette Babandoa on charges that she took bribes and favored her husband's business interests (see Section 2.a.). She was released on July 8. On July 13, Babandoa was arrested again but was released on July 21.

On July 22, security forces arrested and detained for 4 days Eddy Kapend, Aide de Camp to President Kabila, for embarrassing the President.

On July 22, security agents arrested Catherine Nzuzi, leader of the major faction of the MPR. She was charged with treason after she complained in a radio broadcast of harassment by Kabila's security organizations (see Section 2.a.). On September 18, Nzuzi was allowed to return home, but she remained under house arrest and faced possible trial before a military court. In November authorities again detained Nzuzi in Makala prison; however, she was released on December 7. In 1999 she was arrested and detained for 5 hours on charges of violating a decree prohibiting political activity.

On July 27, army troops arrested Faustin Kamala, Deogratias Bihaira, and Thomas Kataala at their home. They reportedly were being held incommunicado by the ANR in the Ngaliema section of Kinshasa at year's end.

On October 18 and 19, national police arrested military court officials Mwakobila Itonge, Ambroise Kusa, and Ndaba allegedly for possessing information regarding government abuses. Mwakobila reportedly was detained at the Kin-Masiere Prison. Kusa and Ndaba reportedly were detained at Makala prison and were beaten and tortured (see Section 1.c.). All three were released on October 25.

On October 31, security forces rearrested Commandant Anselme Masasu Nindaga, a political prisoner who was released on March 24 (see Section 1.e.). Masasu reportedly was detained in undisclosed locations in Kinshasa for at least 3 weeks. On November 24, there were reports, including from human rights NGO Association Africaine de Defense des Droits de l'Homme (ASADHO), that government officials had tried at a FAC military court near Pweto, sentenced to death, and executed Masasu and 35 suspected collaborators, allegedly for plotting a coup against President Kabila during the year (see Section 1.a.).

On November 16, police arrested two students who were carrying their lunches on the campus of the Institut Pedagogique National (IPN) in Kinshasa, because the police wanted the food. Police reportedly arrested several students and beat 10 students who intervened on the behalf of the arrested students (see Section 1.c.). On November 17, approximately 800 students demonstrated to protest the incident; allegedly FAC forces briefly detained a journalist covering the protest and confiscated her recordings (see Sections 2.a. and 2.b.). The commander of the police detachment reportedly was arrested following the incident.

On December 5, intelligence officers arrested Steve Mbikay, Secretary General of the Solidarity Union, as he left a union meeting; he was suspected of instigating popular discontent at the Customs Authority (see Section 6.a.). He continued to be detained without charges by the ANR in Gombe at year's end.

During the year, government security forces arrested and detained more than 10 journalists compared to 80 in 1999; few of them were tried. The decrease in arrests and detentions during the year was attributed to efforts by Leonard She Okitundu, former Minister of Human Rights and current Minister of Foreign Affairs, and the U.N. Human Rights Commission. At least five journalists remained incarcerated at year's end. The Government also detained foreign journalists (see Section 2.a.).

On January 5, a human rights NGO announced that Laurent Kantu Lumpungu, president of L'Association des Cadres Penitentiaires du Congo, was released from prison on December 29, 1999. He had been arrested in May 1999 after making critical remarks about prison conditions.

In October 1999, ANR security forces arrested Charles M. Mfwamba Mukendi, the director of Centre d'Etude et de Formation Populaire Kasayi (CEFOP), for reportedly publishing a report that outlined government human rights abuses in the province. He was released on January 6; it was unknown if the charges against him were dropped. Personal items confiscated during his arrest reportedly were not returned.

In November 1999, security forces arrested Cleophas Kamitatu, president of a newly formed opposition group, Community of the Pluralist Democratic Opposition (CODEP), after he criticized the Government in a foreign radio broadcast. However, he was charged with malfeasance in connection with prior service as ambassador to Japan. Kamitatu reportedly signed over the deed of a provincial house in return for a promise of release. On June 12, Kamitatu was sentenced to 4 years of "forced labor" for misappropriating state funds; he remained in detention at year's end (see Sections 2.a. and 2.b.).

At year's end, two human rights workers had been arrested by the Kabila Government. They were Laurent Kantu Lupungu, president of the Association des Cadres

Penitentiaires du Congo (ACPC); and Denis Ilounga Kabeya, member of Friends of Nelson Mandela (ANMDH), who was jailed in Mbuji Mayi.

There were no developments in the 1999 arrests and detentions of Tabu Kalaia, president of the Katangan provincial branch of the opposition UDPS party; Professor Kambaj wa Kambaji; Wetemwani Katembo Merikas, an activist with the youth-oriented human rights NGO Cojeski; Innocent Kyuma; and the seven UDPS activists, all of whom remained in detention at year's end.

On November 27, the Government released 509 prisoners from Makala prison in honor of the President's birthday (see Section 1.e.).

Pretrial detention often was prolonged. In October it was reported credibly that the total number of prisoners at Makala prison was over 2,400, almost 90 percent of whom were awaiting trial. In February a presidential decree offered amnesty to those arrested and imprisoned for endangering the security of the State and related charges. During the year, over 800 prisoners were freed; however, most were soldiers whom the Government reenlisted and sent to the front to fight the rebel forces.

The Government also held prisoners of war (POW's). In June the Government released 93 Rwandan POW's in accordance with the Lusaka Accords, and in return the Government of Rwanda released 35 Zimbabwean and 11 Namibian prisoners. The Government claimed that it no longer detained any POW's at year's end.

There were many reported arbitrary arrests by antigovernment forces in the occupied territories, and antigovernment forces reportedly detained persons repeatedly (see Section 1.b.). Many of those whom antigovernment forces detained reportedly were Hutus. In March rebel security agents harassed a number of religious and civil society leaders who traveled to Kinshasa to take part in the National Consultations. Over 40 delegates from the occupied territories, many of them associated with human rights NGO's, were subjected to harassment, delays, and detention (see Sections 3 and 4).

On April 22, security forces arrested civil society activist Bruno Bahati as he returned from the National Consultations and reportedly kept him in detention in both Rwanda and the Kivu Provinces until August (see Section 2.d.). Rwandan authorities released Bahati following international pressure.

On May 15, RCD/ML forces arrested Sylvain Mudimbi Masudi, external relations director of the human rights NGO Friends of Nelson Mandela (ANMDH), in Beni, North Kivu Province. Masudi was returning from the 56th session of the Commission on Human Rights in Geneva. RCD officials imprisoned Mudimbi in a crowded cell with Mai Mai combatants for 2 days; on May 17, he was expelled from the country along the Ugandan border (see Section 4).

On July 29, RCD/ML security forces detained two of their senior officials, Deputy Director of Mining Michel Rudatenguha and Brigade Commander Mukalayi, on suspicion of conspiring to overthrow the leader of the RCD/ML rebel movement, Professor Wamba dia Wamba (see Section 1.c.).

On August 29, RCD/Goma security forces arrested 4 civil society members, Paulin Bapolisi Bahuga, Gervais Chiralwirhwa Nkunzimwami, Aloys Muzalia Wakyebwa, and Regine Mutijima in Bukavu ostensibly in connection with a grenade attack on an outdoor festival that killed 8 persons and wounded approximately 100 (see Section 1.a.). The four reportedly had blamed Rwandan soldiers for the bombing. They were all active members of South Kivu Province civil society and the first three were employed at the teacher training school in Bukavu. President Kabila recently had nominated three of the four, without their knowledge or consent, to the National Constituent Assembly, as part of the delegation representing the occupied territories. The four were taken to Kisangani for questioning. Despite international calls to release the civil society workers, the four were detained until September 30.

On October 9, RCD rebels reportedly publicly beat, arrested, and detained 13 human rights activists who attended a meeting of a human rights umbrella group in Bukavu, at Camp Saio (see Sections 1.c. and 2.b.).

On October 29, RCD forces reportedly arrested Jean-Paul Ramazani Kulimushi, director of the Congolese National Radio-Television (RTNC), in Goma (see Section 2.a.). He was detained in solitary confinement in the "Mean Dog" cellblock at year's end.

In April 1999, members of the Presidential Guard attacked, severely beat, and abducted Ralph Biteo because he had the facial features of a Tutsi (see Section 5). Biteo told the guardsmen that he was visiting the hospital to see the burned child of a cousin, Mirimo Mulongo. Members of the Presidential Guard then arrested Mulongo, and both Biteo and Mulongo were taken to the GLM detention facility in the Gombe area of Kinshasa. Both were denied visitors and still were believed to be in detention at year's end.

Government soldiers captured by antigovernment forces reportedly were held by the RCD/Goma or MLC, which reportedly did not permit the ICRC to visit them.

The law prohibits forced exile, and the Government did not use it in practice; however, the Government did release approximately 3,000 Congolese Tutsis from detention on the condition that they leave the country through internationally sponsored relocation programs. These Tutsis freely chose to leave the country rather than remain in government detention; however, another 300 Congolese Tutsis, Rwandans, Burundians, and Ugandans remained in the country due to difficulties in arranging their repatriation to neighboring countries, particularly Uganda and Burundi. These persons chose to remain under government protection rather than face possible reprisals abroad.

e. Denial of Fair Public Trial.—The Transitional Act of the Mobutu regime and Kabila's Decree Law No. 3 provide for the independence of the judiciary; however, in practice the judiciary was not independent of the executive branch, which manipulated it during the year. The Kabila administration continued to refuse to establish mechanisms to ensure the independence of the judiciary; a judicial reform decree, reportedly awaiting presidential approval since 1997, still had not been promulgated. The judiciary also was ineffective and suffered from corruption. For example, on October 18 and 19, national police arrested military court officials Mwakobila Itonge, Ambroise Kusa, and Ndaba allegedly for possessing information regarding government abuses (see Section 1.d.). All three were released on October 25.

The civil judiciary, including lower courts, appellate courts, the Supreme Court, and the Court of State Security, largely was dysfunctional; during the year, military tribunals that have been organized since August 1997 tried nearly all cases and sentenced civilians as well as military personnel to death after summary trials. Defendants before these tribunals had no automatic right to appeal to a higher court, and many apparently lacked counsel.

Death sentences and executions resulting from summary military trials became increasingly frequent as the year progressed. Approximately 200 individuals have been executed by military courts as of year's end, including at least several dozen soldiers executed during the year in relation to a coup plot against the President (see Sections 1.a., 1.b., and 1.d.); however, during the year, no civilians were known to have been executed following a death sentence handed down by the military court. Government military tribunals repeatedly sentenced civilians to death for nonviolent offenses, including mismanagement of public funds and violations of government restrictions on private economic activity, such as private distribution of state-monopolized and state-rationed gasoline. During her visit to the country in October, Kabila assured U.N. High Commissioner for Human Rights Mary Robinson that the military no longer would try civilian cases; however, similar promises have been made previously. Military tribunals also convicted and ordered the execution of military persons charged with armed robbery, murder, inciting mutiny, espionage, and looting while in a state of mutiny. Persons convicted by military tribunals sometimes were executed publicly in ceremonies held in stadiums and presided over by senior government officials, such as provincial governors; however, it was unknown whether any public executions occurred during the year.

Civil and criminal codes are based on Belgian and customary law. The legal code provides for the right to a speedy public trial, the presumption of innocence, and legal counsel at all stages of proceedings; however, the Government did not respect these rights in practice. Defendants have the right to appeal in all cases except those involving national security, armed robbery, and smuggling, all of which are adjudicated in theory by the Court of State Security, and except those cases adjudicated by the special military tribunals, whose jurisdiction appears ill defined. The law provides for court-appointed counsel at state expense in capital cases, in all proceedings before the Supreme Court, and in other cases when requested by the court. The Kabila administration still had not stated a position on providing counsel by year's end, and had provided it only at its discretion.

Corruption remained pervasive, particularly among magistrates, who were paid very poorly and only intermittently, and who also were trained poorly. The system remained hobbled by major shortages of personnel, supplies, and infrastructure.

On January 15, security agents arrested Oscar Mudiayi Wa Mudiayi and Bernard Tshishimbi, both former employees of the Petroleum Ministry, and brought them before a military court for allegedly selling petroleum illegally. They were detained in Makala prison, where they remained until March 10.

On January 28, eight soldiers were executed after a military court found them guilty of attempting to incite a mutiny in a battalion attached to the Special Rapid Intervention Brigade.

On February 2, nine soldiers were executed, including four from the Presidential Guard, on accusations of murder and armed robbery.

In May a military court sentenced Freddy Loseke Lisumbu, editor of the newspaper Le Libre Afrique, to 3 years in prison (see Section 2.a.).

On June 12, Cleophas Kamitatu was sentenced to 4 years of "forced labor" for misappropriating state funds; he remained in detention at year's end (see Sections 1.d. and 2.b.). In November 1999, security forces had arrested Kamitatu, president of CODEP, after he criticized the Government in a foreign radio broadcast (see Sections 1.d. and 2.a.).

On February 19, President Kabila decreed a general amnesty for all prisoners detained for crimes against the security of the State. Although several hundred prisoners reportedly were freed as a result of the decree, hundreds more reportedly remain in detention (see Section 1.c.).

On March 10, the Government released 55 political prisoners, and on March 24, released 89 political prisoners, including AFDL cofounder Anselme Masasu (see Sections 1.a. and 1.d.) and former Bas Congo Province governor Fuka Unzola and five associates, all of whom were convicted and sentenced to long prison terms in 1998. The majority of those released in March were soldiers who were retrained and sent to the front.

The Government continued to hold some political prisoners. Observers believe that there were nine political prisoners at year's end, including Kambale Mututulo, former Minster of Parastatals; Luis Hamuli, former employee of the Information Ministry; and Mubake Mumeme, former Deputy Chief of Staff for the President. The precise number of political prisoners could not be ascertained due to restrictions on access to prisons by independent monitors (see Section 1.c.). Persons whom the Government incarcerated during the year for political offenses, including violations of Kabila's ban on political activity, mostly were detained without being tried (see Section 1.d.). The Government allowed some international humanitarian organizations to visit political prisoners on a regular basis, but only when the detainees were held in an official prison. The Government does not allow these organizations to visit the numerous other detention facilities scattered throughout the country. It is in these facilities where most recently arrested detainees are held, questioned, and sometimes subjected to abuse.

In the territories occupied by the various rebel factions, particularly the RCD/Goma, the system of justice remained essentially nonfunctional. Judges seldom were paid their salaries. There were credible reports of judges accepting bribes in return for favorable decisions. RCD/Goma officials and others with influence reportedly used the judicial system to arrest individuals on false charges to extract money and property from these individuals. Credible sources claim that higher RCD/Goma authorities reprimanded judges who refused to participate in such schemes. There also were documented cases of indiscriminate military justice in which individuals suspected of treason were executed without a trial. For example, on January 29, in Bunia, a Rwandan soldier reportedly summarily executed a Congolese rebel soldier based on the suspicion that the Congolese soldier was passing information to an opposing rebel group (see Section 1.a.).

Officially, the RCD/Goma established measures to investigate and punish rebel soldiers guilty of committing atrocities against civilian populations. However, the initiative remains largely ignored and ineffective, and there were no reports that RCD/Goma tried, convicted, or punished any of its troops for committing atrocities.

Persons reportedly incarcerated by antigovernment forces for political reasons generally were reported to be detained without being formally tried (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Security forces routinely ignored legal provisions for the inviolability of the home, the family, and private correspondence. Security force officials often harassed and robbed persons. Government security forces routinely kept under surveillance the headquarters of opposition parties and the movements of leading opposition political figures (see Section 2.b.).

The security forces repeatedly raided private businesses, including newspapers, banks, and law firms, seized documents and other property, and arrested and detained employees whom they accused of collaborating with antigovernment forces (see Sections 1.d. and 2.a.). Security forces routinely ignored requirements for search warrants, entering and searching at will.

When unable to locate a specific individual, authorities routinely arrested or beat the closest family member (see Sections 1.c. and 1.d.). For example, in July 1999, military personnel held hostage the wife and sister of Innocent Kyuma until Kyuma appeared. He was arrested on July 9, 1999, without a warrant and for no apparent reason; his release still had not been reported by year's end (see Section 1.d.).

Security agents forced their way into private homes without search or arrest warrants, often beating the inhabitants and stealing money and goods. There were re-

ports that security forces raped women during these raids. The police often raided opposition party leaders' residences, made arrests, and seized files (see Sections 1.c. and 1.d.). For example, on November 26, a group of armed government soldiers searched and robbed the house of Athanese Matenda Kyelu, the manager of the Chamber of Commerce, in the Ngaliema district of Kinshasa (see Section 1.c.).

On January 9, 7th Military District soldiers forcibly entered the home of Christophe Kalonji Ntambwe in Kinshasa's Barumbu commune, ransacked the home, and arrested Kalonji (see Section 1.d.). The soldiers reportedly were working as agents of Joseph Mbuyi Lusambo, who wished to expropriate land owned by Kalonji. On January 13, the soldiers returned to Kalonji's home, searched his files, and destroyed furniture.

On January 29, a group of soldiers ransacked the home of Christophe Gbenye, president of the political party Congolese National Movement/Lumumba (MNC/L), for 2 hours while Gbenye was absent. The soldiers were searching for weapons; however, the soldiers confiscated much of Gbenye's personal property before leaving.

On May 2, a group of soldiers ransacked the home of Somwe a Somwe, situated in the Selembao district of Kinshasa.

On the night of June 10, in the Masina district of Kinshasa, there were unconfirmed reports that soldiers forcibly entered the home of Reverend Placide Tshisumpa Tshiakatumba, the president of the International Society for Human Rights (ISHR). Under the pretense of searching for "suspicious" documents, the soldiers searched Tshisumpa's belongings and stole jewelry, money, and a camera. The soldiers blindfolded and bound Tshisumpa, threw him in their jeep, and drove him around for several hours.

ANR security agents monitored mail passing through private express delivery companies as well as through the largely dysfunctional state mail service. The Government widely was believed to monitor telephone communications.

There were credible reports that government forces used forced conscription, and that many of those forced to enlist were children (see Sections 5, 6.c., and 6.d.). On June 9, President Kabila issued a decree to reduce the Government's use of child soldiers and curtail forcible conscription of children during the year; however, the decree was not implemented by year's end. There was no general demobilization of child soldiers during the year, and many children already in the armed forces continued to serve in them. In addition government military commanders allegedly used child soldiers to inflate the ranks of troops under their command in order to acquire additional food and pay, which the commanders would confiscate. Commanders reportedly often concealed child soldiers during visits by human rights NGO's and other monitoring groups (see Section 5). There were credible reports that the FAC forcibly conscripted homeless boys.

Some Mai Mai and Hutu militia units fighting on the side of the Government routinely seized private property and looted homes to supply themselves. Mai Mai and other progovernment groups also regularly recruited children from the areas in which they operated.

Antigovernment forces subjected civilians to arbitrary interference with privacy, family, home, and correspondence of civilians in the areas that their forces dominated (see Sections 1.a. and 1.c.).

In the provinces of North and South Kivu, RCD rebels and other antigovernment groups regularly recruited children from the areas in which they operated. In 1999 rebel forces stated that they would reduce their use of child soldiers, and the problem reportedly continued to diminish during the year; however, there were no reports that they generally demobilized child soldiers, and many child soldiers reportedly continued to serve in rebel armed forces.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Throughout the year, war continued with external intervention on both sides. The war began in August 1998, when Kabila tried to expel from the country Rwandan military forces that had helped him overthrow Mobutu. Congolese Tutsis and the Governments of Rwanda, Uganda, and Burundi relied on these Rwandan forces for protection from hostile nongovernmental armed groups operating out of the eastern part of the country. These groups included: The Interahamwe militia of ethnic Hutus, mostly from Rwanda, which fought the Tutsi-dominated Government of Rwanda, and Hutu members of the former Rwandan armed forces, two groups whose members are believed to be responsible for the 1994 genocide of Tutsis in Rwanda; the Mai Mai, a loose association of traditional Congolese local defense forces that is growing in both popularity and numbers; the Alliance of Democratic Forces (ADF), consisting of Ugandan expatriates and supported by the Government of Sudan; and several groups of Hutus from Burundi fighting the Tutsi-dominated Government in Bujumbura. Kabila's attempt to expel the Rwandan armed forces was frustrated by the outbreak in August 1998 of a rebellion, led by the RCD. The

RCD/Goma was dominated by members of the Tutsi ethnic minority, but from the outset depended heavily on troops, material, and direction from the Government of Rwanda, and, to a lesser extent, the Government of Uganda. Military intervention by Angola, Chad, Namibia, and Zimbabwe resulted in the defeat of an RCD drive on Kinshasa in August 1998, but antigovernment forces advanced elsewhere. In 1999 the rebels split into three factions: A Rwandan-supported faction of the RCD based in Goma; a Ugandan-supported faction of the RCD based in Bunia; and the Ugandan-supported Movement for the Liberation of the Congo, which unlike the original RCD was not dominated by ethnic Tutsis. Nevertheless, antigovernment forces advanced and controlled most of the country's territory, including its eastern and northern regions; however, during the year, the military situation largely stabilized except in Equateur Province. Elements of the armed forces of Rwanda and Uganda continued to operate inside the country in support of rebels, and elements of the armed forces of Burundi operated inside the country against armed groups of Hutus from Burundi. Elements of the armed forces of Angola, Namibia, and Zimbabwe continued to operate inside the country in support of the Government throughout the year, but Chadian forces withdrew from the country in May 1999. Nongovernmental armed groups such as the Interahamwe, former Rwandan Hutu military, and Mai Mai continued to operate inside the country on the side of the Government, often as guerrillas inside territory held by antigovernment forces. Cease-fire accords signed in July and August 1999 between progovernment and antigovernment forces only briefly reduced the intensity of the war. During the year, all sides violated the cease-fire, although the level of fighting generally was limited. All sides repeatedly used excessive force and committed numerous abuses. An international humanitarian NGO estimated that as many as 1.7 million persons have died during the war because of killings, malnutrition, or starvation (see Section 1.a.).

Government and progovernment forces routinely used excessive force by bombing civilian populations in air raids against towns held by antigovernment forces. The crude bombs used, their manner of delivery (rolled out of an aircraft through an open hatch), and the fact that the raids were carried out at night over populated areas, nearly always resulted in heavy civilian casualties and little or no damage to antigovernment forces; however, it is uncertain how many civilians were killed in these attacks. According to a report by the U.N. Special Rapporteur on the Situation of Human Rights in the Democratic Republic of the Congo, not only the Government's armed forces but also elements of the armed forces of other countries, including Zimbabwe, conducted such bombings.

Government security forces continued to use child soldiers but reduced their overall forcible recruitment of child soldiers during the year (see Sections 1.f. and 5).

There were reports that Mai Mai and Hutu guerrillas fighting on the side of the Government killed and tortured noncombatants (see Sections 1.a. and 1.c.).

There were many reports, at least some of them credible, that elements of the Rwandan armed forces and the Goma faction of the RCD repeatedly committed mass killings of noncombatants, usually in reprisal for attacks in the same area on RCD forces by Mai Mai or Hutu groups (see Section 1.a). In addition Rwandan soldiers and RCD rebels reportedly engaged in dismembering their victims with machete blows while they still were alive. Rwandan troops and RCD rebels also reportedly engaged in the raping of women in public and often in the presence of their families and in-laws (see Section 1.c.). Rebel forces reportedly continued to use child soldiers (see Sections 1.f. and 6.c.).

On two occasions during the year, Rwandan and Ugandan forces fought open battles in the streets of Kisangani, resulting in hundreds of civilian deaths, as well as thousands of wounded and displaced persons (see Sections 1.a. and 2.d.).

The Government also held POW's. An exchange of POW's was called for in the Lusaka Accords. In June the Government released 93 Rwandan POW's, and in return the Government of Rwanda released 35 Zimbabwean and 11 Namibian POW's.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Statutes provide for freedom of speech and of the press, and remain in effect; however, the Government increasingly restricted these rights in practice.

The CPP's that Kabila formed in 1999 monitored persons' speech, association, and movement, in residential areas, workplaces, and schools, and reported speeches critical of the Government to security forces. Although the CPP's were not part of the formal structure of the State, they clearly acted as agencies of the Government.

Incidents of harassment, intimidation, and detention of journalists continued to occur, and violations of press freedom were more common, particularly in the last few months of the year. During the year, government security forces arrested and

detained more than 10 journalists compared to 80 in 1999; few of them were tried. The decrease in arrests and detentions during the year was attributed to efforts by Leonard She Okitundu, former Minister of Human Rights and current Minister of Foreign Affairs, and the U.N. Human Rights Commission. At least five journalists remained incarcerated at year's end. Other journalists were subjected to harassment, beatings, and torture. Police seized radio stations, shut down newspapers, and set fire to publishing houses. The Government shut down radio and television stations and disrupted the operations of newspapers. State authorities arrested, questioned, harassed, and expelled foreign journalists and banned the transmission of some international radio broadcasts.

Almost 400 newspapers were licensed to publish, and a number of them appeared regularly in Kinshasa. There also was an active private press in Lubumbashi, and some private newspapers were published in other provincial cities. Of the Kinshasa-based newspapers, eight were dailies; the rest of the newspapers that appeared regularly were published between one and three times a week. Most private news publications relied on external financing, often from political parties and individual politicians. News publications tended to emphasize editorial commentary and analysis rather than factual descriptions of events; many were highly critical of the Government. There were no overtly government-controlled newspapers; however, at least two newspapers, L'Avenir and L'Observateur, were supported respectively by the Office of the President and the Ministry of Foreign Affairs. Le Forum and Le Palmares have close ties to the security services. Of these, only Le Palmares and l'Avenir were published daily.

A 1996 press law regulates the newspaper industry. Publishers must continue to deposit copies of their publications with the Information Ministry; however, there is no longer a formal censorship regime. Criminal libel laws exist but were not used against journalists. In most cases where journalists were charged formally, state authorities charged them with "endangering the State" through the publication or broadcast of political news, or news of the war. Charges often were brought under the 1996 press law; however, the Government had not published the law in 4 years, and many of the judges, as well as the journalists on trial, are unfamiliar with it. Government officials criticized or implicated in fraudulent practices by the press at times encouraged police to arrest the journalists responsible for such stories.

In November 1999, security forces arrested Cleophas Kamitatu, president of CODEP, after he criticized the Government in a foreign radio broadcast (see Section 1.d.). On June 12, Kamitatu was sentenced to 4 years of "forced labor" for misappropriating state funds; however, he remained in detention at year's end (see Sections 1.d. and 2.b.).

On January 3, security forces arrested and tortured Freddy Loseke Lisumbu, editor of the newspaper Le Libre Afrique, after he reportedly wrote two articles that claimed that elements in Kinshasa were planning a coup against President Kabila (see Sections 1.c. and 1.d). Security forces reportedly kept Loseke incommunicado at Makala prison; family members were not allowed to visit him, and guards reportedly stole and ate the food that family members brought for him. Security agents allegedly subjected Loseke to torture (see Section 1.c.); he reportedly was in ill health at year's end but was denied medical attention. In May a military court sentenced Loseke to 3 years in prison for publishing an article about a general who allegedly was plotting to assassinate President Kabila (see Section 1.e.).

On January 8, presidential guards arrested Mossi Mwassi, a journalist, allegedly for speaking English. He was charged with libel and infringing on public security, but was released on January 11.

On January 10, ANR agents summoned to an unknown location Father Fabien Kenta, director of the private Catholic radio station Radio Elikya. Security agents said that the radio station had broadcast anti-Kabila messages under the guise of human rights information and ordered Kenta not to broadcast anti-Kabila messages.

On February 26, police arrested and severely beat Zuzi Phukuta Dieudonne, a reporter for the newspaper Palme d'Or and president of the human rights NGO Justice Sans Frontiere. Phukuta reportedly was riding in a public van with a number of students who shouted anti-Kabila remarks. The students fled when police surrounded the vehicle after it stopped in traffic; however, the police found Phukuta inside the vehicle and severely beat him before placing him under detention (see Sections 1.c. and 1.d.). Police accused Phukuta of having insulted the President; security forces reportedly tortured Phukuta and left permanent physical scars. Police reportedly continue to threaten his life, although he was released shortly after his arrest (see Section 4).

On March 13, police arrested journalist Nyembo Kimunyi because of an article he wrote in the weekly newspaper La Tribune that claimed Kabila's deceased brother had engaged in human rights abuses as head of the ANR in Lubumbashi. The arti-

cle reportedly stated that the ANR in Lubumbashi is known for "terror, extortion, and retaliation." The ANR released Kimunyi in July; it was unknown whether any charges were filed against him.

On April 24, police arrested two journalists, Jean Bruno Kadima and Jose Ntumba Moukanda, the director of publications and a reporter for the weekly newspaper Umoja respectively (see Section 1.d.). Security forces gave no reason for the arrest, nor were any charges made against the pair. They were released on May 3.

On June 12, security forces arrested Aime Kakese of the newspaper La Carousel after he refused to provide police with the address of a journalist that they were seeking. A military court sentenced Kakese to 2 years in prison; however, he was released in December.

On June 12, security forces arrested Richard Nsamba, editor of Le Messager African, for publishing articles unfavorable to Charles Okoto, the former governor of Eastern Kasai Province and current head of the parastatal MIBA. He was convicted by a military court, but he was released in September after serving a brief sentence.

Also in June, security forces arrested Jean-Pierre Ekanga of the newspaper La Tribune de la Nation for allegedly providing inaccurate information on the newspaper's relationship with Nicolas Katako, husband of Transportation Minister Odette Babandoa. Katako was jailed for collaborating with journalists; Ekanga was sentenced to 2 years in prison but was released in December.

On July 22, security agents arrested Catherine Nzuzi, leader of the major faction of the MPR (see Section 1.d.). She was charged with treason after she complained in a radio broadcast of harassment by Kabila's security organizations.

On September 1, police arrested journalist Frank Baku of the daily newspaper La Reference Plus after Baku criticized the country's judicial system. Baku was released in October.

On November 8, ANR agents arrested and detained Kinyongo Saleh, editor of the newspaper La Vision, at a facility in Kinshasa. Family members were not permitted to visit Kinyongo, and he remained in detention at year's end.

On November 12, security forces arrested Feu d'or Bosange Ifonge, a music reporter for the newspaper L'Alarme, for selling copies of the newspaper with an article that claimed that the city of Mbandaka in Equateur Province was burning.

On November 17, FAC forces allegedly briefly detained a journalist covering the student protest at the Institut Pedagogique National (IPN) in Kinshasa and confiscated her recordings (see Sections 1.c., 1.d., and 2.b.).

In November 1999, security forces arrested and detained Honsek Hokwoy, the editor of the newspaper La Solidarite, after Honsek claimed in print that Finance Minister Mawampanga Mwana Nanga had been arrested. He was released on February 4.

In November 1999, security forces arrested and detained for 66 days without trial Kazadi Djodjo Mbayo, director of the publication La Palme d'Or; he was released on January 15. Kazadi reportedly was arrested for "having committed an outrage against the Chief of State and inciting revolt." As a condition of his release, Kazadi reportedly promised never to write another article about the President that could be deemed derogatory; he also promised to inform the ANR of any other derogatory information.

In December 1999, security forces arrested and detained a newspaper street vendor, Gaspard Baila, after the front page of the Pot-Pourri satirical newspaper he was selling criticized fraud and embezzlement within the Government. Security forces reportedly subjected Baila to physical abuse. He was released on January 12.

Security forces continued to detain Albert Bosange Yema, a journalist employed by L'Alarme, who was arrested in 1999 after he reportedly wrote an erroneous article on the capture of Lake Mukamba by the rebels. However, he had escaped from prison and was living in exile at year's end.

The Government also harassed foreign journalists and academics by searching their luggage for professional notes, preventing their departure from the country, and detaining them for questioning. On September 15, immigration authorities arrested foreign journalist Francois Grignon after searching his luggage at the airport and uncovering interview notes. Grignon had been researching a report for the International Crisis Group (ICG). On September 22, security agents arrested foreign journalist Nicholas Long on suspicion that he was working with Grignon. Long was released within a few hours; Grignon spent 1 week in detention before authorities allowed him to leave the country. On September 27, immigration police detained foreign journalists Richard Dowden and Koert Lindyer after searching their luggage and uncovering notes, which were believed to have contained information on interviews with government officials and foreign diplomats. Both were released within a few days and departed the country.

Government security forces sometimes seized individual issues of various newspapers or printing equipment. During the year, security forces continued occasionally to seize newspapers from street vendors to prevent circulation of articles deemed damaging to the Government.

On November 30, the ANR warned independent newspapers in Kinshasa not to publish stories about the army or the security services.

Due to limited literacy and the higher costs of newspapers and television, radio remained the most important medium of public information. At year's end, six radio stations operated in Kinshasa. During the year, the Government nationalized one radio and television station, RTKM, which was owned by Ngongo Ngongo Lowowo, a former Information Minister under Mobutu. In 1997 the Government lifted the Mobutu regime's ban on news programming on private radio; however, two radio stations continued to be state-owned and government-controlled. Opposition parties were unable to gain access to state-owned radio, and private radio was markedly less critical of the Government than private newspapers. During the year, the Government closed down private radio stations because they broadcast news unfavorable to the Government or commentary critical of the Government.

Eight television stations broadcast in the Kinshasa area, two of which are state-controlled and two of which are religious. The status of these stations remains unclear after the Ministry of Communication announced in September that it would nationalize three broadcast corporations, including RTKM and two television stations owned by Jean-Pierre Bemba: "Antenne A" and "Canal Kin." The Ministry also ordered seven privately owned radio stations and three privately owned television stations to cease broadcasts. Communication Minister Dominique Sakombi invoked a 1996 broadcast law to legitimize the closings. Credible sources claim that the move also had financial motivations, as Sakombi ordered each of the stations that were shut down to pay the Communication Ministry a tax equivalent to 18 percent of each station's advertising revenue; the Ministry of Finance normally collects such taxes. However, by October most broadcast stations that the Government closed had resumed broadcasting. The Government motive for the shutdowns and reopenings remained unclear. Opposition parties remained unable to gain access to state-controlled television. Other methods of silencing the broadcast media have included burning down radio stations and expelling journalists from their homes; however, no such incidents occurred during the year.

The Government continued to restrict severely foreign broadcasts during the year. In 1999 then Information Minister Didier Mumengi ordered privately owned radio and television stations to cease transmitting foreign broadcasts. The order was aimed at Elikya, a Catholic radio station that transmits Radio Vatican, and Raga FM, which broadcasts the Voice of America (VOA), the British Broadcasting Corporation (BBC) world service, and Deutsche Welle. However, Kinshasa still receives Radio France Internationale, which is transmitted from nearby Brazzaville.

At year's end, there were two domestic Internet service providers. Because of technical difficulties and high costs, the Internet is not used widely.

Some antigovernment forces, including the RCD/Goma, reportedly restricted freedom of speech and of the press; at year's end, there reportedly were no independent media in areas controlled by the RCD/Goma.

Antigovernment forces reportedly arrested journalists. For example on October 29, RCD forces allegedly arrested Jean-Paul Ramazani Kulimushi, director of the RTNC, in Goma. Ramazani Kulimushi reportedly broadcast a commentary critical of the conduct of certain RCD soldiers. He was detained in solitary confinement in the "Mean Dog" cellblock at year's end.

In 1999 RCD/Goma security forces in Bukavu in South Kivu Province seized the radio transmitter and other equipment from the private radio station Radio Maendeleo, effectively taking it off the air. Despite wide appeals, RCD authorities refused to return the confiscated equipment.

Academic freedom continued to be endangered as professors exercised self-censorship or modified their lectures to suit the views of their patrons in the Government. Faculty members complained that members of the Government took a strong interest in activities at their universities. The regime monitored university classrooms through student and teacher members of the CPP's (see Section 2.b.). During the year, the CPP's remained active on university campuses in Kinshasa and Lubumbashi, employing a cadre of both students and faculty. Several students were arrested after CPP members reported them for questioning the Government. Some students went into hiding after security forces suspected that they were in contact with foreigners. Security officials arrested several students for organizing strikes at Kinshasa University (see Sections 1.d. and 2.b.). In July 1999, security forces in Lubumbashi arrested Professor Kambaj wa Kambaji because of the professor's critical analysis of the use of ethnic hate radio in Congolese politics. Professor Kambaji

and two colleagues, Richard Tshivuadi and Tabu Kalala, were released from an ANR facility in Kinshasa on April 6.

b. Freedom of Peaceful Assembly and Association.—There is no legal protection for freedom of assembly, and the Government continued to restrict this right severely. The Government considers the rights to assemble and associate subordinate to the maintenance of "public order." The Government requires all organizers to apply for permits, which are granted or rejected at the Government's discretion. Public activities generally are dispersed by government security services. However, the Government sanctioned pro-Kabila demonstrations, including demonstrations against foreign embassies and the offices of the U.N., which included rock throwing and threats.

On January 7, military security officials arrested seven members of the opposition political party PALU when they attempted to hold a meeting in the commune of Lemba. Authorities filed no formal charges, and the matter never was presented to a civil court for arbitration. The seven were released on January 11.

On March 16, security agents prevented a planned demonstration by the FSD in the Ndjili district of Kinshasa. Immediately prior to the event, police arrested some FSD members who had gathered for the demonstration (see Section 1.d.); all were released that evening or the following morning. The police commandant severely beat the president of the FSD, Eugene Diomi, when he arrived at the precinct in Ndjili to inquire about the arrests.

On May 17, police dispersed a demonstration by Kinshasa University students to demand that the University repair restrooms that had not functioned properly for almost a year. On May 25, security agents arrested student Placide Nkoso, allegedly for organizing the demonstration (see Section 1.d.). Police also arrested another student, Jean-Pierre Mofila Mboma, and detained both students for collaborating with MLC rebels (see Section 1.d.). On July 18, there were unconfirmed reports that security force agents arrested a Kinshasa University student known only as Kosso, in connection with a student demonstration on July 17 (see Section 1.d.); the protest also was directed against poor sanitation. Kosso remained in detention at year's end.

On July 19, security forces arrested 10 members of the UDPS opposition party who had gathered at the home of a party member. They remained in detention pending trial at year's end; two members reportedly are in poor health.

On November 17, approximately 800 students at the Institut Pedagogique National (IPN) in Kinshasa reportedly demonstrated to protest the arrest and beating of 10 classmates the previous night. The incident reportedly started on November 16 when police arrested two students carrying their lunches on campus, because the police wanted the food. Police beat 10 students who intervened on the others' behalf, and several students were arrested. Allegedly FAC forces briefly detained a journalist covering the protest and confiscated her recordings (see Section 2.a.). The commander of the police detachment reportedly was arrested following the incident.

On April 6, two UDPS party members, who were arrested for attending an "illegal" political meeting in May 1999, were released from detention. The two activists, Professor Alidor Muamba Ntita and Raymond Kabala, were detained without charges.

Freedom of assembly sometimes was respected in rebel-held areas in the country. On January 31 in Bukavu, and on February 7 in Goma, citywide strikes ("villes mortes") were held to protest the occupation of the cities by rebels and Rwandan and Ugandan forces. The Bukavu strike was enforced strictly by organizers who threatened those who tried to go to work.

On July 19, approximately 4,000 Banyamulenge reportedly demonstrated in Bukavu and Uvira against the presence of RCD/Goma and Rwandan troops in the Kivu Provinces (see Section 1.g.).

On August 29, RCD/Goma soldiers arrested and detained for a month four South Kivu Province civil society members in connection with the bombing of an outdoor festival in Bukavu, after the four reportedly blamed Rwandan and RCD soldiers for the bombing (see Section 1.d.). On August 29, Bukavu students demonstrated to protest their arrest. In their effort to disperse the demonstrations, RCD soldiers fired into the air and reportedly shot and killed one student (see Section 1.a.). RCD forces arrested several students but released them the following day (see Section 1.d.).

The law provides no protection for freedom of association, and the Government severely restricted this right. Upon assuming power in 1997, the Government suspended political party activities but not political parties themselves. In 1999 President Kabila issued a decree that partially lifted the ban on political party activities; however, the decree allows the Interior Minister to ban parties arbitrarily, and requires that legally recognized parties have members from all provinces, a require-

ment that could not be satisfied under war conditions. Moreover, in practice the Government continued to ban any political activity by opposition groups beyond small administrative meetings. On April 29, the Interior Minister stated that no political party was authorized to operate unless it conformed to the decree and that no non-profit organization was authorized to operate unless it conformed to Decree No. 195.

In July 1999, Kabila issued a presidential decree that legalized the CPP's and proclaimed that all political activity must pass through the CPP's, which he leads. This decree was criticized widely.

Individuals from opposition parties served in Kabila's Government, but in their individual capacities (see Section 3). Political party offices generally remained open, and parties continued internal administrative functions. At different times and for different periods, the headquarters of various political parties were under surveillance, padlocked, or patrolled by soldiers (see Section 3). The Government effectively prevented public political gatherings and even arrested opposition activists engaged in small private meetings (see Section 1.d.). The effects of the restrictions on political parties varied widely throughout the country, and they were enforced less strictly in some provinces.

The law allows anyone to form a new political party by registering with the Minister of Interior; however, in practice no political parties were registered during the year. The President's January 1999 decree required that all political parties, including existing parties, register. Two progovernment parties and a splinter group completed the registration process but were not registered by year's end. The splinter group was a dissident faction of the UDPS. The Government recognized and registered the group in September in an attempt to diminish the stature and political potential of the original UDPS and its leader, Etienne Tshisekedi. The move came shortly after Tshisekedi's party filed a legal claim against President Kabila in a Belgian court. The UDPS already had filed a similar claim against then-Foreign Minister Yerodia Abdoulaye, which concluded in July with the issuance of an international arrest warrant for Yerodia on changes of inciting racial hatred and genocide (see Section 1.a.).

On January 16, policemen surrounded the home of Joseph Olenghankoy, president of the FONUS opposition party, in the Ngaliema neighborhood of Kinshasa, to disrupt a ceremony in which Olenghankoy intended to deliver a New Year's Message. Police arrested Mukendi Kadima, who was attending the ceremony, after they searched him and discovered a business card belonging to the leader of the Human Rights NGO, La Voix des Sans Voix (VSV). Mukendi was detained for 2 days and questioned by police. Under pressure from the VSV and family members, police released Mukendi on January 18.

On February 14, police and ANR agents in Matadi stopped five members of Bundi Dia Kongo (BDK) and told them that the provincial governor wished to see them. The police drove them to the train station and sent them to Kinshasa where they were arrested and detained by the ANR. The five were detained without formal charges until March 7; however, police claimed that they were conspiring to incite an anti-Kabila revolt in the Bas Congo Province.

On February 29, police arrested 10 members of the UDPS opposition political party, who reportedly were standing outside the home of party president Etienne Tshisekedi, when they became involved in a confrontation with two women who reportedly provoked them by singing pro-Kabila songs. Police released them on March 1 without filing any formal charges.

On April 8, police arrested 12 members of the National Alliance for Development and Reconstruction (ANADER) in the Lemba district of Kinshasa. They were charged with conducting political activities outlawed under Decree No. 194, which governs political activity. Police released them on April 10.

On June 5, security agents at Ndjili airport in Kinshasa prevented leaders of opposition parties and civil society from traveling to Cotonou, Benin, to attend preparatory meetings for the Congolese National Dialogue (see Section 2.d.).

In November 1999, security forces arrested Cleophas Kamitatu Massamba after he founded a political organization of former Mobutuists and criticized the Government in a radio broadcast. On June 12, Kamitatu was sentenced to 4 years of "forced labor" for misappropriating state funds. The Kabila Government claimed Kamitatu inappropriately had sold the Congolese Embassy building without government authorization while he was ambassador to Japan several years earlier. He remained in prison at year's end.

NGO's are required to register with the Minister of Justice and file copies of internal regulations and descriptions of organizational structure. In 1999 President Kabila promulgated a decree that restricted the activities of NGO's, including religious organizations, by establishing requirements for their activities. However, some

existing organizations were exempt, and the decree was not enforced during the year.

Security forces arrested individuals visiting foreign embassies, as well as persons who had contact with NGO's or citizens living in other countries (see Sections 1.d., 1.f., and 4).

Antigovernment forces seriously restricted freedom of assembly and association in the areas that they controlled. In March 1999, RCD/Goma authorities refused to let women march in Bukavu in celebration of International Woman's Day and to protest the war. In March the women planned to stay at home in what they called "A Day Without Women" in order to protest fathers and husbands dying in the war. On March 6, RCD/Goma security agents raided the offices of a women's group, Reseau des Femmes Pour La Defense de Droits et de la Paix (see Section 4). Security agents claimed that the women were plotting genocide and threatened to shoot them. Several women lost their jobs after the incident after RCD/Goma authorities coerced employers to dismiss them.

Following the death of Archbishop Kataliko on October 3, RCD/Goma security forces used gunfire to disperse a demonstration on October 4 in Bukavu following news of the Archbishop's death. RCD soldiers reportedly killed a child in the shooting.

On October 9, RCD rebels reportedly dispersed a meeting of a human rights umbrella group in Bukavu, and publicly beat, arrested, and detained 13 human rights activists who attended the meeting at Camp Saio (see Sections 1.c., 1.d., and 4).

c. Freedom of Religion.—Although there is no constitution currently in effect, the Government generally respected freedom of religion in practice, provided that worshipers neither disturbed public order nor contradicted commonly held morals; however, government forces committed some abuses.

A 1971 law regulating religious organizations grants civil servants the power to establish and dissolve religious groups. There have been no reports of the Government suspending or dissolving a religious group since 1990, when the Government suspended its recognition of Jehovah's Witnesses; that suspension subsequently was reversed by a court. Although this law restricts the process for official recognition, officially recognized religions are free to establish places of worship and to train clergy. In practice religious groups that are not recognized also worship freely.

On January 29, 1999, President Kabila promulgated a decree that restricts the activities of NGO's, including religious organizations, by establishing requirements for them; however, existing religious organizations were exempt, and the decree subsequently was not enforced.

In July the progovernment press printed articles critical of religious organizations.

Although the Government required foreign religious groups to obtain the approval of the President through the Minister of Justice, foreign religious groups generally operate without restriction once they receive approval from the Government. Many recognized churches have external ties, and foreign missionaries are allowed to proselytize. The Government generally did not interfere with foreign missionaries. However, foreign missionaries have not been exempt from general human rights abuses by security forces.

While the Government is tolerant in matters of religion, some abuses occurred in government-controlled areas as a result of the war. These abuses, usually the ransacking of churches and the pilfering of church property, generally were the result of a lack of discipline among government troops.

A government order in July 1999 prohibiting private radio stations from transmitting foreign radio broadcasts effectively targeted a Catholic radio station that was compelled to cease broadcasting programs of foreign origin (see Section 2.a.). The target was not religious broadcasts; rather it was foreign programs critical of the Government. Catholic radio stations did not broadcast foreign radio transmissions during the year.

On January 10, ANR agents summoned Father Fabien Kenta, director of the private Catholic radio station Radio Elikya to an unknown location. Security agents said that the radio station had broadcast anti-Kabila messages under the guise of human rights information and ordered Kenta not to broadcast anti-Kabila messages.

In areas of the country under the military occupation of Rwanda, Uganda, and their respective rebel clients, religious freedom deteriorated. Numerous human rights groups reported significant abuses in these areas by the occupying troops of Rwanda and Uganda, as well as various rebel factions, which targeted Catholic clergy. Abuses reportedly took the form of attacks on missions, killings of priests, the rape of nuns, and the burning of churches. Credible reports indicate that occupying troops and their rebel allies deliberately targeted Catholic churches as a means of both intimidating the local population and in revenge for the Church's perceived role in the 1994 genocide in Rwanda.

On February 11, RCD/Goma rebel forces operating in eastern areas of the country prevented the Archbishop of Bukavu, Emmanuel Kataliko, from returning to his diocese (see Section 2.d.). Rebels alleged that the Archbishop's Christmas message urged harassment of Tutsis in the East. A number of sources in the occupied territories indicate that the decision to exile Kataliko in the town of Bunia was made by officials of the Government of Rwanda. Archbishop Kataliko was allowed to return to Bukavu in September; however, on October 3, the Archbishop died of a heart attack while in Rome.

On February 16, a Banyamulenge militia attacked a Catholic mission in the Kilibu area of South Kivu Province (see Section 2.c.). Two priests fled, but militiamen captured a third priest, Father Pepin Beta, whom they forced to kneel, and then shot and killed (see Section 1.a.).

On June 18 and 19, approximately 50 soldiers attacked and pillaged a Catholic church and convent in the town of Kabare, South Kivu Province; 3 civilians were killed (see Section 1.a.). The RCD blamed the attack on the Interahamwe, but local humanitarian groups disputed this claim because of the number of RPA soldiers in the area.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Although the law allows for freedom of movement, the Government, and in particular the security forces acting independently, continued to restrict this freedom; the Government increased its restrictions after the war began. The war also brought new restrictions on internal travel within the government-controlled and rebel-controlled zones and made movement between the two zones difficult and dangerous.

Even before the war, security forces throughout the country established and manned many roadblocks at which they demanded that travelers produce documents and bribes. There were many more such roadblocks than could be justified by public safety considerations; both their numbers and the conduct of the security force members manning them indicated that their main function was to extort money and goods from travelers to supplement their below-subsistence level official wages. This made internal travel costlier, more time consuming, and more dangerous, since violence, including shootings, was not uncommon at these roadblocks.

In Kinshasa police and soldiers commonly erected roadblocks in order to extract bribes from taxibus drivers and passengers. On January 18, in the Gombe district of Kinshasa, there were unconfirmed reports that security forces forced passengers who allegedly were riding in excess of the capacity of a taxibus to pay bribes. Security forces allegedly severely beat one passenger, 30-year-old Mawete Pindi. Reportedly there was no investigation nor action taken in this case by year's end. In January FAC soldiers and police erected roadblocks in various districts of Kinshasa in order to extort money from each minibus passenger who crossed the roadblock. On the evening of January 20, soldiers under the command of Commandant Mvunzi beat a passenger, known as Ndule, for not having enough money to pay the fee. Reportedly there was no investigation nor action taken in this case by year's end.

On April 30, members of the Special Presidential Security Group allegedly beat Koyagialo Ahonzima Wasana for ignoring government restrictions on movement within the vicinity of the Marble Palace, President Kabila's residence (see Section 1.c.).

The Government required exit visas for all foreign travel. No data on the refusal rate for exit visa applications was available; however, there were several known cases in which a political leader was denied an exit visa during the year. Security forces occasionally hindered foreign travel by citizens, including journalists (see Section 2.a.).

In January immigration officials prevented FONUS opposition leader Joseph Olenghankoy from traveling abroad. The Government gave no explanation for its actions. On March 8, immigration security agents again detained Olenghankoy as he attempted to depart Kinshasa for Brazzaville, Republic of the Congo. Immigration officials confiscated all of his documents and prevented him from leaving the country.

On February 16, immigration officials confiscated the passport and airline ticket of Christophe Lutundula Apala, a member of the Mouvement Solarite pour la Democracie et le Development (MSDD), a think tank, as he prepared to board a plane to attend an international conference on democratic transitions in Benin. He departed on February 18 after La Francophonie and other organizations petitioned the Government to permit his departure.

In June President Kabila and government authorities prevented the departure of a number of opposition and civil society leaders, including Joseph Olenghankoy (president of FONUS), Francois Lumumba (president of the MNC/L), and Catherine Nzuzi wa Mbombo (president of the MPR) who were invited to participate in a pre-

paratory meeting of the Inter-Congolese Dialogue in Benin, as authorized by the Lusaka Accords (see Section 3). The Government already had expressed its intention not to participate in the U.N.-sponsored forum, which had been organized by Inter-Congolese Dialogue facilitator and former Botswana Prime Minister Sir Ketumile Masire. The Government successfully prevented initial efforts to launch the forum by preventing civil society and opposition groups from participating and confiscating all travel documents of intended participants. By year's end, the Government still had not returned the travel documents of these individuals.

The Government also prevented the departure of foreign journalists. Airport immigration officials searched luggage, confiscated notes, and detained the journalists for questioning (see Section 2.a.).

The Government lifted Kinshasa's nighttime curfew in December 1999. No new curfew was imposed during the year.

The significant risk of rape, sometimes perpetrated by uniformed men, restricted freedom of movement at night for women in many neighborhoods. Groups of citizens implemented neighborhood watch programs, but women in many parts of Kinshasa and Lubumbashi did not leave their homes at night due to fear of attack.

Freedom of movement in the rebel-controlled territories was restricted severely during the year as a result of fighting between the rebels, Rwandan and Ugandan forces, the Mai Mai, and the Interahamwe. Travel across the war front often was inconvenient and sometimes impossible.

In the eastern portion of the country, rebel forces prevented travel and harassed travelers. On February 11, RCD/Goma rebel forces operating in eastern areas of the country prevented the Archbishop of Bukavu from returning to his diocese (see Section 2.c.). RCD/Goma officials allowed Archbishop Kataliko to return to Bukavu in September, following visits and direct appeals to the RCD/Goma by high level foreign government and Catholic Church officials; however, the Archbishop died of a heart attack less then 3 weeks later while in Rome.

Rebel and Rwandan authorities used threats and intimidation to prevent several dozen Congolese who had traveled from the occupied territories from returning after attending the National Consultations. This action resulted in civil society members from the occupied territories being stranded in Kinshasa for weeks, and sometimes months, after the National Consultations. On April 22, security forces arrested civil society activist Bruno Bahati as he returned from the National Consultations, and reportedly kept him in detention in both Rwanda and the Kivu Provinces until August. Rwandan authorities freed Bahati following international pressure (see Section 1.d.).

An international human rights NGO estimates that there are approximately 1.5 million IDP's in the country. Approximately 60,000 persons were displaced during fighting between Rwandan and Ugandan forces in Kisangani in May and June (see Section 1.a.). There are many camps for IDP's, especially in the eastern half of the country. Persons at these camps were subjected to attacks by government and rebel groups. For example, in July a group believed to be Interahamwe attacked an IDP camp in North Kivu Province. Approximately 50 persons were killed, including some who were burned alive inside their homes (see Section 1.a.). During the night of July 9 and 10, an unidentified militia attacked an encampment of displaced persons at Sake, in the Masisi territory of North Kivu Province (see Section 1.a.).

The law includes provisions for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government continued to provide first asylum. Refugees were accepted into the country from the Republic of the Congo during the year, and approximately 330,000 refugees from neighboring countries, including Rwanda, Burundi, Angola, Uganda, and Sudan, live in the country.

Unlike in the previous year, there were no known reports of the forced repatriation of refugees during the year.

According to international human rights NGO's, approximately 300,000 Congolese refugees lived in neighboring countries during the year, including approximately 100,000 in the Republic of the Congo and 9,000 in the Central African Republic. In the last months of the year, thousands of refugees fled to Zambia from the increased fighting in Katanga Province.

The Government's cooperation with the U.N. High Commissioner for Refugees (UNHCR) and other international agencies fluctuated wildly. The Government consistently denied humanitarian access to NGO workers in areas controlled by the Government (see Section 4). The Minister of Interior personally had to sign travel authorizations for foreign aid workers, which created delays in travel. The Ministry of Human Rights and in particular Human Rights Minister She Okitundu played an active role in organizing the protection and voluntary departure of Tutsis who were not incarcerated before their departure from the country. Since the start of the

war, the Government has stopped its former practice of involuntarily repatriating Hutus to Rwanda.

UNHCR cooperated with NGO's and antigovernment forces in voluntarily repatriating Rwandan Hutus to Rwanda. There was no independent confirmation of news reports from May 1999 that antigovernment forces were repatriating Rwandan Hutus involuntarily; there were no known reports of such forced repatriation during the year.

Antigovernment forces also imposed travel restrictions on NGO's (see Section 4).

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

Citizens do not have the right to change their government peacefully. Citizens have not been able to change their government through free elections since independence in 1960.

In his May 1997 inaugural address, President Kabila promised a constitution and elections by 1999; however, the 1998 outbreak of war effectively prevented the holding of national elections. The President used the pretext of war to suppress the activities of political opposition parties and continued to rule by decree. The war also provided a reason for security forces to arrest persons at will on charges of subversion or being in league with the rebellion (see Sections 1.d. and 1.e.).

The Government did not pursue the ratification of the proposed constitution drafted in 1998; after it was disseminated in 1998 to the press, many leaders of political parties, NGO's, and religious organizations criticized it as insufficiently democratic.

The cease-fire accords signed in July and August 1999 at Lusaka, Zambia, between the Government, progovernment, and antigovernment forces called for an open national dialog among all political parties and civil society groups. However, the Government repeatedly used its power to stifle any meaningful dialog. In March church groups attempted to hold a National Consultation, an initiative that the Government seized to carry out its own agenda; it filled meetings with its own supporters. Despite the Government's effort to control the National Consultation, the body did not accept the Government's agenda. In April the delegates presented President Kabila with a list of recommendations. The delegates urged the Government to release political prisoners, open the political process, abolish the CPP's, and free jailed journalists. The Government ignored these recommendations and instead turned to the guidance provided by its own delegates, which in essence urged the President to ignore key provisions of the Lusaka Accords. The Government subsequently reaffirmed during the year its commitment to participate in a national dialog under the control of a neutral facilitator; however, it continued to obstruct and frustrate facilitator Sir Ketumile Masire. Throughout the year, the Government attempted to divert the national dialog by using a variety of political maneuvers designed as substitutes for real political discussion and sought to create a forum that the Government intended to control. The Government created the Constituent and Legislative Assembly to draft a new constitution, prepare a national budget, and approve decrees and motions handed down by the President. The Government also appointed members of the Assembly based on past services to President Kabila and loyalty to the Kabila regime.

In June President Kabila and government authorities prevented the departure of a number of opposition and civil society leaders, including Joseph Olenghankoy (president of FONUS), Francois Lumumba (president of the MNC/L), and Catherine Nzuzi wa Mbombo (president of the MPR) who were invited to participate in a preparatory meeting of the Inter-Congolese Dialogue in Benin, as authorized by the Lusaka Accords (see Section 2.d.).

Although the Government did not ban political parties, it continued to impose severe restrictions on their activities, and to enforce these restrictions with numerous arrests and detentions (see Sections 1.d. and 2.b.). On occasion authorities tortured opposition activists, including UDPS activist Crispin Ipondo Banda and FONUS second vice president Freddy Lomboto wa Lomboto (see Section 1.c.). In practice the Government continued to restrict operations of political parties to internal administrative functions only. At various times, government security forces put opposition political party members under surveillance, and police also raided party headquarters and homes (see Section 1.f.). Authorities at times denied exit visas to opposition political leaders (see Section 2.d.).

Hundreds of political activists were arrested for engaging in political activity and detained for prolonged periods (see Sections 1.d. and 2.b.). For example, on February 17, ANR agents arrested four members of the PALU opposition political party for engaging in political activities (see Section 1.d.). They were released on February 25.

The State continued to be highly centralized in many ways. The central government executive, in Kinshasa, generally appointed governors, but once in the provinces they had considerable autonomy, due in part to poor communications and transportation infrastructure. Territorial administrators also were appointed from Kinshasa. Provincial government resources, both financial and logistical, have come almost exclusively from Kinshasa since Kabila took control of the Government.

A disproportionate number of officials in Kabila's Government were from the President's home province of Katanga and from his Muluba tribe (see Section 5).

There are no official restrictions on the participation of women or minorities in politics; however, in practice women and minorities are underrepresented in government and politics, and there are few women or Muslims in senior positions in the Government or in political parties. There were six female ministers and vice ministers in the Cabinet at year's end. There were no known Muslim ministers in the Cabinet.

The rebel movements established civil administrations in the areas controlled by antigovernment forces, including appointment of provincial governors and issuance of visas for foreigners to travel into their areas. Rebel authorities reportedly began training police forces but appointed local officials rather than holding local elections.

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

The Government showed increased hostility to effective human rights organizations, both domestic or international, operating in the country. Local human rights NGO's continued to investigate and publish their findings on human rights cases, but these activities took place in the context of significant government harassment. Such harassment led to a decrease in reporting of human rights violations. There reportedly were several attacks against local and international human rights NGO's during the year.

The main domestic human rights organizations operating in the country include Comite Droits de l'Homme Maintenant, a national network of human rights organizations; VSV, an active Kinshasabased organization; Groupe Jeremie and Groupe Amos, two Christianinspired groups that focus on human rights and democracy problems; Comites des Observateurs des Droits de l'Homme, a human rights monitoring group; Toges Noires, an international association of lawyers and judges involved with human rights; and Associations de Defense des Droits de l'Homme. In addition numerous groups are active that are involved with development and with specific problems such as voter education and women's rights.

Local human rights activists were subjected to frequent harassment, arrest, and detention by security forces (see Sections 1.c., 1.d., and 1.f.). The legality of such arrests often was unclear, as was the authority of the security forces members who affected the arrests and detentions. Security agents and police arrested, and on some occasions, beat or tortured, a number of persons for being members of human rights NGO's or for possessing literature distributed by human rights NGO's, including Kayembe Kasuku, a member of Lawyer's Without Borders; Time Missine; Betshi Pitcal; Zuzi Phukuta Dieudonne, a reporter for the newspaper Palme d'Or and president of Justice Sans Frontiere; and Reverend Placide Tshisumpa Tshiakatumba, president of the International Society for Human Rights (ISHR) (see Section 1.d.). Unlike in the previous year, VSV staff was not subjected to government harassment.

The Government often obstructed the travel of MONUC personnel throughout the country. The Government consistently denied humanitarian access to NGO workers in areas controlled by the Government (see Section 2.d.).

U.N. Special Rapporteur for Human Rights in the Democratic Republic of the Congo, Roberto Garreton, visited the country in August. After reviewing the prevailing human rights situation, the U.N. Rapporteur called for the release of political prisoners and the end of capital punishment in the country. He expressed concern at the abuses of and absence of due process in government military tribunals, as well as at a wide variety of serious abuses in both government-controlled and RCD-controlled territory.

Human rights groups and members of political, religious, and other nongovernmental organizations in the parts of the country held by antigovernment forces frequently were harassed and detained on suspicion of helping the Government (see Sections 1.c. and 1.d.).

On March 6, RCD/Goma security agents raided the offices of a women's group, Reseau des Femmes Pour La Defense de Droits et de la Paix (see Section 2.b.). Security agents claimed that the women were plotting genocide and threatened to shoot them. Several women lost their jobs after the incident as RCD/Goma authorities coerced employers to dismiss them.

Rebel security agents, including Rwandan Government and RCD/Goma officials, harassed a number of religious and civil society leaders who traveled to Kinshasa to take part in the National Consultations in March. Over 40 delegates from the occupied territories, many of them associated with human rights NGO's, were subjected to harassment, delays, and detention in February and March (see Sections 1.d. and 3). Following international pressure, all of the delegates were released. On April 22, security forces arrested and detained civil society activist Bruno Bahati when he returned from the National Consultations (see Sections 1.d. and 2.a.).

On May 15, RCD/ML forces arrested and detained Sylvain Mudimbi Masudi, external relations director of the human rights NGO Friends of Nelson Mandela (ANMDH), in Beni, North Kivu Province (see Section 1.d.).

On October 9, RCD rebels reportedly dispersed a meeting of a human rights umbrella group in Bukavu and publicly beat, arrested, and detained 13 human rights activists who attended the meeting at Camp Saio in Bukavu (see Sections 1.c., 1.d., and 2.b.). The rebels also looted the offices of Groupe Jeremie where the meeting occurred.

Antigovernment forces permitted some humanitarian NGO's to work in rebel-held areas, and those NGO's reported that their working environment improved in some of those areas during the year.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The previous constitutions prohibited discrimination based on ethnicity, sex, or religious affiliation; however, the Government did not enforce these prohibitions effectively and continued to act with serious official prejudice against members of the Tutsi ethnic group. Societal discrimination remained an obstacle to the advancement of certain groups, particularly women, Tutsis, Muslims, and the indigenous Pygmy (Batwa) people.

Women.—Domestic violence against women, including rape, is common, but there are no known government or NGO statistics on the extent of this violence. The police rarely intervene in domestic disputes. Rape is a crime, but the press rarely reported incidents of violence against women or children. Press reports of rape generally appear only if rape occurs in conjunction with another crime.

Women are relegated to a secondary role in society. They constitute the majority of primary agricultural laborers and small-scale traders and are almost exclusively responsible for child rearing. In the nontraditional sector, women commonly receive less pay for comparable work. Only rarely do they occupy positions of authority or high responsibility. Women also tend to receive less education than men. Women are required by law to obtain their spouse's permission before engaging in routine legal transactions, such as selling or renting real estate, opening a bank account, accepting employment, or applying for a passport. A 1987 revision of the Family Code permits a widow to inherit her husband's property, to control her own property, and to receive a property settlement in the event of divorce. In practice sometimes consistent with customary law, women are denied these rights. Widows commonly are stripped of all possessions—as well as their dependent children—by the deceased husband's family. Human rights groups and church organizations are working to combat this custom, but there generally is no government intervention or legal recourse available. Women also are denied custody of their children in divorce cases, but they retain the right to visit them. Polygyny is practiced, although it is illegal. Father-child relationships resulting from polygynous unions are recognized legally, but only the first wife is recognized legally as a spouse.

Prostitution is not a crime and there has been an increase in prostitution due to poor economic conditions. Women sometimes are forced into prostitution by their families due to economic necessity. There was no information available as to the extent of prostitution outside of the cities.

There were a number of active and effective women's groups in both the government-controlled and rebel-controlled areas of the country.

Children.—Government spending on children's programs nearly is nonexistent. Primary school education is not compulsory, free, or universal. Primary school enrollment rates dropped to less than 70 percent during the year. In public schools, parents are required formally to pay a small fee, but parents often are expected informally to pay teachers' salaries. Extremely poor economic circumstances often hamper parents' ability to afford these added expenses, meaning that children may not be able to attend school. Most schools function only in areas where parents have formed cooperatives. The Government's economic policies have resulted in massive unemployment, inflation, and a devaluation of the currency, putting basic education out of reach of many families. There have been reports of economic circumstances forcing children to hunt or fish for their family's livelihood instead of attending

school (see Section 6.d.). In both the government- and rebel-controlled areas, poverty brought on by the war has led to greatly diminished educational opportunities for girls. Parents under severe economic hardship no longer can afford to educate both their sons and their daughters, resulting in the withdrawal of many girls from school.

The Juvenile Code includes a statute prohibiting prostitution by children under the age of 14; however, child prostitution is common in Kinshasa and in other parts of the country. There were reports during the year that girls as young as 8 years of age were forced into prostitution to provide income to their families (see Sections 6.c. and 6.d.).

The number of orphans and street children increased during the year. Street children in Kinshasa were subject to severe harassment and exploitation, particularly by soldiers and police. There were credible reports that the FAC sexually exploited homeless girls.

There are no documented cases in which security agents or others targeted children for specific abuse, although children suffer from the same conditions of generalized social disorder and widespread disregard for human rights that affect society as a whole. These conditions sometimes render parents unable to meet their children's basic human needs.

Some children as young as 10 years of age have been allowed to enlist as soldiers in the FAC. The Government has not taken comprehensive measures to remove child soldiers from its armed forces, although it has stated its intention of demobilizing child soldiers once the war is over. While many child soldiers continued to serve in the armed forces, during the year the Government recruited fewer children into the armed forces; however, the Government continued to encourage the enlistment of children in paramilitary organizations. Commanders reportedly often concealed child soldiers during visits by human rights NGO's and other monitoring groups (see Section 1.f.). There were credible reports that the FAC forcibly conscripted homeless boys to fight. Unlike in the previous year, there were no reports that unemployed youth in Katanga Province were recruited for military service.

Rebel forces reportedly continued to use child soldiers already in service, but greatly reduced recruitment of them during the year (see Sections 1.f. and 6.c.). Credible reports have indicated that rebel forces have conscripted forcibly boys as young as age 10, and there were reports that this practice continued during the year.

Rwandan and Ugandan troops, in addition to RCD rebels, reportedly abducted many young women from the villages they raided. These night raids on villages became so frequent that in many parts of the Kivu Provinces peasants slept in their fields.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is not widespread, but it is practiced on young girls among isolated groups in the north. The Government has not addressed the problem.

People with Disabilities.—The law does not mandate accessibility to buildings or government services for the disabled. There are some special schools, many with missionary staff, which use private funds and limited public support to provide education and vocational training to blind and physically disabled students.

Physically disabled individuals are subject to discrimination in employment, education, and the provision of other government services. Disabled persons are not required to conform to all civil laws, such as paying taxes.

Indigenous People.—There is a population of fewer than 10,000 Pygmies (Batwa), who are believed to have been the country's original human inhabitants, and societal discrimination against them continued. Although they are citizens, most Pygmies continued to live in remote areas and took no part in the political process.

Religious Minorities.—Approximately 50 percent of the population are Roman Catholic, 20 percent are Protestant, and 10 percent are Muslim. About 20 percent practice traditional indigenous religions exclusively. Many persons practice elements of both traditional indigenous religions and Christianity or Islam. Unlike in the previous year, there were no known reports of attacks against Muslims nor reports that accusations of witchcraft caused tensions or contributed to violence between Christians and Muslims during the year.

National/Racial/Ethnic Minorities.—The last official census was taken in 1984. It is estimated that the population is now 45 to 50 million, and comprises more than 200 separate ethnic groups. These groups generally are concentrated regionally and speak distinct primary languages. There is no majority ethnic group; the four largest ethnic groups are the Mongo, Luba, Kongo, and Angbetu-Azande, who together make up about 45 percent of the population. Four indigenous languages, Kiswahili,

Lingala, Kikongo, and Tshiluba have official status. French is the language of government, commerce, and education.

Societal discrimination on the basis of ethnicity is practiced widely by members of virtually all ethnic groups and is evident in private hiring and buying patterns and in patterns of de facto ethnic segregation in some cities; however, intermarriage across major ethnic and regional divides is common in large cities.

Persons from President Kabila's home province, Katanga, and from his Mulaba tribe, filled a disproportionate number of positions in his Government and in the senior ranks of the civil service, and dominated the FAC officer corps. Katangans in the FAC were substantially more likely both to be promoted and to be paid than persons from other regions. Since the beginning of the war, Tutsis have been absent from the Government, which previously included persons from all regions and major ethnic groups.

Birth on national territory reportedly does not necessarily confer citizenship. The Government continued to refuse to recognize the citizenship claims of longtime residents whose ancestors immigrated to the country, including the Banyamulenge Tutsis. According to some accounts, resentment of their noncitizen status contributed to the participation of many Tutsi residents of the country, first in Kabila's rebellion against Mobutu and then in the RCD rebellion against Kabila.

Since the start of the war in August 1998, ethnic Tutsis have been subjected to serious abuses, both in the capital and elsewhere, by government security forces and by some citizens for perceived or potential disloyalty to the regime (see Section 1.a.). During the year, there were no reports of extrajudicial killings of noncombatant Tutsis in government-controlled areas. There were increasing reports of the participation of the Government of Rwanda in arming Hutus and sending them into the Congo in order to terrorize the population. These groups reportedly posed as Interahamwe fighters in order to justify Rwanda's military occupation of areas of the Kivu Provinces. Unlike in the previous year, government officials and state media did not publish anti-Tutsi propaganda. The Government materially supported Mai Mai and Hutu armed groups, which, according to credible reports, repeatedly killed both unarmed and armed Tutsis in areas militarily dominated by antigovernment forces. However, the Government no longer incited mob violence against unarmed Tutsis, and there were no reports of mass extrajudicial killings of Tutsis by the security forces.

However, human rights groups increasingly complained that the killing of and other human rights violations against Congolese civilians by persons perceived to be of Tutsi ethnicity and their supporters presented an increasing problem.

In April 1999, members of the Presidential Guard attacked, severely beat, and abducted Ralph Biteo because he had the facial features of a Tutsi. Members of the Presidential Guard then also arrested Biteo's cousin Mirimo Mulongo and both Biteo and Mulongo were taken to the GLM detention facility in the Gombe area of Kinshasa. Both were denied visitors and were believed still to be in detention at year's end (see Section 1.d.).

The longstanding violent conflict between the Tutsi and Hutu ethnic groups continued inside the country; however, unlike in previous years, there were no reports that Congolese Hutu militias continued to recruit from populations of Hutu refugees from Rwanda and Burundi in neighboring countries, including the Republic of the Congo and Zambia.

Unlike in previous years, government officials and state media did not represent the war as part of a larger supranational conflict between Bantus and Nilotics, nor did Nilotic-Bantu rhetoric appear in private publications and broadcasts in the country.

State-owned television and radio and progovernment private newspapers repeatedly published racist statements directed not only against Tutsis and Nilotics, but also against Europeans, in connection with propaganda alleging that countries in Europe, and populations largely of European ethnicity, supported antigovernment forces in the war.

Following the sudden death on October 3 of Emmanuel Kataliko, the Archbishop of Bukavu, who had spent 8 months in rebelimposed internal exile, the Kabila Government incited the populace by claiming that Tutsis killed Kataliko with poison. These statements, which quickly were circulated and published by independent newspapers, possibly contributed to demonstrations that broke out in Bukavu, which resulted in a child being killed by rebel gunfire.

Throughout the year in the Ituri district in Orientale Province, an area dominated by Ugandan and Ugandan-supported forces, fighting between members of the Lendu and Hema tribes reportedly killed thousands of persons and displaced tens of thousands of persons. This fighting reportedly arose from a dispute over land use (see

Section 1.a.). Reportedly Ugandan troops manipulated the fighting by charging the tribes fees in order to provide protection.

Section 6. Worker Rights

a. The Right of Association.—Legislation in effect from the Mobutu period permits all workers except magistrates and military personnel to form and join trade unions. The National Union of Congolese Workers (UNTC) remains the largest labor federation. There also are almost 100 other independent unions, which now are registered with the Labor Ministry. Some of the independent unions are affiliated with political parties or associated with a single industry or geographic area; however, they also have ties to larger unions, such as the UNTC, which have more diverse membership. Two other large federations also are active.

The International Confederation of Free Trade Unions (ICFTU) alleged in its Annual Survey of Violations of Trade Union Rights 2000 that the Labor Code does not protect adequately workers against antiunion discrimination and interference by employers into union affairs. The ICFTU also claimed that enforcement of the Labor Code "remains virtually nonexistent."

Government security forces arrested and detained labor leaders and activists. On May 5, police arrested four tax authority employees, Blaise Banzwa Kabo, Albano Mopipi, Andre Yoba Mbesi, and Kakale Makala, and detained them for 10 days for "endangering state security." The four previously had spent a year in prison for protesting the government policy of moving government employees from one service to another.

On November 30, intelligence officers arrested Steve Mbikay, secretary general of the Solidarity Union, as he left a union meeting with ONARTRA, the Government's parastatal transportation company (see Section 1.d.). He continued to be held without charge at year's end.

On July 7, provincial police in Goma arrested union organizers who sent a letter to the management of OFIDA (the customs office) on behalf of workers. Police took Fanchon Sakukombo, Felix Zirahira, Kamitanyi Nyarukemba, Jean Sengusu, Bababebole Kadite, and Alexis Balibonera to the DGS detention center for questioning; they were released on July 13.

Unlike in previous years, police did not arrest any communications workers who attempted to form unions for the purpose of collective bargaining.

The law recognizes the right to strike. However, legal strikes rarely occur since the law requires prior resort to lengthy mandatory arbitration and appeal procedures. Labor unions have not been able to defend effectively the rights of workers in the deteriorating economic environment. The law prohibits employers or the Government from retaliating against strikers, but this prohibition rarely is enforced.

On March 23, civil servants at the offices of Tax Collection, Duties and Customs, and Government Receipts went on strike to protest against low salaries. The strike was short-lived because the Government laid off some employees and reassigned others to the "Portfolio Ministry." The layoffs were conducted along tribal lines and intimidated employees who remained in the offices.

Following a series of strikes in 1999 to protest low salaries and unpaid wages, the Government claimed in October 1999 that it would meet the demands of the strikers. It did so in June by implementing progressively a comprehensive, higher civil service salary scale; however, civil servants still were paid only sporadically during the year.

On January 31 in Bukavu, and on February 7 in Goma, citywide strikes ("villes mortes") were held to protest the occupation of the two cities by antigovernment forces (see Section 2.b.). The Bukavu strike was enforced strictly by organizers who threatened those who tried to go to work.

Unions may affiliate with international bodies. The UNTC participates in the organization of African Trade Union Unity, and the Central Union of Congo is affiliated with the World Confederation of Labor.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to bargain collectively, and an agreement between the UNTC and the employers' association formerly provided for wages and prices to be negotiated jointly each year under minimal government supervision. This system broke down in 1991 as a result of the rapid depreciation of the currency. The professional unions and the Congolese Business Federation signed a cooperative agreement in 1997; however, while collective bargaining still exists in theory, continuing inflation encouraged a return to the use of pay rates individually arranged between employers and employees.

The collapse of the formal economy also has resulted in a decline in the influence of unions, a tendency to ignore existing labor regulations, and a buyer's market for labor. The Labor Code prohibits antiunion discrimination, although this regulation was not enforced effectively by the Ministry of Labor. The law also requires employ-

ers to reinstate workers fired for union activities. In the public sector, the Government sets wages by decree; public sector unions act only in an informal advisory capacity.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, the Government forcibly conscripts adults (see Section 1.f.). There also were reports that some Mai Mai guerrillas fighting on the side of the Government in the war demanded forced labor from persons in rural areas.

The law does not specifically prohibit forced and bonded labor by children, and the Government forcibly conscripted children (see Sections 1.g. and 5). In addition there also were reports that girls as young as 8 years of age were forced into prostitution to provide income to their families (see Section 6.d.)

Antigovernment forces also forcibly conscripted adults and children (see Sections 1.f. and 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment is 18 years. Employers legally may hire minors between the ages of 14 and 18 with the consent of a parent or guardian, but those under age 16 may work a maximum of 4 hours per day; those between the ages of 16 and 18 may work up to 8 hours. The employment of children of all ages is common in the informal sector and in subsistence agriculture, which are the dominant portions of the economy. Such employment often is the only way a child or family can obtain money for food. Many children have been forced by their parents to leave school and beg in the streets or work in order to provide income to their families. Neither the Ministry of Labor, which is responsible for enforcement, nor the labor unions make an effort to enforce child labor laws. Larger enterprises generally do not exploit child labor.

The availability of education for children is extremely limited in practice (see Section 5).

The law does not specifically prohibit forced and bonded labor by children, and the Government forcibly conscripts children (see Sections 1.g., 5, and 6.c.). In addition there were reports that girls as young as 8 years of age were forced into prostitution to provide income to their families (see Section 6.c.).

The Government did not ratify ILO Convention 182 on the worst forms of child labor by year's end, nor does the law provide any provisions against such labor.

e. Acceptable Conditions of Work.—Most citizens are engaged in subsistence agriculture or commerce outside the formal wage sector. The minimum wage, last adjusted by government decree in 1990, subsequently was rendered irrelevant by rapid inflation. The average wage does not provide a decent standard of living for a worker and family. Most workers rely on the extended family and informal economic activity to survive. The maximum legal workweek (excluding voluntary overtime) is 48 hours. One 24-hour rest period is required every 7 days.

The Labor Code specifies health and safety standards. The Ministry of Labor officially is charged with enforcing these standards, but it does not do so effectively. No provisions in the Labor Code permit workers to remove themselves from dangerous work situations without penalty.

f.Trafficking in Persons

There are no specific laws that prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

REPUBLIC OF THE CONGO

The Republic of the Congo [1] continued to be ruled by a transitional government that came to power by force of arms in October 1997. President Denis Sassou-Nguesso wields executive power without meaningful legislative or judicial constraints. Forces supporting Sassou-Nguesso, a northerner, defeated those of the democratically elected former president Pascal Lissouba, a southerner, with the help of Angolan troops in 1997. SassouNguesso's principal base of political support lay in the sparsely populated northern region of the country. Renewed civil conflict broke out in August 1998 and continued throughout the south until the end of 1999 between forces supporting the Government, which included Angolan allies, Rwandan Hutu militiamen, and irregular fighters of Chadian and Democratic Republic of the

[1] The United States Embassy evacuated its facilities in the country during the 1997 civil war and subsequently has operated out of the American Embassy in the Democratic Republic of the Congo. Fighting in both countries impeded efforts to collect information.

Congo (DRC) nationality, and southern rebel groups, which included Cocoye militiamen operating in the Bouenza, Niari, and Lekoumou regions, and Ninja and Nsiloulou militiamen operating principally in southern Pool region. Fighting and heavy looting led to the destruction of many southern towns, including parts of Brazzaville, the capital, and displaced an estimated 800,000 civilians, approximately onethird of the country's total population. In 1999 the Government reestablished effective control over most of the south through military offensives, offers of amnesty, negotiations, and efforts to broaden the Government's political base. In November and December 1999, the Government signed cease-fire and reconciliation accords with rebel groups, which called for disarmament, demobilization, the reintegration of former militiamen, and a "national dialog without exclusion" to resolve political disputes underlying the military conflict. There were no cease-fire violations during the year. Omar Bongo, President of Gabon, serves as the facilitator of the cease-fire accords. Soon after taking power in 1997, President Sassou-Nguesso's Government replaced the country's 1992 constitution with a new Fundamental Act, which established a strong and highly centralized presidential system of government. The President appoints all members of the Government, all senior military officers and all subnational government officials, serves as commander in chief of the armed forces, and is mandated specifically to direct the general policy of the Government and to exercise regulatory powers.

Legislative authority is vested in the 75-member National Transition Council (NTC), which was elected at the National Reconciliation Forum convoked by the Government in January 1998. Although the forum included some representatives of opposition political parties and nongovernmental actors, the event was orchestrated by the executive and did not constitute a sufficiently broad-based forum from which to elect a genuinely representative legislature. During the forum, the Government announced its intention to create a new constitution and hold elections within a flexible 3-year timetable. A constitutional committee named by the President in late 1998 presented him with a draft constitution in August 1999. In November the Cabinet formally endorsed the draft. Elections are scheduled to take place after the implementation of a draft constitution that outlines the structure and institutions of the state. The judiciary is overburdened and subject to political interference and corruption.

The security forces include the police, the gendarmerie, and the armed forces; however, the functional distinction between these forces is not clear. In theory the police should be the first to respond to security incidents, with gendarmes and army units intervening later if necessary; in practice joint operations are common. Many new recruits who have joined the security forces since the 1997 civil war are former members of nongovernmental militias. Since the end of the 1998-1999 conflict, the Government has established increasing control over pro-government "Cobra" militiamen who previously had been effectively autonomous. Units of the Angolan armed forces remain in the country in support of the Government for security. Rwandan Hutu militiamen, formerly in refugee camps in the country, as well as former soldiers from Zaire (DRC), remain in the country but no longer participate in government military operations. A major challenge for the country is re-integration of former militiamen from all sides in the 1998-1999 conflict who have stopped fighting under the terms of the peace accords. In some cases, joint military units comprised of army troops and former rebels provide security in former rebel-controlled areas. Members of the security forces committed numerous, serious human rights abuses during the year.

The economy suffered serious losses from destruction and looting in much of the south during the 1997 civil war and the 199899 conflict, particularly in Brazzaville, where more than onethird of the country's population of roughly 2.8 million normally resides. However, this violence did not affect significantly the oil industry, which operates offshore. Oil exports, timber exports, and external assistance remained the country's main sources of foreign exchange. High world oil prices throughout the year increased government revenues and enabled continued payment of salaries to public sector employees, including members of the security forces. Although per capita gross domestic product was estimated at about $850 per year, this figure includes substantial oil exports, the benefits of which are not widely distributed throughout the population. Lack of transparency in government and high levels of defense and security spending continued to impede rehabilitation and development.

The Government's human rights record remained poor; although there were some improvements in several areas during the year, there continued to be numerous serious problems. Citizens do not have the right to change their government peacefully. Security forces were responsible for extrajudicial killings, including summary executions, rapes, beatings, and physical abuse of detainees and the civilian popu-

lation, arbitrary arrest and detention, and looting. The Government often deployed undisciplined troops, including some former Cobras. These government forces also were responsible for summary executions, as well as rape, looting, and other violent acts. Prison conditions remained life threatening. The judiciary was overburdened, underfinanced, subject to corruption and political influence, and unable to ensure fair and expeditious trials. The Government infringed on citizens' privacy rights. The Government and its political allies continued to monopolize domestic broadcast media; however, private newspapers circulated freely and often were critical of the authorities. There were some limits on freedom of movement, although security force restrictions on freedom of movement within the country decreased. The Government permitted opposition political parties and nongovernmental organizations (NGO's), including human rights organizations, to function, and there was a relatively open dialog on public policy issues. The Government sent mixed signals on political participation by opposition figures. While many former cabinet ministers and other officials of the Lissouba government have returned to Brazzaville and resumed political activities, several were tried and convicted in absentia of serious war crimes during the year. Violence and societal discrimination against women were serious problems; however, incidents of rape decreased during the year following the end of the 1998-1999 conflict. Societal discrimination on the basis of ethnicity remained widespread, including against minority indigenous Pygmies. Child labor, including forced child labor, continued. Citizens sometimes resorted to vigilante justice and killed suspected criminals.

Members of Angolan troops allied with the government reportedly also committed acts of summary execution, rape, and looting.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Security forces continued to commit extrajudicial killings; however, the number of such killings decreased during the year following the end of the 1998-1999 civil conflict. In August soldiers killed two family members of a policeman in revenge for the killing of a fellow soldier by another policeman. Reportedly there was no investigation nor action taken in this case by year's end. In some cases, security forces summarily executed soldiers who were responsible for rapes or other abuses (see Sections 1.c. and 1.f.). For example, in September in Mouyondzi (Bouenza Region), the military command executed three soldiers recruited from former militia forces for attempted looting and extortion. Unlike in the previous year, there were no reported cases of the summary execution of suspected rebels among displaced civilians.

There were a number of armed confrontations between members of government military units and affiliated militias during the year, which resulted in civilian deaths. On July 13, a personal dispute between a member of the Presidential Guard and a Police Officer escalated into an armed confrontation between their units, which lasted several hours in Brazzaville's Poto-Poto neighborhood. Members of the Presidential Guard involved in the incident reportedly were punished for undisciplined behavior; however, the forms of punishment were not known. In September in Brazzaville's Kinsoundi neighborhood, fighting between security forces, Willy Matsanga, a security advisor at the Ministry of Interior and former militia commander, and some of Matsanga's supporters after a dispute over access to the airport, resulted in the death of one civilian by a stray bullet.

The Government often deployed undisciplined troops, including some recruited from President Sassou-Nguesso's former Cobra militia. These government forces were responsible for summary executions as well as rape, looting, and other violent acts. In October 1999, the Minister of Defense announced that military tribunals would be established to bring to justice soldiers responsible for abuses, and the Government introduced legislation to that end. However, by year's end, no such law had been adopted and these tribunals were not yet in place.

Angolan troops allied with the government generally were better disciplined, but individual troops reportedly also committed acts of summary execution, rape, and looting.

On November 12 and 13, 12 persons, many of whom were under the age of 18, suffocated in an overcrowded jail cell in Pointe Noire (see Section 1.c.). Senior government officials acknowledged the incident publicly, and the duty officer was brought to trial. The status of the case was not known at year's end.

According to a report by the International Federation of Leagues of Human Rights, one of the detainees held without charge since 1998 in Pointe Noire and then in Impfondo, Gabriel Louya, died in detention after suffering a stroke as a result of torture and poor prison conditions (see Section 1.c.).

There continued to be deaths due to mob violence, as civilians took vigilante action against presumed criminals, although police sometimes intervened to stop such action.

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

The Justice Ministry's Human Rights Directorate continued to investigate allegations that up to 350 young men, who took refuge in the DRC in 1999, were separated from their families by security forces upon returning to Brazzaville in May 1999, and subsequently disappeared. While some sources reported that security forces had shot and killed these men, no firm evidence was available, and a poor counting of the returnees made it difficult to verify what had happened to them after arrival in Brazzaville. The results of the Government's investigation were not released by year's end.

Given the incomplete figures on those killed or displaced in the 1997 civil war and the 1998-1999 civil conflict, and the massive displacement of the civilian population as a result of the fighting, many disappearances may have occurred that have not been reported.

c. Torture and Other Cruel and Inhuman Treatment or Punishment.—The Fundamental Act prohibits torture; however, in practice, security forces sometimes used beatings to extract confessions or merely to punish detainees, and sometimes raped women detainees. During the second half of the year, a police newsletter published several reports of such incidents and described the administrative discipline, criminal investigations, and judicial proceedings pursued against those responsible. Members of the security forces looted citizens' homes (see Sections 1.a. and 1.f.), and security forces extorted money from travelers at checkpoints, although less frequently than in the previous year (see Section 2.d.). There were no reports that security force officers beat and released civilian looters instead of arresting them.

Undisciplined government forces were responsible for summary executions as well as rape, looting, and other violent acts. While there were some improvements in government forces' discipline, serious abuses continued.

In some cases, security forces summarily executed soldiers who were responsible for rapes or other abuses (see Sections 1.a. and 1.f.). Unlike in the previous year, there were no reports that security forces harassed internally displaced persons (IDP's); all IDP's returned to their homes during the year (see Section 2.d.).

Angolan troops allied with the government generally were better disciplined, but individual troops reportedly also committed acts of summary execution, rape, and looting.

In May a court convicted and sentenced to death in absentia former Prime Minister Kolelas of torture and other crimes during the 1997 civil war (see Section 1.e.). The court also sentenced to death former Interior Minister Philippe Bikinkita on similar charges in the same trial.

Unlike during the 1997 civil war and the 1998-1999 conflict, there were no reports during the year of activity by rebel militia groups, including killings, rape, torture, or looting.

Prison conditions remained life threatening due to overcrowded facilities and scarcity of resources to provide food or health care to the inmates. Prisons (Maisons d'Arret) functioned in Brazzaville and Pointe Noire and to a lesser degree in the smaller, more remote towns of Owando, Ouesso, and Djambala. The Ministry of Justice continued to repair some prisons during the year. Detainees held at police stations often were subjected to beatings, overcrowding, extortion, and other cruel, inhuman, or degrading treatment. On November 12 and 13, 12 persons, many of whom were under the age of 18, suffocated in an overcrowded jail cell in Pointe Noire (see Sections 1.a. and 1.d.). Police had detained approximately 40 detainees in a cell designed to hold 10. The police captain responsible was suspended from his post and was being investigated at year's end. The Minister of Interior stated publicly that those responsible would be prosecuted; however, no action was taken by year's end.

According to a report by the International Federation of Leagues of Human Rights, one of the detainees held without charge since 1998 in Pointe Noire and then in Impfondo, Gabriel Louya, died in detention after suffering a stroke as a result of torture and poor prison conditions (see Sections 1.a. and 1.d.).

Access to prisons and detention centers by domestic and international human rights groups improved during the year. Local human rights groups, including the Congolese Observatory for Human Rights (OCDH), the Association for the Human Rights of the Incarcerated (ADHUC), and a Catholic church organization visited prisons during the year. The International Committee of the Red Cross (ICRC) conducted regular visits to prisons and detention centers throughout the country. For example, between September and December, ICRC visited five police detention centers and one gendarmerie detention center in Brazzaville and Doloise.

d. Arbitrary Arrest, Detention, or Exile.—The Fundamental Act prohibits arbitrary arrest and detention; however, in practice security forces frequently commit such acts. The Code of Penal Procedure, which remains in force, requires that a person be apprehended openly and that a lawyer be present during initial questioning. The code further stipulates that warrants be issued before arrests are made and that detainees be brought before a judge within 3 days and either charged or released within 4 months. In practice the Government often violates these legal provisions. However, detainees usually were informed of the charges levied against them, and lawyers and family members usually had free access to them.

There were no known political detainees at year's end. In January the Government released 17 political detainees who had been held without charge since 1998 in Pointe Noire and then in Impfondo. The detainees primarily were minor officials of the former Lissouba Government and affiliated parties. According to a report by the International Federation of Leagues of Human Rights, one of the detainees, Gabriel Louya, died in detention after suffering a stroke as a result of torture and poor prison conditions (see Sections 1.a. and 1.c.).

The Fundamental Act does not address forced exile, and the Government does not practice it formally; however, some officials of the predecessor government, including former president Lissouba and former Prime Minister Kolelas remained outside the country in self-imposed exile (see Sections 1.e. and 3). Many other officials of the former government, including cabinet members, have returned to the country and resumed political activity.

e. Denial of Fair Public Trial.—The Fundamental Act mandates the President to ensure the independence of the judiciary through the Higher Council of Magistrates; however, in practice the judiciary continued to be overburdened, underfinanced, and subject to corruption and political influence. Lack of resources became more acute as a result of the destruction and looting sustained by judicial facilities during the 1997 and 1998-1999 conflicts. In January Minister of Justice Jean Martin Mbemba acknowledged many of these shortcomings in a speech; and the Ministry of Justice continued rehabilitation of courthouses during the year, including the local court serving the southwest Brazzaville neighborhoods of Bacongo and Makelekele.

The judicial system consists of local courts, courts of appeal, the Supreme Court, and traditional courts. In rural areas, traditional courts continued to handle many local disputes, especially property and probate cases, and domestic conflicts that could not be resolved within the extended family.

In general defendants are tried in a public court of law presided over by a state-appointed magistrate. The defense has access to prosecution evidence and testimony and the right to counter it. In formal courts defendants are presumed innocent and have the right of appeal; however, the legal caseload far exceeded the capacity of the judiciary to ensure fair and timely trials. Some cases never reach the court system. In October 1999, the Government announced plans to establish military tribunals to try soldiers for abuses committed during recent periods of conflict, and the Government introduced legislation to establish these tribunals; however, the tribunals were not functioning by year's end.

In December 1999, President Sassou-Nguesso signed a law and implementing regulations to give amnesty for acts committed during the conduct of the civil conflicts in 1993-1994, 1997, and 1998-1999; however, this amnesty does not cover the political "authors" of these conflicts.

In May former Prime Minister Bernard Kolelas was tried, convicted, and sentenced to death in absentia on charges of having maintained private prisons in which opponents were tortured during the 1997 war. The court also sentenced to death former Interior Minister Philippe Bikinkita on similar charges in the same trial. The Government asserted that this was a purely judicial matter; however, observers believe there were political overtones evident in the broadcast of the trial on state-run television. In 1999 a court convicted and sentenced in absentia to 20 years' imprisonment former President Lissouba and three other former government officials on charges of having conspired to kill President Sassou-Nguesso in June 1999 (see Section 3).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Fundamental Act provides for the inviolability of the home, and for privacy of letters, correspondence, telecommunications, and other forms of communication, except as may be provided by law; however, in practice government security forces sometimes illegally entered, searched, and looted private homes; however, the widespread systematic looting that occurred during the 19981999 conflict ceased.

Citizens generally believed that the Government widely monitored private mail and telephone communications; however, unlike in the previous year, there were no

reports that security forces arrested persons due to the content of their private communication.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Fundamental Act provides for freedom of speech and of the press, and in practice the Government generally respected these rights; however, it continued to monopolize broadcast media. The 1996 Press Law, which sharply increased criminal penalties for libel, remained in effect.

There is no state-owned newspaper. Approximately 10 private newspapers appear weekly in Brazzaville. Some of these newspapers take editorial positions critical of the Government and print articles unflattering to the authorities. Newspapers continued on occasion to publish open letters written by opponents of the Government who are in detention or living abroad. A small elite in Brazzaville and Pointe Noire has access to print media, which do not circulate widely beyond the two cities.

Most citizens obtained their news from the broadcast media, which remained effectively a government monopoly.

Government-owned Radio Congo and Radio Brazzaville broadcast approximately 18 hours a day; Government-owned Television Congo broadcast for fewer hours. Radio France Internationale was rebroadcast on a local FM station, and radio and television broadcasts from neighboring Kinshasa, DRC, could be received in Brazzaville. The private independent station, Radio Liberte, established by President Sassou-Nguesso's forces during the 1997 civil war, continued to broadcast. Local rebroadcasts of the Gabon-based Africa Number One also continued during the year.

The news coverage and the editorial lines of the state-owned media reflected government priorities and views. Government broadcast media focused its attention on the activities of government officials and their supporters; there was no meaningful airing of alternative political views.

Internet service was available through the Government's Ministry of Post and Telecommunications during the year. Additional connections were available through providers based in the DRC.

There were no known restrictions on academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Fundamental Act provides for freedom of assembly, and the Government generally respected this right in practice. Political parties and civic associations held numerous meetings during the year. Public demonstrations were less common, and there were no known public protests. Groups that wished to hold public assemblies were required to inform the Ministry of Interior, which could withhold authorization for meetings that threatened public order; however, there were no known instances in which the authorities withheld permission to meet.

The Fundamental Act provides for freedom of association, and the Government generally respected this right in practice. The act permits associations, political parties, and other groups to form freely, provided that they respect principles of sovereignty, territorial integrity, national unity, and democracy. No political parties were banned or suspended. The parties of some prominent leaders of the former government continued to operate, but under the leadership of political figures willing to cooperate with the Government.

c. Freedom of Religion.—The Fundamental Act provides for freedom of religion and the Government respected this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Fundamental Act provides for freedom of movement, and the Government's respect of this right improved during the year although there still were some limitations. Military checkpoints that sometimes interfered with the movement of civilians continued to operate during the year, and soldiers frequently extorted money from commercial traders to assure passage through these checkpoints; however, the use of checkpoints decreased during the year. Unlike in the previous year, there were no reports that government forces stopped vehicles carrying displaced persons.

Former Cocoye rebels near the town of Makabana, in Niari region, operated informal checkpoints to extort money from travelers during the first half of the year, but this practice had ended by mid-year. Former Nsiloulou rebels near the town of Vinza in southern Pool continued to maintain checkpoints at year's end.

Unlike during the 1997 civil war and the 1998-1999 conflict, there were no reports during the year that rebel "Ninja" and "Nsiloulou" militiamen prevented the return of displaced persons to Brazzaville; these rebel groups were dismantled. There also were no reports of the disruption of train service between Brazzaville and Pointe Noire.

According to U.N. estimates, the 1998-1999 conflict displaced approximately 800,000 civilians; all IDP's returned to their homes during the year.

Tens of thousands of citizens fled into neighboring countries, particularly Gabon and the DRC. A total of approximately 45,000 persons fled to the Bas-Congo Province of the DRC in late 1998 and early 1999; however, all but about 5,000 had been repatriated to the country by year's end. Approximately 15,000 citizens fled to Gabon in 1999 and, according to U.N. figures, 12,000 persons remained there at year's end. During the year, the U.N. High Commissioner for Refugees (UNHCR) began discussions with the Government to facilitate the return of these persons.

The Fundamental Act contains provisions for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government granted first asylum to refugees from other countries. The country continued to host a small number of Burundians and approximately 7,000 Rwandans, largely members of the Hutu ethnic group, who fled camps in eastern Zaire in 1996 and arrived in the country in May and June 1997. The Government, in collaboration with the office of UNHCR, integrated approximately 2,000 of these refugees in the north-central regions of the country; however, some remain loosely grouped in an encampment north of Brazzaville, and others have integrated informally into Congolese society. In March all UNHCR support to Rwandan refugees ended. Approximately 6,000 Angolan refugees fled the Angolan province of Cabinda in 1992. Humanitarian NGO's reported that there were 20,800 Angolan refugees in Pointe Noire at year's end. Of these 5,900 continue to receive UNHCR assistance in camps; the remaining 14,900 have integrated into the local communities and receive little if any assistance.

More than 100,000 refugees and several hundred combatants, including DRC troops, fled to the northern Cuvette and Likouala regions of the country due to fighting in the DRC's Equateur Province during the year. Some of the combatants were repatriated to Kinshasa by year's end. Lack of roads and airstrips, and insecurity along the Congo and Ubangui Rivers, complicated humanitarian access to these refugees. UNHCR and other humanitarian agencies only had access to approximately 70,000 of the DRC refugees in the area by year's end.

Hutu militiamen from refugee camps who had been permitted to join in military operations with government forces in 1999 did not participate in such operations following the end of the 1998-1999 conflict.

There were no reports of the forced return of persons to countries where they feared persecution.

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

Citizens do not have the right to change their government peacefully. The Sassou-Nguesso Government came to power by force of arms in 1997 with the help of the armed forces of Angola. During the National Reconciliation Forum that it convened in January 1998, the Government announced its intention to enact a new constitution and hold elections within 3 years. A constitutional committee appointed by the President presented him with a draft Constitution in August 1999. According to a schedule outlined by the President in August, the draft constitution is to be the subject of nationwide consultations organized by the Government, then submitted to the NTC in 2001, and finally ratified by a popular referendum. During the summer, the document was released publicly, and presented to the Cabinet for review in September. The Cabinet considered the draft constitution during three meetings in September and October and on October 28, established an ad hoc committee to prepare a final draft for Cabinet. On November 15, the Cabinet approved an amended version of the constitution draft, which will then be submitted to, and is expected to be adopted by, the NTC. Following approval by the NTC, the draft must then be ratified by popular referendum. In August President Sassou-Nguesso announced that Government-led consultations on the draft constitution would constitute the "national dialog without exclusion" called for in the December 1999 Peace Accords; however, many opposition groups have criticized this claim. Opposition leaders also have criticized key components of the draft constitution.

The executive branch dominates the government. Under the Fundamental Act, the President is mandated to direct the general policy of the Government and to exercise regulatory powers. He appoints all significant military, executive, and judicial officials. The President convenes the interim national legislature, the NTC. The NTC was elected at the 1998 National Reconciliation Forum, which included some representatives of opposition political parties and nongovernmental actors; however, the event was orchestrated by the executive branch and did not constitute a sufficiently broad-based forum from which to elect a genuinely representative legislature. The NTC debates issues freely and summons cabinet ministers to answer

questions about their portfolios; however, it was dominated by supporters of the President and did not serve as a meaningful check on executive authority.

Major political parties included the ruling Congolese Workers' Party, the Panafrican Union for Social Democracy, the Congolese Movement for Democracy and Integrated Development, the Union for Democracy and the Republic, the Rally for Democracy and Social Progress, and many others. In some cases, party leaders remained in exile while other party officials willing to cooperate with the Government or to oppose it non-violently remained in the country (see Section 1.d.). In the absence of electoral politics or a constitutional framework for such politics, party leaders held meetings and party congresses, commented to the media on the political environment, and raised questions in the NTC.

The State is highly centralized. Since the 1997 civil war, key regional and local leaders have been appointed by the central Government. Subnational government entities lack an independent revenue base and do not represent a significant check on central authority.

In 1998 the NTC passed a law on genocide, war crimes, and crimes against humanity that permits the exclusion from public office of those found guilty of such crimes. This law could be used to exclude opponents from the political process, and the mere threat of charges under this law may dissuade political figures who are in exile from returning to the country. In December 1999, a court convicted in absentia former president Lissouba of plotting to kill President Sassou-Nguesso, and in May a court convicted in absentia former Prime Minister Kolelas of torture and other crimes during the 1997 civil war (see Section 1.e.). Nevertheless, many senior officials of the former government, including a number of former cabinet ministers, returned to the country during the year and resumed political activities without incident.

There are no legal restrictions on political participation by women or minority populations; however, women were underrepresented in government and politics. Women held 2 of 7 leadership positions in the NTC, and 2 of 25 cabinet ministers were female. Pygmies continued to be effectively excluded from the political process, in part due to their isolation in remote forested areas of the country. The Cabinet included members of many ethnic groups from all areas of the country. Many key posts were held by northerners, including members of the President's Mbochi ethnic group; however, there was no consistent pattern of clear overrepresentation of any ethnic or regional group.

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

Several domestic human rights organizations operated with minimal government restriction and investigated and published their findings on human rights problems. While some human rights leaders maintained that they sometimes were subjected to subtle forms of intimidation, they continued to publish reports that were highly critical of the Government with no apparent reprisal.

The ICRC maintained an office in Brazzaville and, among other activities, continued its program of human rights training for units of the armed forces.

Teams from the International Federation of Leagues of Human Rights (FIDH) and from Human Rights Watch Africa visited the country to evaluate conditions during the year. The Government permitted these teams to conduct their missions, and FIDH published a report of its visit.

Insecurity in the north along the Ubangui River, Kindamba region in the Pool, parts of Bouenza, and in the upper Niari river system, prevented U.N. and other humanitarian agencies from assessing conditions in these areas during much of the year; however, access to these areas had improved by year's end, and humanitarian agencies visited some of these areas. Full access to the rest of the country was made possible by security improvements during the year.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Fundamental Act specifically prohibits such discrimination; however, societal discrimination persisted in practice, particularly against women and Pygmies. Ethnic and regional differences continued; however, there was no organized civil violence during the year.

Women.—Domestic violence against women, including rape and beatings, is widespread but reported rarely. Domestic violence is handled within the extended family and only in the most extreme incidents is it brought to the police. There are no specific provisions under the law for spousal battery, apart from general statutes prohibiting assault. Rape is illegal, and widespread rape during the 1998-1999 civil conflict raised public awareness of violence against women. NGO's, such as the

International Rescue Committee, continued to draw attention to the issue and provided counseling and assistance to victims.

The Fundamental Act provides for the equality of all citizens, prohibits discrimination based on sex, and stipulates that women have the right to equal pay for equal work. In practice women are underrepresented in the formal sector; most work in the informal sector and thus have little or no access to employment benefits. Women in rural areas especially are disadvantaged in terms of education and wage employment and are confined largely to family farming, petty commerce, and childrearing responsibilities.

Marriage and family laws overtly discriminate against women. For example, adultery is illegal for women but not for men. Polygyny is legal; polyandry is not. While the Legal Code provides that 30 percent of the husband's estate goes to the wife, in practice the wife often loses all rights of inheritance upon the death of her spouse. The symbolic nature of the dowry set in the Family Code often is not respected, and men are forced to pay excessive brideprices to the woman's family. As a result, the right to divorce is circumscribed for some women because they lack the financial means to reimburse the brideprice to the husband and his family. This problem is more prevalent in rural areas than in urban centers.

There are a number of nongovernmental organizations that work on women's problems. However, their effectiveness varies widely. The Ministry of Public Service, Administrative Reform, and the Promotion of Women is responsible for coordinating government initiatives regarding the status of women.

Children.—The Fundamental Act affords children equal protection under the law. Education is compulsory and free until the age of 16. Girls and boys attend primary school in equal numbers; however, school attendance by girls declines precipitously at the high school level and, especially, at the university level. In 1997 the literacy rate was 77 percent for the total adult population but only 70 percent for women.

Child labor is illegal; however, in practice this law generally is not enforced, particularly in rural areas (see Section 6.d.). Children work with their families on farms or in small businesses in the informal sector. There are indigent street children in Brazzaville, and their numbers appear to be growing as a result of civil conflict since 1997.

There have been reports of isolated cases of child prostitution, particularly among the growing numbers of street children; however, the extent of the problem is not believed to be widespread (see Section 6.d.).

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is not practiced indigenously, but may occur in some of the immigrant communities from countries such as Mauritania and Mali, where it is more common.

There were some reports that child soldiers were used during the 1997 civil war and the 1998-1999 conflict (see Section 6.d.).

People with Disabilities.—The Fundamental Act prohibits discrimination based on physical condition; however, in practice, this prohibition generally was not enforced, because the ministry charged with implementation faced severe financial constraints. There was no overt discrimination against the disabled in employment and education. There were no laws mandating access for the disabled.

Indigenous People.—The Fundamental Act prohibits discrimination based on ethnicity. In practice the indigenous Pygmy people, who number in the tens of thousands and live primarily in the northern forest regions, do not enjoy equal treatment in the predominantly Bantu society. Pygmies were marginalized severely in the areas of employment, health, and education, in part due to their isolation in remote forested areas of the country. They usually are considered social inferiors and have little political voice. Many have never heard of the concept of voting and have minimal ability to affect government decisions affecting their interests. There was no credible information on whether traditional practices in which Pygmies worked as indentured servants to a Bantu continued during the year. Many Pygmies, possibly including children, have been exploited by Bantus; however, little information is available regarding the extent of the problem during the year.

National/Racial/Ethnic Minorities.—The Fundamental Act prohibits discrimination based on ethnicity; however, the Government did not enforce this prohibition effectively, and in practice, ethnic divisions persist. Unlike in the previous year, there were no reports that the Government or its security forces discriminated against members of southern ethnic groups, or used violence against them.

Four major ethnic groups make up about 95 percent of the country's population; these groups speak distinct primary languages and are concentrated regionally outside of urban areas. The largest ethnic group is the Kongo, who constitute the main ethnic group in the southern part of the country and about half the country's population. Within the Kongo group are various subgroups, including the Lari and the

Vili. Other major ethnic groups include the Teke of the central region, with approximately 13 percent of the population, and the Mbochi of the northern region, with approximately 12 percent of the population.

Societal ethnic discrimination is practiced widely among virtually all ethnic groups, and is evident in private sector hiring and buying patterns and de facto segregation of urban neighborhoods. Ethnic overtones were apparent in the 1997 civil war and the 1998-99 conflict. These conflicts sometimes were oversimplified as pitting northerners, who support President Sassou-Nguesso, against southerners, who support former president Lissouba and former prime minister Kolelas. There does tend to be heavy representation from each leader's ethnic group in his immediate entourage: Mbochi for Sassou-Nguesso, Lari for Kolelas, and the groups of the Niari, Bouenza, and Lekoumou regions for Lissouba; however, the correspondence between ethnic-regional and political cleavages is approximate, and supporters of the Government include persons from a broad range of ethnic and regional backgrounds.

Section 6. Worker Rights

a. The Right of Association.—The Fundamental Act provides workers with the right to form unions, and the Government respected this right in practice. Any worker is free to join a union of his choice. The Labor Code affirms the right to associate freely and prohibits restrictions on the formation of trade unions. Most workers in the formal (wage) sector are union members, and unions have made efforts to organize informal sectors such as agriculture and retail trade.

The Fundamental Act also affirms workers' right to strike, subject to conditions established by Law. Unions are free to strike after filing a letter of intent with the Ministry of Labor, thereby starting a process of nonbinding arbitration under the auspices of a regional labor inspector from the Ministry. The letter of intent must include the strike date, at which time the strike legally may begin, even if arbitration is not complete. Employers have the right to fire workers if they do not give advance notice of a strike. No formal strikes occurred during the year; however, some informal work stoppages occurred. For example, in October university workers protested salary arrears. During the year, the Government sought organized labor's agreement to a "social truce" during the period of post-conflict reconstruction, which was opposed by some labor organizations. The Government accepted certain conditions, such as regularization of salaries and rehiring of certain workers in several sectors; these conditions continued to be observed at year's end. Collective bargaining is not widespread due to the social disruption and economic hardship which occurred during much of the 1990's.

Unions are free to affiliate with international trade unions and they maintain cooperative accords with foreign trade union organizations.

b. The Right to Organize and Bargain Collectively.—The Labor Code allows for collective bargaining, and this right generally is respected and practiced freely. The Government sets industry-specific minimum wage scales, but unions usually are able to negotiate higher wages for their members. Employers are prohibited from discriminating against employees who join a union. There were no reported firings for union activities.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including that performed by children; however, such practices occur. There was no credible information on whether traditional practices in which Pygmies worked as indentured servants to Bantus continued during the year (see Section 5). Many Pygmies, possibly including children, have been exploited by Bantus; however, little information was available regarding the extent of the problem during the year.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Ministry of Labor, which is responsible for enforcing child labor laws, concentrates its efforts only on the formal wage sector. Child labor is illegal, the minimum age for employment is 14, and education is compulsory until the age of 16 (see Section 5); however, child labor persists among children who continue to work for their families in rural areas and in the informal sector in cities without government supervision or monitoring. There were some reports that child soldiers were used during the 1997 civil war and 1998-1999 conflict (see Section 5); however, the numbers appear to be small, and the Government plans to demobilize child soldiers as required in the cease-fire agreements. It was not known whether any child soldiers were demobilized by year's end. There have been reports of isolated cases of child prostitution, particularly among the growing numbers of street children; however, the extent of the problem is not believed to be widespread (see Section 5).

The law prohibits forced labor by children; however, there have been allegations of exploitation of Pygmy children (see Sections 5 and 6.c.).

e. Acceptable Conditions of Work.—The Fundamental Law provides that each citizen has the right to remuneration according to his work and merit. The Labor Code stipulates that overtime must be paid for all work in excess of 40 hours per week and that regular days of leisure must be granted by employers. The minimum wage is $64 (50,000 CFA francs) per month. It is not sufficient to provide a worker and family with a decent standard of living. High urban prices and dependent extended families oblige many workers to seek opportunities beyond their principal employment.

Although health and safety regulations call for twice-yearly visits by inspectors from the Ministry of Labor, in practice such visits occur less regularly. While unions generally are vigilant in calling attention to dangerous working conditions, the observance of safety standards is often lax. Workers have no specific right to remove themselves from dangerous working conditions without risking loss of employment.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and there were reports that persons were trafficked to, from, within, or through the country. An ILO study conducted in March and April in Yaounde, Douala, and Bamenda, Cameroon, indicated that regional traffickers transported children between the Republic of the Congo, and Nigeria, Benin, Niger, Chad, Togo, and the Central African Republic, through Cameroon.

COTE D'IVOIRE

Prior to October presidential elections, Cote d'Ivoire had a military government. Brigadier General Robert Guei took power on December 24, 1999, following a bloodless coup d'etat, which forced the departure of then President Henri Konan Bedie. General Guei, who was Chief of Staff under Presidents Felix Houphouet-Boigny and Bedie, declared himself the new President, suspended the Constitution, dissolved the National Assembly, and formed the National Committee for Public Salvation (CNSP)—which consisted of himself, seven other military officers, one naval enlisted man, and one soldier who participated in the coup. Guei initially claimed no interest in retaining power and pledged to rewrite the Constitution, clean up government corruption, and hold fair and transparent elections during the year. In January Guei formed a transitional government made up of CNSP members as well as representatives of five political parties and civil society. In May Guei reshuffled the cabinet, effectively ridding the Government of most members of the Republican Rally (RDR), the party of rival presidential candidate and former Prime Minister Alassane Ouattara. On September 22, Guei again changed the cabinet, eliminating three additional members who were considered sympathetic to the RDR. The Constitutional and Electoral Consultative Commission (CCCE), which was created by the CNSP and included members of all major political parties, nongovernmental organizations (NGO's), and prominent members of civil society, drafted a new constitution; however, Guei made several substantive changes to the text, including inserting controversial language regarding the eligibility requirements to be president, before submitting the draft constitution to a referendum. On July 23 and 24, the citizens overwhelmingly approved the new Constitution in a referendum, and the Constitution was implemented on August 4. On October 26, after a flawed October 22 presidential election, which was marred by significant violence and irregularities, including a suspension of the vote count for several days, the Supreme Court declared Laurent Gbagbo the victor with 53 percent of the vote. Except for the RDR, which decided not to accept ministerial posts, major political parties were represented in the new Government, which was made up of 24 ministers. An election for the National Assembly was held on December 10 and was marred by violence, irregularities, and a very low participation rate. The Ivoirian Popular Front (FPI) won 96 of the 225 seats; the Democratic Party of Cote d'Ivoire (PDCI), the former ruling party, won 77; independent candidates won 17; and 4 other parties won a combined 7 seats. Twenty-eight seats remained unfilled at year's end. To protest the invalidation of the candidacy of party president Alassane Ouattara, the RDR boycotted and disrupted the legislative elections. The judiciary is subject to executive branch and other outside influence.

Security forces include the army, navy, and air force, all under the Ministry of Defense; the Republican Guard, a well-funded presidential security force; the national police (Surete Nationale); and the Gendarmerie, a branch of the armed forces with responsibility for general law enforcement, maintenance of public order, and internal security, including suppression of violent crime. The National Security Council, which was formed in 1996 and coordinated internal and external security policy, was dissolved by the Minister of State for Security in January following the

December 1999 coup. Also in January, General Guei created a special military unit, the P.C. Crise, to assist in reestablishing order, to control crime, and to put an end to abuses committed by the military. In May General Guei officially disbanded the P.C. Crise and other quasi-military groups, including the Kamajors, Cosa Nostra, Cobra, and Red Brigade, that had formed within the military following the coup, and which had come to be known as the "parallel forces." However, some members of these groups continued to act as vigilante forces, and on September 20, the Government announced the formation of a new "P.C. Crise Marine." The civilian Directorate of General Intelligence (DRG) is responsible for countering internal threats. A security staff (L'Etat Major de la Securite) collects and distributes information about crime and coordinates the activities of the security forces in times of crisis. The Special Anticrime Police Brigade (SAVAC) and the Anti-Riot Brigade (BAE) continued their operations. Upon taking office, President Gbagbo combined the Ministries of Interior and Security; however, he decided against altering the structure of the security forces. While the Gbagbo and Guei Governments generally maintained effective control of the security forces, there were instances in which security forces acted independently of government authority, most notably during military mutinies in March and July, and surrounding the presidential and parliamentary elections in October and December respectively. In addition there are major divisions within the military based on ethnic, religious, and political loyalties. Security forces, particularly the "parallel forces," committed numerous human rights abuses.

The economy is largely market-based and heavily dependent on the commercial agricultural sector. Most of the rural population remains dependent on smallholder cash crop production. Principal exports are cocoa, coffee, and wood. In 1999 approximately 56 percent of the adult population was literate, but the rate among women (44 percent) is only two-thirds of the rate among men (66 percent). Recorded gross national product per capita in 1999 was about $700. After several years of 6 to 7 percent annual economic growth following the 1994 currency devaluation, growth slowed to about 3 percent in 1999 and was an estimated negative 2 to 3 percent during the year. Income remains unevenly distributed, and government expenditures for basic education and health services were far below planned levels. Widespread corruption is rooted in a lack of transparent and accountable governance. The political manipulations of the Guei Government, which resulted in investor and consumer uncertainty, further impeded economic growth. The Guei and Gbagbo Governments only received limited assistance from international financial institutions during the year due to the coup, government corruption, mismanagement, and political unrest following recent elections.

The Government's human rights record was poor, and there were serious problems in a number of areas. Citizens did not fully have the right to change their Government. Members of the security forces committed hundreds of extrajudicial killings. Following a September 18 attack on General Guei's residence, military forces and gendarmes arrested numerous soldiers; 3 or 4 were tortured to death, and 23 others were detained and tortured. The security forces beat and abused detainees and used force to disperse protesters. Prison conditions remained harsh and life threatening. The Government generally failed to bring perpetrators of these abuses to justice. The Government used arbitrary arrest and detention, and prolonged detention remained a problem. Journalists and opposition members, in particular, were detained without trial for long periods. In January the CNSP released from custody all members of the Bedie Government that were arrested following the December 1999 coup; however, former Minister of State for Interior and Decentralization Emile Constant Bombet was detained again for 33 days. By February all of the army officers arrested and detained during and after the December 1999 coup were released without having been tried. The judiciary did not ensure due process and was subject to executive branch influence, particularly in political cases. Security forces infringed on citizens' privacy rights. The Guei Government restricted freedom of speech, the press, assembly, and movement. Despite some formal restrictions on freedom of association, the Guei and Gbagbo Governments generally respected this right in practice. At least 26 percent of the country's adult population, including many lifelong residents of the country, remained politically disenfranchised noncitizens. Discrimination and violence against women, abuse of children, and female genital mutilation (FGM) remained serious problems. Muslims and practitioners of traditional indigenous religions were subject to discrimination. Violent ethnic tensions persisted, and societal discrimination based on ethnicity remained a problem. Child labor, forced child labor, and trafficking in persons, including children, continued; however, efforts to combat these problems within the country showed some success.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Security forces committed extrajudicial killings, including politically motivated killings. There were reports that government security forces killed three or four suspected coup plotters after an alleged assassination attempt on General Guei on September 18 (see Section 1.b.). For example, Sergeant Sansan Kambire was arrested shortly after the September 17 and 18 attack on General Guei's residence. His corpse was discovered in an Abidjan mortuary 3 days after his arrest. That same month, General Guei's personal guard tortured and killed Chief Sergeant Souleymane Diomande, also known as "La Granade," while he was detained at Akouedo military camp. Soldiers poured acid on Diomande and then beat him to death. Guei's guard also arrested and tortured to death Corporal Abdoudramani Ouattara and an unidentified person from Burkina Faso for the September attack. In October the military prosecutor announced that, at the families' request, an investigation would be conducted into the deaths of the three soldiers; the investigation was ongoing at year's end.

Security forces frequently resorted to lethal force to combat widespread violent crime. The CNSP-created special crime fighting unit, P.C. Crise, and other unofficial quasi-militia forces that sprang up after the 1999 coup committed the majority of these killings. Members of the P.C. Crise, the Kamajors, Cosa Nostra, Cobra, and Red Brigade pursued suspected criminals and frequently executed them immediately after capture; occasionally they publicly displayed the bodies. According to government statements and media reports, the security forces had killed hundreds of criminals by year's end. Such killings by the P.C. Crise ended after Gbagbo assumed the Presidency and formed the P.C. Crise Marine.

On February 6, security forces shot several persons, including students and civil servants, while responding to a problem in a nightclub in Abidjan's Treichville neighborhood; two persons died. During a military mutiny on July 4 and 5, mutineers killed a woman in Abidjan's central business district of Plateau, allegedly because she refused to give up her car during a carjacking. The other reported deaths during this uprising occurred during clashes between mutineers and forces loyal to the Guei Government, in which 4 soldiers died and 10 civilians were wounded.

On October 16, a police officer shot a Nigerian woman, Confort Egiantey, while she was traveling on a public minibus. The officer was chasing the driver of another minibus that had refused to stop for a police check. The police officer was arrested, and his trial was pending at year's end. According to the Ivoirian Movement for Human Rights (MIDH), during and for several days following the October presidential election, more than 500 persons were killed in clashes with security forces or during clashes with other protesters, by gunshot, drowning, or torture. In addition 860 persons, many of whom were FPI and RDR militants, were injured. Gendarmes also killed some protestors while they were in detention. In December the Malian High Council reported that more than 20 Malians were killed and 10 disappeared during the demonstrations and violence that followed the October presidential elections.

In December there was a press report that security forces had killed at least 10 Nigerians, allegedly for supporting the opposition.

The Gbagbo Government, which took power on October 26, had a mixed record in controlling the security forces. In October after the presidential elections and again in early December in the period prior to the parliamentary elections, gendarmes and police reacted violently against RDR political demonstrations. On October 25, 57 bodies of Muslims were discovered at a site in the Abidjan district of Yopougon. Gendarmes widely are believed to be responsible for these killings. Human Rights Watch (HRW) and other independent investigators published the testimony of alleged survivors who claim gendarmes had dragged them from their homes, marched them along a road where dozens of dead bodies lay, forced them into vans, and then shot dozens of them. Some survivors stated that they lay on the ground pretending to be dead until the gendarmes departed. After taking office, Gbagbo established an inquiry into the massacres at Yopougon; however, by year's end, the Government had not published the findings of its investigation nor had it taken action against members of the security forces responsible for the mass abuse.

Following the November 30 Supreme Court announcement of the disqualification of Alassane Ouattara for legislative elections, thousands of RDR supporters demonstrated in protest of the decision (see Section 3). According to the Government, approximately 13 persons were killed in violent clashes with the military and gendarmes, including a municipal treasury official whose throat was slashed by RDR demonstrators; the RDR estimated that there were 30 killings. MIDH reported that 37 persons had died, most by gunshot, along with several hundred persons injured.

By year's end, the Government had taken no action against the gendarmes and police officers responsible for the deaths and abuses committed against FPI and RDR demonstrations after the October 22 presidential elections and in the period prior to and following the parliamentary elections on December 10.

On December 4, gendarmes shot and killed Kaba Bakary, a 60yearold Guinean, in front of his family as he was getting ready for Muslim prayers. Reportedly he was shot because he was wearing a Muslim robe, which the gendarmes believed marked him as a supporter of the RDR. No action was taken against the gendarmes by year's end.

On December 6, following RDR demonstrations, some presidential guards arrested RDR President Ouattara's private secretary, Abou Coulibaly, as he was passing President Gbagbo's residence in Cocody. When they found out that he was working for Ouattara, the presidential guards severely beat Coulibaly and took him to the Agban Gendarmerie camp where they continued to beat him. The security forces took him to a local medical clinic where he died from his injuries on December 7.

No action was taken against police personnel responsible for a number of killings during demonstrations that occurred between April and October 1999.

Trials still are pending at year's end against 15 trainee gendarmes arrested in 1999 for beating Camara Yaya to death.

Police have made no arrests in the December 1998 death in police custody of Jean Claude Lama, a 16-year-old street child. The authorities continued to characterize the death as a suicide.

Following the October 22 presidential election and subsequent demonstrations and violence, 18 bodies were found that had washed ashore in Abidjan's lagoon; the bodies had been shot numerous times. At year's end, it remained unknown who was responsible for the killings, and a government investigation into the incident was ongoing.

Ethnic violence between Kroumen and settlers from Burkina Faso in the Southwest resulted in at least 13 deaths in September and another 5 deaths in early October (see Section 1.a.).

b. Disappearance.—Following the September 18 alleged assassination attempt on General Guei, government security forces arrested numerous soldiers suspected of involvement in the assassination attempt and in coup plotting (see Section 1.d.). Evidence and the testimonies of 13 of the 23 released soldiers suggest that 3 or 4 of the soldiers that disappeared were tortured and killed (see Section 1.a.).

In the period following the October 22 presidential elections, scores of persons disappeared. Newspapers frequently published the appeals of families who were looking for their children or relatives. There were numerous reports that parents visited hospitals and the morgues looking for their children after failing to find them in any of the gendarmerie camps or at the police school. In November an independent newspaper, Soir Info, published an appeal from the chief of San Pedro to President Gbagbo to help him find his son.

In December the Malian High Council reported that more than 20 Malians were killed and 10 disappeared during the demonstrations and violence that followed the October presidential elections. It reported that most of the persons who had disappeared had been arrested by the police.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The new Constitution prohibits cruel and inhuman treatment, humiliating and degrading punishment, torture, physical violence, and other mistreatment; however, in practice security forces regularly beat detainees and prisoners to punish them or to extract confessions and frequently forced detainees to perform degrading and humiliating tasks, such as crawling, eating dirt, doing push-ups while under threat of physical harm, drinking urine or blood, and eating excrement. Jurists' union officials and journalists working for the opposition press reported that police continue to beat suspects to obtain confessions and that suspects are afraid to press charges against the police officers involved. According to local human rights groups, police and gendarmes beat and humiliate detainees or prisoners. Press photographs regularly showed detainees with swollen or bruised faces and bodies. In general government officers who are members of the security forces are not held accountable for abuses.

In December 1998, the Government enacted legislation allowing lawyers to assist their clients during the early stages of detention when abuse is most likely. In spite of this legislation, during the year, police officers and gendarmes continued to mistreat suspects and other persons summoned to police and gendarmerie stations, and on many instances, the security forces did not allow lawyers access to their clients (see Section 1.d.). Police also verbally abused lawyers who tried to assist their clients.

On January 11, in Abidjan's Yopougon neighborhood, members of the police anti-riot brigade stopped a bus and forced the passengers out of the vehicle and beat and kicked several students who were on the bus, including a pregnant law student. Military personnel intervened to stop the beatings. The police explained their actions to their commander by claiming that students on the previous bus that had passed their checkpoint had insulted them. No action was taken against the responsible police officers.

On January 18, members of the military beat citizens and ransacked residences in the city of Daoukro, the home town of former President Bedie, and surrounding villages. Many of the victims were Bedie's relatives or associates. On March 14, members of the military returned to Daoukro to beat citizens, including members of the Bedie family, and confiscated property that Bedie allegedly acquired illegally.

On February 1, police used tear gas to disperse striking workers at the Commune of Cocody City Hall, seriously injuring two of the strikers who were hospitalized as a result of their injuries (see Section 6.a.).

On February 4, "Dozos" (traditional northern hunters), who were hired by the Guei military Government to provide security, tied up and beat a university student after mistaking him for a crime suspect. The Government took no action against the Dozos responsible for the beating.

On February 6, members of the P.C. Crise beat singer Honore Djoman and then transported him to the Akouedo military camp where they continued to beat him. Reportedly the P.C. Crise members were hired to beat Djoman by a person with whom he had a business dispute. On February 7, members of the P.C. Crise severely beat security guard Alain Patrice Dago after being told about a dispute over money that Dabo had with an acquaintance.

On February 21, police severely beat nurse Boua Keke after mistaking him for a suspect they were pursuing. No action was taken against the police officers.

On March 25 in Bouake, off-duty P.C. Crise member Salif Keita shot and injured a student, Aboudramane Coulibaly, whom he believed was going to assault a woman. Following Student Union statements criticizing the P.C. Crise, General Guei intervened within 48 hours to have Coulibaly transferred to an Abidjan hospital. Keita was tried by a military court and sentenced to 12 months in prison.

On March 28, gendarmes in Man mistakenly beat a fellow gendarme after mistaking him for a robbery suspect.

In May members of the military abused a judge who rendered a decision in a labor dispute with which they disagreed (see Section 1.e.).

During the July 4 to 5 military mutiny, soldiers seriously injured more than 10 civilians, including several who suffered gunshot wounds. Thirty-five mutineers were tried; however, they were not tried necessarily for their mistreatment of civilians.

On July 9, gendarmes arrested, beat, and tortured Soumbiala Doumbia, a student, following Doumbia's alleged attempt to kill a rival student leader. The Government took no action against the responsible gendarmes.

On September 25, members of the military beat students from the Federation of High School and University Students of Cote d'Ivoire (FESCI) on the university's Cocody campus; three of the students were injured seriously (see Section 2.a.). No action was taken against any members of the military.

During and immediately following the October presidential elections, security forces killed and injured hundreds of persons (see Sections 1.a. and 3). For example, on October 24, soldiers loyal to General Guei attempted to disperse an FPI demonstration to protest General Guei's decision to remain in power despite his defeat in the presidential election. When police superintendent Tiagnere tried to prevent the soldiers' actions, the soldiers beat him, then drove him to an unknown location in the trunk of a car. He was discovered the following day with a broken leg and broken ribs.

On October 25, 13 of the 27 soldiers arrested for their alleged participation in an attack against General Guei's residence on September 18 stated that they had been tortured during their detention in Akouedo camp. On November 20, le Patriote, a proRDR newspaper, published an interview granted by 1 of the 27 soldiers. The soldier stated that soldiers loyal to Lieutenant Laurent Yapi Boka and General Guei tortured him and his friends during their detention in Akouedo military camp in late September and early October. He stated that soldiers wrapped them in barbed wire, then stomped on them with their heavy boots, in addition to beating them with iron bars.

In September soldiers tortured to death Sergeant Chief Souleymane Diomande while he was in detention (see Section 1.a.).

On November 26, in the Abidjan district of Adjame-Agban, gendarmes beat and left in a critical state a minibus driver, Mourlaye Bamba, when another driver re-

fused to stop at a police checkpoint. The gendarmes also shot another minibus driver and union leader, Sangouyana Cisse, in the leg while his vehicle was stopped at a red light.

On December 5, gendarmes arrested and beat severely Jean Philippe Kabore, the son of RDR Secretary General Henriette Dagri Diabate, for allegedly transporting arms in his car. Kabore suffered a fractured skull and broken limbs. He was hospitalized for treatment and remained in detention in Abidjan's prison at year's end.

On December 4 and 5, gendarmes and police officers violently dispersed members of the RDR who were demonstrating to protest against the invalidation of Ouattara's candidacy in the presidential and legislative elections, which resulted in numerous injuries (see Sections 1.a., 2.b., and 3).

According to the Ivoirian Association for the Defense of Women's Rights (AIDF), during RDR demonstrations on December 4 and 5, gendarmes raped at least 10 female protestors at the police school. President Gbagbo requested that the Ministry of Interior and Security conduct an investigation. The Ministry concluded that "anti-demonstrators," not gendarmes or police officers, raped three women near the police school, but admitted that the rapes took place in the presence of gendarmes, after they had arrested the women.

On December 5, six police officers that were pursuing RDR demonstrations forced their way into Traore Fousseni's house. They destroyed furniture, beat him with truncheons, and stole all of his money. They also beat Traore's wives and brotherinlaw. Reportedly they were beaten because they belonged to the "Dioula" ethnic group, which is represented highly among RDR members.

On December 5, BAE members responding to a fire in a mosque used tear gas and beat Muslims who had gathered to inspect the damage to the mosque (see Sections 1.d., 2.c., and 5).

On December 6, presidential guards beat to death Abou Coulibaby, RDR president Ouattara's private Secretary (see Section 1.a.).

On December 15, the Agence France Presse (AFP) published the testimonies of several persons whom gendarmes tortured during and after the December 4 and 5 RDR demonstrations. The victims withheld their names, but some stated that they were from the north, while others stated that they were from neighboring countries. All claimed that drunken policemen beat them every night with truncheons, whips, and boards with nails, or burnt them. One man stated that the policemen burnt his genitals.

Security forces regularly beat and harassed journalists (see Section 2.a.). For example, on October 26, gendarmes beat Raphael Lakpe, the publisher of the pro-RDR Le Populaire, and his bodyguard at the Koumassi Commando Camp (see Section 2.a.). On the same day, gendarmes also severely beat Bakary Nimaga, chief editor of the pro-RDR newspaper Le Liberal (see Section 2.a.).

Police frequently used excessive force to disperse demonstrations. On July 31, military riot police used tear gas, rifle butts, and truncheons against demonstrators supporting statements by the French Government on candidate participation in the presidential election (see Section 2.b.). The demonstrators were prevented from gathering at the French Embassy, and many were beaten, forced to do push-ups, eat cement, and crawl through downtown streets in Abidjan. Security forces also beat a journalist covering the event (see Section 2.a.). There were 47 reported injuries, of which 17 were serious. On September 9, gendarmes used tear gas to disperse a crowd gathered in the Abidjan neighborhood of Yopougon to attend an RDR meeting (see Section 2.b.). Upon learning that the meeting had been canceled by the CNSP the previous evening, some of the crowd threw stones at the gendarmes, who responded with tear gas. Police also frequently used violence to restrain and disperse demonstrators.

Police routinely harassed and abused noncitizen Africans (see Section 5). On occasion police entered the homes and businesses of citizens, noncitizens Africans, and other noncitizens, and extorted money from them (see Sections 1.f. and 2.d.). In October and December, foreigners complained publicly that the police often stopped them for identity checks and confiscated their documents to later sell them back to the original owners. They reported that even when their residence permits were valid, police would take them to police stations where they were beaten and detained overnight if they did not pay a bribe to the officers. In December a newspaper quoting some of the hundreds of Nigerians who returned to Nigeria to escape the antiforeigner violence reported that security forces had tortured Nigerians.

Many unemployed and homeless detainees reported that authorities beat them while they were in detention.

Military and other forces were responsible for numerous robberies, carjackings, widespread looting, and acts of intimidation. These abuses were widespread particularly during the military mutiny of July 4 and 5. Mutineers robbed, looted, de-

stroyed property, and terrified the citizenry. The mutineers targeted the cities of Abidjan, Bouake, Katiola, Korhogo, and Yamoussoukro in particular. Following the July mutiny, the Government arrested 114 soldiers and 6 officers for their actions during the uprising. The Government released 74 of the soldiers after questioning and tried the remaining 40; 35 soldiers were convicted of participating in the mutiny. Four of the six officers were awaiting trial at year's end; charges against the other two officers were dismissed following an investigation.

No action was taken against the two police officers who shot and injured Momble Roger Zemon, a driver for Sucrivoire, in Abidjan's Yopougon district in 1999. No action was taken against police officers who beat and detained Issa Traore, a 30year-old member of the Truck Drivers and Truck Owners Trade Union in Abidjan's Adjame district in 1999.

Even though prison deaths have declined, harsh and lifethreatening conditions still result in hundreds of fatalities each year. Problems include overcrowding, malnutrition, a high incidence of infectious disease, and lack of treatment facilities and medications. HIV/AIDS, diarrhea, and tuberculosis also reportedly are significant causes of death. In 1999 there were 537 inmate deaths in the nation's prison system, of which 122 deaths occurred at the Abidjan House of Arrest and Corrections (MACA), including 27 deaths of inmates who were trampled on December 23, 1999.

The Director of Penitentiary Administration stated that the death rate at the MACA had dropped by 60 percent since October 1998 and was expected to remain low due to improvements made in 1999 to the sanitation system. Improvements were financed jointly by Doctors Without Borders and the Government. Doctors Without Borders reported that the death rate in prisons had fallen approximately 90 percent from 1997.

During the December 1999 coup, the mutineers released all 6,693 inmates of the MACA. The unforeseen outcome of this action was improved conditions due to less overcrowding; however, by November the MACA population numbered approximately 3,800 inmates. The MACA was designed to hold only 1,500 inmates. On December 31, President Gbagbo announced a presidential pardon for 2,500 prisons nationwide. It was unclear how many of those pardons went to MACA prisoners.

In July the government newspaper Fraternite Matin stated that prison conditions for women especially were difficult. In 1998 the prison separated female and male prisoners and began using female guards for female prisoners and male guards for male prisoners. Female prisoners are housed in a separate building that can hold up to 120 residents, and as of May, there were 78 women detained there. There still are no health facilities for women. There continued to be credible reports of children born in prison or living in prison with their mothers; as of May, there were 13 children living with their mothers in prison. During the year, there were no reports that guards raped female prisoners. Nevertheless, there still were reports that female prisoners engaged in sexual relations with their wardens in exchange for food and more privileges.

Since 1998 the Government has permitted the International Catholic Office for Children (BICE) to improve conditions at the MACA for women and their children. During the year, BICE removed 34 children from the prison and placed them with family members or foster families. BICE also provided female inmates with food, medical care, clothing, soap, and other necessities. BICE constructed a multi-purpose room for pregnant women, mothers, and children.

Juvenile offenders are held separately from adults. At year's end, 170 13-to 18-year olds, including 14 girls, were in detention.

The Government permits access to prisons by local and international NGO's that seek to provide food and medical care to prisoners. In addition to BICE, humanitarian NGO's, including the International Committee of the Red Cross (ICRC), Prisoners Without Borders, and Doctors Without Borders had access to the prisons and visited them during the year to provide food and medical care to prisoners. However, none of these NGO's specifically monitored human rights conditions in the prisons. The Ivoirian Human Rights League (LIDHO), which monitors human rights conditions in prisons, does not have authorization to visit prisons without advance notice. LIDHO usually must write to the prison warden if it wants to visit inmates. Wardens rarely grant approval on the first request. LIDHO stated publicly that they did not visit the MACA during the year because the overcrowding problem temporarily was alleviated and conditions had improved somewhat following the December 1999 release of all inmates in MACA. However, during the year, LIDHO did visit Abidjan's military prison, the MAMA.

After Gbagbo took office, there were no reports that NGO's had difficulty gaining access to prisons.

On October 27, after five days of protests and fighting following the October 22 presidential election, a mass grave containing 57 persons was discovered at

Yopougon, northwest of Abidjan. International and local human rights groups immediately called for an inquiry, and President Gbagbo agreed to international investigations.

d. Arbitrary Arrest, Detention, or Exile.—The new Constitution prohibits arbitrary arrest and detention; however, in practice arbitrary arrest and detention remained problems. Under the Code of Penal Procedure, a public prosecutor may order the detention of a suspect for only 48 hours without bringing charges. A magistrate may order detention for up to 4 months but also must provide the Minister of Justice with a written justification for continued detention on a monthly basis. However, the law often is violated. Police and the CNSP have held persons for more than 48 hours without bringing charges. According to members of a jurists' union, this practice is common and magistrates often are unable to verify that detainees who are not charged are released.

Defendants do not have the right to a judicial determination of the legality of their detention. A judge may release pretrial detainees on provisional liberty if the judge believes that the suspect is not likely to flee. Inmates continue to suffer long detention periods while awaiting trial in the MACA. On July 7, Ministry of Justice figures indicated that of the 2,975 inmates in the MACA, 1,063 (36 percent) were awaiting trial and 1,912 (64 percent) had been tried and were serving their sentences. In the 32 regional prisons outside of Abidjan, out of 9,059 inmates, only 1,787 (20 percent) were awaiting trial, while 5,275 (80 percent) were serving their sentences. In spite of a 1998 law that limits pretrial detention to 10 months in civil cases and 22 months in criminal cases, some detainees have spent as many as 5 years in detention awaiting trial.

On February 1, members of the military briefly detained the players of the Ivoirian National Soccer Team as they returned from the African Cup of Nations in Ghana. Soldiers transported the team to the Zambakro Military Camp, confiscated the players' cell phones and passports, and detained them for 48 hours. General Guei stated that the team, which had performed disappointingly in the tournament, needed to learn a lesson in patriotism, civics, and sportsmanship. He threatened the players with military service the next time they lacked patriotism.

On February 3, in the town of Toumodi, members of the military fire brigade detained Judge Aka Allou and forced him to release from custody their colleague Kouanda Ismalia. Kouanda had been convicted of breach of trust and was serving his sentence at the time. Following strong protests from two magistrates' unions, the Guei Government intervened and ordered the military firemen to release Judge Allou and return Ismaili to prison.

Between February and June, the Guei Government arrested approximately a dozen former ministers and high government officials considered close to former President Bedie as part of the anti-corruption fight known as "Operation Clean Hands" (see Section 3). For some officials, it was their second time being arrested since the coup. Authorities released all of the former government members by the end of July due to lack of evidence. Among those arrested were former Minister of State for the Interior and eventual PDCI presidential candidate Emile Constant Bombet. Security forces had arrested Bombet following the December 23 overthrow of Bedie and had detained him for 1 month without charge. He was rearrested in February and held for 33 days for allegedly having organized gatherings that endangered national security and for his alleged involvement in embezzling state funds set aside for organizing presidential and legislative elections in 1995. On September 6, the same day that Bombet was invested as the PDCI presidential candidate, the prosecutor reopened his case for further investigation. At year's end, Bombet was awaiting trial but no longer was in detention.

On July 9, gendarmes arrested and tortured a student leader (see Section 1.c.).

On July 12, gendarmes arrested three members and one suspected member of the RDR on suspicion of involvement in the July 4 and 5 military mutiny. For 6 hours, gendarmes questioned Amadou Gon Coulibaly, Deputy Secretary General of the RDR; Ally Coulibaly, RDR National Secretary for Communication; Amadou Sangafowa, RDR Deputy National Secretary for Organization; and Mamadou Coulibaly, Amadou Gon Coulibaly's uncle, about the mutiny and then released them after 48 hours in detention. The Government never disclosed the evidence linking the four to involvement in the July 4 and 5 events.

On July 21, the CNSP briefly detained and questioned National Islamic Council (CNI) President El Hadj Idriss Kone Koudouss (see Section 2.c.). The CNSP warned Koudouss not to advise Muslims to vote against the Constitution in the July 23 referendum, as they accused him of doing in a previous sermon. The CNSP noted that such types of sermons could be considered inciting violence and rebellion. Koudouss was released after the warning.

On July 28, the military tribunal detained and questioned Professor Morifere Bamba, the former Minister of Health in the transitional regime and leader of the Party for Progress and Socialism (PPS). He was accused of cooperating with the July 4 and 5 mutineers. In August he was released for lack of any evidence.

In August authorities placed Zemogo Fofana, RDR National Secretary for External Relations and mayor of Boundiali, under house arrest. The Government accused Fofana of recruiting mercenaries to overthrow Guei and disrupt presidential elections. Authorities released Fofana within a week and allowed him to return to his home in Boundiali after the October 22 elections.

On August 24, the gendarmes detained and questioned El Hadj Koudouss, four other prominent imams from the CNI, and one Islamic youth leader (see Section 2.c.). The Government accused them of procuring arms, in cooperation with RDR presidential candidate Ouattara, in order to destabilize the country. The gendarmes released all six after questioning. According to the imams, this was the fifth time that leaders of the CNI had been called in for questioning since the coup.

On September 8, members of the security forces arrested Amadou Kone, computer engineer with the National Geographic Information and Teledetection Center. The Government accused him of revealing to the RDR strategic information and endangering national security. This information was the early partial results of the July 23 and 24 referendum, which Kone helped the RDR attain by installing a computerized information system in their offices. Kone was released from custody on September 13, and charges against him were dropped for lack of evidence.

Following the September 18 assassination attempt on General Guei, government security forces arrested numerous soldiers suspected of involvement in the attempt; one of the soldiers remained unaccounted for at year's end (see Sections 1.a. and 1.b.).

On September 24, uniformed men arrested Alphonse Douaty, FPI National Secretary for the Mountains Region, at his home. According to his family, the men who arrested Douaty stated that they were taking him to General Guei who wanted to discuss Douaty's opposition to the General's presidential candidacy. Douaty was released on September 26.

On November 8, police arrested Quartermaster General Lassana Palenfo and Air Force Brigadier General Abdoulaye Coulibaly and charged them with orchestrating an assassination plot against General Guei in September. Their hearing for the attempted assassination began on November 14 and continued at year's end; during the hearing, military prosecutors continued to introduce new evidence in order to keep the two generals incarcerated (see Section 1.e.).

On December 5, police detained an imam who attempted to intervene to prevent beatings by BAE members of Muslims (see Sections 1.c., 2.c., and 5.). The police also entered two mosques and detained persons inside. On December 6, some presidential guards arrested and beat Abou Coulibaly outside of President Gbagbo's residence; he later died from his injuries (see Sections 1.a. and 1.c.).

During the year, members of the military regularly entered businesses unannounced and used threats to force local and expatriate businessmen to accompany them for questioning. The military members claimed to be searching for property that was stolen from the Government during the Bedie regime or looking for evidence of economic crimes; military members extorted payments frequently for these alleged crimes. This abuse decreased under the Gbagbo Government.

Foreigners complained that they were subject to police harassment; in particular that police would take them to police stations where they were beaten and detained overnight if they did not pay a bribe to the officers (see Sections 1.c. and 2.d.).

During and following the December 1999 coup, the mutineers arrested approximately 150 ministers, military officers, and other officials known as supporters of the Bedie Government; however, formal charges were not filed. Many of these officials subsequently were released and rearrested during the next several months following the coup.

During student strikes in May 1999, police arrested student leaders Kouame Kouakou and Drigone Faye in Bouake on charges of inciting violence and destruction of property under the 1992 Antivandalism Law. Charles Ble Goude, the secretary general of FESCI, was arrested on August 17 and also was charged with inciting violence and destruction of property. None of the students were charged with a crime, and all three students were released by October 1999.

In December 1999, the Bedie Government issued a warrant for Ouattara's arrest for the alleged falsification of documents and their use. Newspaper accounts speculated that Bedie ordered the warrant issued to intimidate Ouattara and to prevent him from returning to the country.

Journalists frequently were arrested, detained, or questioned for short periods of time without being charged, as were political party and religious leaders (see Sections 2.a., 2.c., and 3).

Although it is prohibited by law, police restrict access to some prisoners. For example, gendarmes did not allow the lawyers of four RDR suspects arrested on July 12 to speak with their clients during their detention. Despite the frequency of arbitrary arrest, there is no accurate total of suspects held. There have been no reports of lawyer harassment during the year. Police also verbally abused lawyers who tried to assist their clients.

Article 12 of the new Constitution specifically prohibits forced exile; however, the Guei Government prevented former President Bedie's return to the country. General Guei denied a request from the PDCI to allow Bedie's return in August to take part in their convention and possibly the presidential race.

e. Denial of Fair Public Trial.—The new Constitution provides for an independent judiciary; however, in practice the judiciary is subject to executive branch, military, and other outside influences. Although the judiciary is independent in ordinary criminal cases, it follows the lead of the executive in national security or politically sensitive cases. Judges serve at the discretion of the executive, and there were credible reports that they submit to political pressure.

The formal judicial system is headed by a Supreme Court and includes the Court of Appeals and lower courts. In July the Government named a new Supreme Court President and a new Constitutional Chamber to the Supreme Court. The Constitutional Chamber, whose main responsibility is to determine presidential candidate eligibility, was hand-picked by General Guei and was headed by Kone Tia, Guei's former legal advisor. At year's end, Kone Tia remained president of the Supreme Court. The Constitution grants the President of the Republic the power to replace the head of the court once a new parliament is in place, and Gbagbo is expected to do so in early 2001.

Military courts do not try civilians. Although there are no appellate courts within the military court system, persons convicted by a military tribunal may petition the Supreme Court to set aside the tribunal's verdict and order a retrial.

In rural areas, traditional institutions often administer justice at the village level, handling domestic disputes and minor land questions in accordance with customary law. Dispute resolution is by extended debate, with no known instance of resort to physical punishment. The formal court system increasingly is superseding these traditional mechanisms. In 1996 a Grand Mediator was appointed to settle disputes that cannot be resolved by traditional means. The new Constitution specifically provided for the office of Grand Mediator, which is designed to bridge traditional and modern methods of dispute resolution. The President names the Grand Mediator, and Mathieu Ekra has been Grand Mediator since the Bedie Government.

The law provides for the right to public trial, although key evidence sometimes is given secretly. The presumption of innocence and the right of defendants to be present at their trials often are not respected. Those convicted have the right of appeal, although higher courts rarely overturn verdicts. Defendants accused of felonies or capital crimes have the right to legal counsel, and the judicial system provides for courtappointed attorneys; however, no free legal assistance is available, except infrequently when members of the bar provide pro bono advice to defendants for limited time periods. In April the bar began operating a telephone hotline for free legal advice from volunteer attorneys. On November 28, the president of the bar announced that the bar would not continue to provide free legal assistance to poor clients if their transportation and lodging expenses were not furnished by the Government. The bar has 200 members that help give free legal advice. In practice many defendants cannot afford private counsel and court-appointed attorneys are not available readily. In many instances, security forces did not allow lawyers' access to their clients (see Section 1.d.).

Members of the military interfered with court cases and attempted to intimidate judges. They also intervened directly in labor disputes, sometimes arresting and intimidating parties. From May 20 to 22, judges stopped working to protest the treatment they were receiving from members of the military. Since the coup, the military had been attempting to influence court cases and in May verbally harassed and threatened Judge Olivier Kouadio after he rendered a decision in a labor dispute with which the military disagreed (see Section 6.b.). There are no reports of the military attempting to influence court cases under the Gbagbo Government.

On November 8, police arrested CNSP members Quartermaster General Lassana Palenfo and Air Force Brigadier General Abdoulaye Coulibaly and charged them with orchestrating an assassination plot against General Guei in September. Their hearing for the attempted assassination began on November 14 and continued at year's end. During the hearing, military prosecutors continued to introduce new evi-

dence and charges in order to keep the two generals incarcerated; however, there was no trial (see Section 1.d.).

The new Constitution granted immunity to all CNSP members and all participants in the December 1999 coup d'etat for all acts committed in connection with the coup, which implicitly included all criminal activity such as looting, robbery, carjacking, and intimidation that occurred during the coup.

On January 26, the Guei Government granted amnesty for all offenses committed during the September 27 and October 27, 1999 political demonstrations. This amnesty included all of the RDR leaders who had been tried and convicted under the previous regime's antivandalism law, which held leaders of a group responsible for any violence committed by one of its members during a demonstration. All of the RDR prisoners were released from prison on December 24, 1999, by the mutineers leading the December 1999 coup (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Code of Penal Procedure specifies that a police official or investigative magistrate may conduct searches of homes without a judicial warrant if there is reason to believe that there is evidence on the premises concerning a crime. The official must have the prosecutor's agreement to retain any evidence seized in the search and is required to have witnesses to the search, which may not take place between 9:00 p.m. and 4:00 a.m. in order to prevent the police and gendarmes from entering a home in the middle of night under the auspice of a search warrant.

In practice police sometimes used a general search warrant without a name or address. On occasion police have entered the homes of noncitizen Africans (or apprehended them at large), taken them to local police stations, and extorted small amounts of money for alleged minor offenses. In the months following the December coup, soldiers frequently extorted money from citizens and foreigners and sold their services to private individuals, in some instances beating or abusing others on behalf of those citizens (see Section 1.c.). On February 23, General Guei reprimanded three members of the military, Sargent Albert Ble Ibo, Kouadio Paul Oura, and Konan Alla, who had been using their positions to enter homes and extort money from residents, to a military court to face sanctions. On February 15, another soldier, Mathurin Kouakou, and a police officer, Sargent Jean-Claude Ano, were removed from their posts and reprimanded for similar acts; in March they were convicted of extortion and given a suspended sentence of 2 months imprisonment and fined $43 (FCFA 30,000).

In January and March, members of the military beat citizens and ransacked homes in Daoukro, the hometown of former President Bedie, and in surrounding villages (see Section 1.c.).

On March 20, three soldiers searched the offices of Attorney Mathurin Dirabou without a warrant. The soldiers entered the office, pulled all of the lawyer's files from his drawers, and left without questioning anyone. Dirabou, who at the time was handling former Minister of State for the Interior Emile Constant Bombet's defense for alleged embezzlement, noted that a similar search had occurred on a previous occasion. Following a protest by the Abidjan Bar, the three soldiers apologized to Dirabou and stated that their actions were unrelated to the attorney's defense of Bombet but were motivated personally due to a relative's dispute with Dirabou.

Police and gendarmes searched 17 mosques for arms prior to the October 22 presidential election.

On August 27, approximately 25 gendarmes searched a mosque in Abidjan's Riviera 2 neighborhood, which is headed by one of the leaders of the NIC, Imam Sekou Sylla. Gendarmes also mistakenly searched the house of one of the imam's neighbors. The gendarmes had intended to search the imam's home, allegedly to look for arms that they suspected the Muslim community was hiding for the RDR. The gendarmes did not have warrants to conduct the search.

On the night of August 28, gendarmes in the western town of Zouan-Hounien searched the home of Mouatapha Diably, the RDR Coordinator for the Department of Danane. Diably also was accused of storing arms for the RDR; the gendarmes did not have a warrant for the search.

Following the September 18 alleged assassination attempt at General Guei's home in Abidjan (see Section 1.a.), gendarmes searched the homes of numerous members of the military who were suspected of taking part in or plotting the attack. This included the homes of the Minister of State for Security, General Lassana Palenfo, and the Minister of State for Transport, General Abdoulaye Coulibaly. The search of Palenfo's home occurred while he was out of the country attending the Olympic Games in Sydney. The RDR party headquarters in the Adjame district of Abidjan also were searched and ransacked. The evidentiary basis for the searches was unclear and had not been made public by year's end.

On September 26, security forces searched the home of Zemogo Fofana, the RDR's National Secretary for External Relations, in the northern city of Boundiali. Although the purpose of the search was unclear, it is believed that the security forces were searching for arms. Military, police, and gendarmes also searched the residence of Kassoum Coulibaly in the northern city of Korhogo, allegedly looking for arms. Coulibaly, a former deputy from Korhogo, is considered to be close to General Guei.

In September and October, gendarmes and members of the military made frequent visits, sometimes heavily armed and in armored vehicles or in boats, to the residence of RDR presidential candidate Alassane Ouattara, whose house is located on the Ebrie Lagoon. Despite at least one attempt, the security forces never entered Ouattara's home; however, their frequent presence restricted the family's movement and observers believe it was intended to intimidate Ouattara and his family. Hundreds of RDR supporters began full-time protection of the house after the visits began.

On December 5, six police officers that were pursuing RDR demonstrators forced their way into Traore Fousseni's house. They destroyed furniture, beat him with truncheons, and stole all of his money (see Section 1.c.).

Security forces reportedly monitored some private telephone conversations, but the extent of the practice was unknown. For example, on May 12, General Guei claimed to have a copy of a taped telephone conversation between RDR Deputy Secretary Amadou Gon Coulibaly and a student union member, which Guei claimed revealed the RDR's intention to endanger national security. Government authorities monitored letters and parcels at the post office for potential criminal activity; they are believed widely to monitor private correspondence, although no evidence of this has been produced. The Guei Government used students as informants at the University of Abidjan (see Section 2.a.); however, there were no reports the Gbagbo Government used students as informants.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The new Constitution provides for freedom of expression, and private newspapers frequently criticize government policies; however, the Guei Government imposed significant restrictions on this right. At times the Guei Government enforced these restrictions by inflicting physical harm upon, threatening, and arresting journalists, and ransacking media offices. Journalists continued to practice self-censorship.

The two government-owned daily newspapers, Fraternite Matin and Ivoir Soir, offer little criticism of government policy. There are a number of private newspapers: 17 daily, 30 weekly, 5 bimonthly, and 10 monthly. While these newspapers voice their disapproval of government or presidential actions frequently and sometimes loudly, the Government does not tolerate what it considers insults or attacks on the honor of the country's highest officials. A law enacted in 1991, soon after the Government first allowed substantial numbers of private newspapers to operate, authorizes the State to initiate criminal libel prosecutions against persons who insult the President, the Prime Minister, foreign chiefs of state or government or their diplomatic representatives, defame institutions of the State, or undermine the reputation of the nation. In addition the State may criminalize a civil libel suit at its discretion and at the request of the plaintiff. Criminal libel is punishable by 3 months to 2 years in prison. The Guei Government used this law against a number of journalists during the year.

General Guei's initial transition Government included highly respected journalist and former television anchorman Levy Niamkey as Communications Minister. In October 1999, the Bedie Government had suspended Niamkey from his anchor duties due to a dispute over the content of his news reports, and eventually he resigned in protest. Observers viewed the CNSP's naming of Niamkey positively; however, in May Guei replaced Niamkey with CNSP member and Navy Lieutenant Henri Cesar Sama, who had no qualifications for the job other than loyalty to the General. The Guei Government then named Niamkey director of the television portion of the government broadcasting organization, Radiodiffusion Television Ivoirienne (RTI); however, he was fired in September after trying to provide equal access to television for all political parties.

At the beginning of the year, the media was free to express their views in support of whichever candidate or policy they supported; however, in the latter half of the year, the Government and General Guei used threats, arrests, and beatings of journalists in order to control the press.

On February 11, General Guei's guards summoned Tape Koulou, publisher of the staunchly pro-Bedie daily Le National, to the presidency. After waiting more than 8 hours, Koulou met with Chief Sergeant Ibrahima B. (I.B.) Coulibaly, a member

of the presidential guard, who told him to stop writing about opposition leader Ouattara. On March 24, approximately 10 soldiers led by Corporal Issa Toure attacked the offices of Le National after it ran a story critical of General Guei. The soldiers fired shots several times into the office ceiling, destroyed furniture, threatened the journalists, and forced them to do push-ups. On June 23, police detained and questioned Asse Alefe, the Director of Publication for Le National, and one journalist concerning a story questioning the Ivoirian heritage of CNSP member and Minister of Communication Sama. The two journalists were detained for 1 day before being released. On June 27, following rumors of a coup on June 24, the Director of the Cabinet for the Ministry of the Interior again questioned Asse Alefe, and his assistant, Traore Bouraima, for several hours on their role in the coup rumors. The Director of Cabinet accused them of spreading false information because they had reported coup rumors on June 22. The public prosecutor's office also questioned the two who were released but told to remain available to the courts. On June 28, the CNSP issued a statement concerning the incident, stating that while the Government supports press freedom, there are limits to that freedom. The release added that the articles in Le National threatened state security.

On May 9, communication advisors for General Guei summoned to the presidency Honore Sepe and Christian Kara, two journalists from the pro-RDR daily Le Liberal, in order to reproach them for writing stories on the probable presidential candidacy of General Guei and its negative effect on the transition. On July 6, members of the military detained Le Liberal publication director Kone Yoro and two of his employees, Emmanuel Tanoh and Ibrahim Diamonde, and took them to the Ministry of Communication for questioning. Minister Sama warned the journalists about the content of their articles following the July 4 and 5 mutiny before releasing them from custody. On August 2, gendarmes arrested Yoro and Le Liberal journalist Kara Khristian for the defamation of General Guei in an article published the previous day concerning a check signed by the General, which the newspaper indicated would be used to finance Guei's presidential campaign. Gendarmes detained the two journalists for 2 days.

On May 10, soldiers briefly detained and questioned Patrice Pohe, the publisher of the pro-RDR newspaper La Reference, and Kone Satigui, a journalist, at National Armed Forces Headquarters. The soldiers warned the journalists against publishing anti-CNSP articles. On May 16, five members of the military destroyed computer equipment at the offices of La Reference and detained Pohe and three other journalists at the presidency, where they kicked the journalists and forced them to do push-ups. The four were released after several hours. In June in response to criticism from several NGO's regarding these incidents, General Guei asked the military to stop mistreating journalists. On August 26, military men claiming to be presidential security again arrested Pohe and questioned and threatened him for several hours. Pohe claimed he was arrested because of his support of opposition leader Ouattara.

On June 28, a court sentenced Sidibe Pate, a Burkina Faso traveler who was staying at a hotel in Divo where he was overheard making negative comments about General Guei, to 12 months in prison for insulting the head of state. On July 31, security forces beat British Broadcasting Corporation (BBC) journalist Mohamed Fofana Dara while he was covering a demonstration at the French Embassy (see Section 2.b.). The military and gendarmes, who forcibly dispersed the demonstration, continued to strike Fofana after he identified himself and showed his press identification (see Section 1.c.).

On August 31, the public prosecutor had gendarmes detain Notre Voie journalist Freedom Neruda and publisher Eugene Allou and bring them in for questioning. During a press conference on August 13, Neruda had warned citizens that they should not allow General Guei to build up his hometown as previous Presidents Houphouet-Boigny and Bedie had done with their birthplaces. Gendarmes released the journalists after 1 day of questioning but warned them not to leave the country.

On September 8, members of the military severely beat Joachim Buegre, a journalist and the political affairs editor for the Abidjan daily Le Jour. The beating occurred immediately following a meeting between Beugre and General Guei, during which Guei warned Buegre about an article that had appeared in Le Jour the previous day that called into question Guei's parentage and his eligibility to participate in the October presidential election. After forcing Beugre to show them where he lived, the soldiers beat him and left him on the side of an Abidjan road near the presidency. Beugre remained hospitalized for several days after the incident. In response private newspapers did not publish on September 21, and on September 22, journalists marched from the headquarters of the journalists' union to the presidency. Immediately after the march, General Guei met with the journalists and told them to concentrate on constructive criticism rather than on news that was false

or could divide the country. Minister Sama also warned the media to stop publishing stories about the military, on the grounds that such articles created divisions in the military. On September 9, a presidential press aide called two journalists from the daily Le Patriote to the presidency to discuss that newspaper's running of the same story for which Le Jour journalist Beugre was beaten. The press aide questioned the journalists, who then were released unharmed several days after their initial detention.

On October 24 in the Abidjan district of Plateau, the military arrested Franck Andersen Kouassi, a journalist and the deputy chief editor of Le Jour, and Yacouba Gbane, a journalist at Le Jour, while they were covering an event. The military beat and verbally abused them and confiscated their equipment. After several days in detention, they were released without being charged.

On October 26, at the beginning of an RDR protest demonstration to demand new presidential elections, a group of 50 FPI members detained Raphael Lakpe, the publisher of Le Populaire, a pro-RDR newspaper. They then handed Lakpe over to gendarmes who took Lakpe and his bodyguard to the Koumassi Camp Commando where the gendarmes beat them with their belts, made them swim in dirty water, and insulted them for supporting Ouattara.

On October 26, 20 FPI members severely beat Bakary Nimaga, the chief editor of the pro-RDR newspaper Le Liberal as he was going to work. They then handed Nimaga over to a group of gendarmes. The gendarmes took him to Abidjan's Riviera III suburb where they made him swim in a gutter, then took him through the neighborhoods of Anono, Blockhauss, and Cocody, where they stopped to beat him in front of onlookers. The gendarmes eventually took Nimago to the Agban Gendarmerie camp, where they threatened him and used pieces of wood, truncheons, and iron sticks to beat him. The gendarmes continued to beat Nimago after breaking his arm. Following the intervention of some other officers, Nimaga was released from the Agban Gendarmerie camp that evening with a broken arm, and wounds on his back, thighs, and ears. Nimaga stated that while he was being beaten, he saw approximately 40 gendarmes beating more than 100 persons including 2 elderly men.

On October 26, gendarmes also destroyed the equipment and the headquarters of Le Liberal.

On November 6, the National Observatory for the Freedom of the Press (OLPED) held a press conference to criticize the rough military treatment of Franck Andersen Kouassi and Yacouba Gbane, and the beatings of Bakary Nimaga and Rapahel Lakpe by gendarmes. The OLPED also criticized the gendarmes' destruction of the headquarters of Le Liberal and the destruction of another newspaper, La Reference, by a crowd of demonstrators on October 25.

Because literacy rates are very low, and because newspapers and television are relatively expensive, radio is the most important medium of mass communication. The government-owned broadcast media company, RTI, owns two major radio stations; only the primary government radio station is broadcast nationwide. Neither station offers criticism of the Government. There also are four major private domestic radio stations: Radio France Internationale (RFI), the BBC, Africa Number One, and Radio Nostalgie. They broadcast on FM in Abidjan only, except for RFI, which in 1998 signed an agreement with RTI to allow it to broadcast via relay antennas to the north and center of the country. The RFI and BBC stations only broadcast internationally produced programming. The Africa Number One station, which is 51 percent domestically owned, broadcasts 6 hours a day of domestically produced programming; the rest of the time it broadcasts programming from Africa Number One's headquarters in Libreville, Gabon. Radio Nostalgie is 51 percent owned by Radio Nostalgie France. The RFI, BBC, and Africa Number One stations all broadcast news and political commentary about the country. The private stations have complete control over their editorial content. However, only Radio Nostalgie frequently was critical of the Government in its editorials.

On July 4, during the military mutiny, gendarmes closed Radio Nostalgie. General Guei questioned Hamed Bakayoko, the station director, and Yves Zogbo, Jr., the program director. Bakayoko was considered an ally of Ouattara, and his station was considered pro-RDR by the authorities. Following the October 22 presidential election, RFI and BBC FM broadcasts were jammed for over a week.

Radio station license applications are adjudicated by a commission under the Ministry of Information, which has accepted applications and awarded licenses only once, in 1993. On that occasion, the commission denied 7 of 12 applications on a variety of grounds, including, in one case, affiliation with a major opposition political party.

In 1998 the Government authorized 43 community radio stations with very limited broadcast strength, no foreign-language programming, no advertisements, and public announcements limited to the local area. While the number of authorized

community stations now stands at 52, only 26 stations were broadcasting at year's end. On August 1, Edmond Zeghehi Bouazo, President of the National Council of Audiovisual Communication, met with the promoters of community and commercial radio stations to remind them of programming restrictions and the prohibition on political content in programming. In 1999 Roman Catholic Church groups began to operate four community radio stations: Radio Espoir in Abidjan, Radio Paix Sanwi in Aboisso, Radio Notre Dame in Yamoussoukro, and Radio Dix-Huit Montagnes in Man. Although the Muslim associations received a broadcast license in 1999, no Muslim station had begun broadcasting by year's end.

There are two television stations that broadcast domestically produced programs. Both are owned and operated by the Government. Only one broadcasts nationwide. Neither station criticizes the Government. The only private television station, Canal Horizon, is foreign owned and broadcasts no domestically produced programs. The Government has not accepted any applications to establish a privately owned domestic television station.

On July 6, members of the military stopped journalist Frank Kouassi while he was filming a segment for the television program "Point Media," forced him into a vehicle, and transported him to the Abgan Gendarme Camp for questioning. Captain Fabien Coulibaly questioned Kouassi on the events of the July 4 and 5 mutiny and on his relations with Ouattara before releasing him the same day.

The National Council of Audiovisual Communication (NCAC), established in 1991 and formally organized in 1995, is responsible for regulating media access during the 2-week formal political campaign period and for resolving complaints about unfair media access. Following the December 1999 coup, the previously PDCI-dominated NCAC was taken over by the military Government. Because domestic television is controlled by the state, the NCAC is unable to fulfill its mandate at times. On October 9, Edmond Zegbehi Bouazo, president of the NCAC, announced that each of the five candidates in the October 24 presidential elections would be granted 5 minutes per day on the radio as well as on television from October 9 to October 21. All of the radio channels broadcasted the messages of the candidates simultaneously. However, during the campaign, the FPI complained that Guei was granted more than the allotted 5 minutes on television daily; he and his wife's activities were broadcast at length.

The Government does not restrict access to or distribution of electronic media. There are 12 domestic Internet service providers, of which 4 are major providers; the first began operations in 1996. All 12 are privately owned and relatively expensive. The licensing requirements imposed by the government telecommunications regulatory body, ATCI, reportedly are not unduly restrictive.

The Government continued to exercise considerable influence over the official media's program content, news coverage, and other matters, using these media to promote government policies. Much of the news programming during the year was devoted to the activities of the President, the Government, the PDCI, and proGuei groups. After Gbagbo took office, he indicated that the media would no longer be pressured to devote programming to his and the Government's activities.

In June Minister of Communication Sama stopped the airing of RDR announcements publicizing a tour of the country by Ouattara. Sama claimed the spots featured "Nazi music" and forced the RDR to modify the advertisements. By the time the spots were cleared, it was too late to provide publicity for the tour and the announcement aired only once.

Beginning in August, when the presidential campaign began, government television provided almost exclusive coverage of General Guei's activities and excluded coverage of the other candidates and their activities. While the political parties and print journalists complained about this practice, the content of the programming did not change; only occasionally it provided time to other candidates.

International journalists were subject to government harassment and intimidation during the year. Following the September 18 assassination attempt on his life, General Guei criticized RFI for reporting "lies" after it suggested that Guei had orchestrated the assassination plot. Prior to the December legislative elections, government authorities accused international journalists, such as RFI, of distorting the sociopolitical situation and threatened them with brutality if they did not report more news favorable to the government. Following the December legislative election, unidentified callers threatened Bruno Minas of RFI. Minas claims that he was threatened because he reported that RDR supporters were victims of government harassment and abuse; subsequently he was forced to leave the country for his own safety. Correspondents of AFP, the French daily Le Monde, and the BBC's Africa Bureau (BBCAfrica) also were forced to leave the country for their safety.

There is no known law specifically concerning academic freedom, although academics have cited laws of French origin concerning the operations of universities to

support their claims of academic freedom. In practice the Government tolerates much academic freedom; however, it inhibits political expression through its proprietary control of most educational facilities, even at the post-secondary level. In April 1999, the president of the University of Cocody banned all meetings and sit-ins on the campus; 2 days later the Council of Ministers ratified and extended the President's action, banning all FESCI activities throughout the country. Following the December 1999 coup, the Guei Government allowed FESCI to resume operations. However, in September members of the military beat students from FESCI on the university's Cocody campus. Three of the students, all of whom were alleged to belong to a branch of FESCI that supports the RDR, were injured seriously.

Unlike in the previous year, students at universities and secondary schools did not stage demonstrations and protests about educational problems, due to a decision by the student organizations to allow General Guei time to organize elections, and to a split within the organizations along political party lines. These splits in the student ranks led to violent confrontations between students and numerous injuries (see Section 1.c.). There were numerous student protests at the end of the year (see Section 2.b.).

Many prominent scholars active in opposition politics have retained their positions at state educational facilities; however, some teachers and professors suggest that they have been transferred or fear that they may be transferred to less desirable positions because of their political activities. According to student union statements, government security forces continued to use students as informants to monitor political activities at the University of Abidjan.

b. Freedom of Peaceful Assembly and Association.—The new Constitution allows for freedom of assembly; however, the Government restricted this right in practice. Until August 18, groups that wished to hold demonstrations or rallies were required by law to submit a notice of their intent to do so to the Ministry of Security or the Ministry of Interior 48 hours before the proposed event. No law expressly authorizes the Government to ban public meetings or events for which advance notice has been given in the required manner. Nevertheless, the Guei Government often denied the opposition permission to meet in public outdoor locations. On August 18, the Minister of Security and the Minister of the Interior further tightened the restrictions on public demonstrations. Groups were required to have authorization from both Ministries to hold a demonstration, and the authorization must be requested in writing 3 days in advance of the event. Even if authorization is granted, it later can be revoked. Gbagbo's Government retained the restrictions on public demonstrations; authorization still must be requested in writing 3 days in advance.

For extended periods during the year, the Guei Government banned mass events and political meetings. On February 22, the Government issued a ban on political mass meetings and demonstrations until further notice. The ban was lifted in May after publication of the new constitutional text and electoral code. Initially parties and organizations abided by these bans to allow the transitional military regime an opportunity to organize. However, as the year progressed, opposition parties and other groups attempted to hold demonstrations. The Guei Government often refused to permit these demonstrations and sometimes prevented them by force. Nevertheless, during and after the presidential and legislative elections, several mass events and political meetings took place.

On July 28, the Ministry of the Interior forbade Ouattara and the RDR from holding a press conference announcing their party platform for the upcoming elections. Officials stated that the official opening of the presidential campaign had not yet begun, and thus a political meeting could not take place; however, the FPI and the PDCI were allowed to hold installation ceremonies for their presidential candidates at that time. In September the RDR was allowed to hold their installation ceremony for Ouattara.

In August and early September, the major political parties and General Guei generally ignored the new electoral code's ban on campaigning until 15 days before the election, which was scheduled for September 17. However, on September 7, following the postponement of the presidential election until October 22, Minister of the Interior Grena Mouassi banned all election meetings until the official opening of the campaign; the definition of meeting changed several times. For example, groups who supported Guei's candidacy were allowed to meet, assemble, and put up public posters.

On August 24, the Guei Government refused to allow female members of a coalition of opposition groups known as the Forum to march in protest of General Guei's presidential candidacy. The Minister of Security Palenfo stated that the refusal was due to security concerns because another group was scheduled to demonstrate at the same time; however, observers believe that General Guei had forbidden any marches against his candidacy.

After the alleged assassination attempt on General Guei on September 18 (see Sections 1.a., 1.b., 1.d., and 1.e.), the Interior Minister extended the ban on demonstrations and political activity to include all meetings and gatherings except for meetings of party leaders at party headquarters.

Police repeatedly used excessive violence to break up demonstrations and gatherings. On July 31, gendarmes and military forces forcibly prevented a rally in support of French policy for inclusive elections in front of the French Embassy. Security forces beat and abused rally participants and a journalist and dispersed the crowd using rifle butts and tear gas (see Sections 1.c. and 2.a.). The majority of protesters at the demonstration were RDR supporters. On July 28 and 29, the Guei Government allowed and even encouraged demonstrations by its supporters against the French position. On September 9, gendarmes used tear gas to disperse a crowd of RDR supporters in Abidjan (see Section 1.c.). The supporters had gathered to attend an RDR meeting, not knowing that the CNSP had declared the meeting illegal the previous evening and had cancelled the event.

Police forcibly disrupted some demonstrations surrounding the October presidential elections and killed or injured hundreds of persons (see Sections 1.a. and 1.c.). When Gbagbo was inaugurated on October 26, gendarmes loyal to the new president violently suppressed RDR street demonstrations held to demand new presidential elections.

Following the November 30 Supreme Court announcement of the disqualification of Ouattara for legislative elections, thousands of RDR supporters demonstrated in protest of the decision (see Section 3). According to MIDH, 37 persons were killed during clashes with the military and gendarmes, including 19 by gunshot and 2 by torture; several hundred persons were injured; 840 were rounded-up and detained; and several disappeared and still were not found by year's end (see Sections 1.a., 1.b., 1.c., and 1.d.).

On April 26, the military Government repealed the 1992 Antivandalism Law that held organizers of a march or demonstration responsible if any of the participants engaged in violence. The LIDHO, a leading civil rights NGO, and all major opposition parties criticized the law as unduly vague and as one that imposed punishment on some persons for the crimes of others.

The new Constitution provides for freedom of association and allows the formation of political parties, and the Government generally respects this right in practice.

The new Constitution states that all parties must respect the laws of the Republic, including the requirement that all organizations be registered before commencing activities. In order to obtain registration, political parties must provide information on their founding members and produce internal statutes and political platforms consistent with the Constitution. Before the December 1999 coup, there were 102 legally recognized political parties, of which 3 were represented in the National Assembly. At year's end, there were 106 parties; following the coup, some parties splintered or were formed to support the candidacy of General Guei. There were no reports that the Guei Government denied registration to any group, nor were there reports that the Gbagbo Government denied registration to any group.

The new Constitution also prohibits the formation of political parties along ethnic or religious lines.

c. Freedom of Religion.—The new Constitution provides for freedom of religion, and both the Guei Government and the Gbagbo Government generally respected this right in practice. There is no state religion; however, for historical as well as ethnic reasons, the Government informally favors Christianity, in particular the Roman Catholic Church. Catholic Church leaders had a much stronger voice in government affairs than their Islamic counterparts, which led to feelings of disenfranchisement among the Muslim population. After assuming power following the coup, General Guei indicated that one of the goals of the transition Government was to end this favoritism and put all of the major religious faiths on an equal footing. In practice the Guei Government did not take steps to bring this about. In November the Gbagbo Government announced steps to bring religious groups into the national dialogue and included religious representatives on a national commission to promote reconciliation.

The Government establishes requirements for religious groups under a 1939 French law. All religious groups wishing to operate in the country must submit to the Ministry of the Interior a file including the group's by-laws, the names of the founding members, the date of founding (or date that the founder received the revelation of his or her calling), the minutes of the general assembly, the names of members of the administrative board, and other information. The Interior Ministry investigates the backgrounds of the founding members to ascertain that the group has no politically subversive purpose. However, in practice the Government's regulation of religious groups generally has not been unduly restrictive since 1990, when

the Government legalized opposition political parties. Although nontraditional religious groups, like all public secular associations, are required to register with the Government, no penalties are imposed on a group that fails to register. In practice registration can bring advantages of public recognition, invitation to official ceremonies and events, publicity, gifts, and school subsidies. No religious group has complained of arbitrary registration procedures or recognition. The Government does not register traditional indigenous religious groups.

The Catholic Church began to operate community radio stations in 1998, and on April 21, 1999, the Government authorized Muslims to operate a similar station; however, no Muslim radio station had begun operations by year's end (see Section 2.a.).

The Government does not prohibit links to foreign coreligionists but informally discourages connections with politically radical fundamentalist movements, such as Islamic groups based in Iran and Libya.

Some Muslims believe that their religious or ethnic affiliation makes them targets of discrimination by the Government with regard to both employment and the renewal of national identity cards (see Section 5). Due to the tense political situation in the country and the ethnic divisions along which political party lines are drawn, northern Muslims sometimes are scrutinized more closely in the identity card process. As these northern Muslims share names, style of dress, and customs with several of the country's predominantly Muslim neighboring countries, they sometimes are accused wrongly of attempting to obtain nationality cards illegally in order to vote. This creates a hardship for a disproportionate number of Muslims.

In May the Guei Government warned the imam leaders of the Muslim community, whom Guei believed to be supporters of Ouattara, to refrain from political discourse in their sermons. The Guei Government claimed the imams had been jeopardizing security with sermons that were too charged politically. In May, June, and July during travels to various regions in the country, General Guei continually asked imams and other Muslim leaders to stay out of politics. For example, on July 21, the CNSP briefly detained and questioned CNI President El Hadj Idriss Kone Koudouss; the CNSP warned him not to advise Muslims to vote against the new Constitution in his July 23 sermon.

Security forces and the Government summoned Islamic leaders for questioning on several occasions and searched their homes based on suspicions that these leaders were plotting civil unrest during the year (see Section 1.d.). Muslims say that such acts by the Government are an attempt to make the Muslim community a "scapegoat" for the country's problems.

On December 5 after youths set fire to a mosque in Abidjan's Abobo district, the BAE used tear gas and beat Muslims who had gathered to inspect the damage (see Section 5). When imam Bassama Sylla attempted to intervene, the police stripped him and detained him (see Section 1.d.). Police also entered at least two other mosques in Abobo that day and detained persons inside.

In December 1999, the new military regime requested that the Islamic Superior Council, an organization of imams that was seen as politically active and supportive of the previous regime, disband. The president of the council, Moustapha Diaby, did not oppose this demand, and the council ceased its operations. In March the Government allowed the council to resume its activities.

In April local governments closed some Harrist churches to prevent an escalation of intrareligious violence (see Section 5). The Bingerville church had been closed in April 1999 following an appeals court decision, but a decision from the judicial chamber of the Supreme Court reopened it in December 1999.

In July the Government allowed Felix Tchotche Mel, a Harrist preacher, to reopen his church in Bingerville.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The new Constitution does not provide specifically for these rights, and both the Guei and Gbagbo Governments on occasion restricted these rights in practice. The Government generally does not restrict internal travel. However, police, gendarmes, and water, forestry, and customs officials commonly erect and operate roadblocks on major roads, where they demand that passing motorists or passengers produce identity and vehicle papers and regularly extort small amounts of money or goods for contrived or minor infractions. The Guei and Gbagbo governments imposed curfews six times during the year during periods of political upheaval.

Citizens normally may travel abroad and emigrate freely and have the right of voluntary repatriation. However, the Government severely restricted political party leaders from traveling outside of the country.

On May 16, the CNSP announced in a communique that all overseas travel by political party leaders must be approved by the CNSP. The CNSP justified this action by saying it would allow it to "better manage" the period leading up to the July

23 referendum. On May 23, the CNSP refused to allow the FPI Secretary General, Abou Drahamane Sangare, to go to Algeria for the Socialist Forces Front Congress. Authorities also prevented Morifere Bamba, the leader of the Party for Progress and Socialism (PPS), from leaving the country. On July 25, after the referendum, the CNSP announced that the requirement to seek CNSP authorization to travel outside the country was no longer in force; however, on July 27, airport security forces prevented Ouattara from boarding a flight to Paris. On July 29, the CNSP reinstated restrictions on political party leaders leaving the country.

On September 23, General Guei refused to grant political party leaders permission to leave the country to attend the special summit of African leaders on Cote d'Ivoire, citing the preelection travel ban. General Guei did not attend the event but sent Prime Minister Seydou Diarra and Foreign Minister Charles Gomis to represent the Government. President Gbagbo lifted the international travel ban shortly after taking office.

On February 23, airport police prevented Tape Koulou, Publication Director for the pro-Bedie daily newspaper Le National, from boarding a flight to France. The airport police who prevented the boarding stated that they were directed to do so by higher authorities.

There are no known cases of revocation of citizenship. The citizenship issue was debated extensively during the year; many citizens challenged the legitimacy of other voters' claims to citizenship. The public debate over Ouattara's citizenship continued at year's end. On November 30, the Supreme Court's Constitutional Chamber declared him ineligible for the legislative seat in his ancestral home of Kong (see Section 3.). Following that decision, thousands of RDR supporters demonstrated in Abidjan and northern cities (see Sections 1.a., 1.c., and 2.b.).

The country has not enacted legislation to provide refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The only domestic statute in force is the 1990 immigration law, which includes refugees without specifying a separate legal status for them. Nevertheless, the Government respects the right to first asylum and does not deny recognition to refugees, either by law or custom. There were approximately 120,000 refugees in the country at year's end, at least 100,000 of whom are Liberian. Following the end of the Liberian civil war, an estimated 150,000 to 200,000 refugees returned to Liberia either under U.N. auspices or independently. The remaining refugees were from Sierra Leone and the Great Lakes region, including Rwanda and Burundi.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) in health, education, and food distribution programs for refugees. In January International Rescue Committee (IRC) staff identified sanitation problems and severe overcrowding in schools at the Nicla Camp.

On December 23, the Nigerian Government announced that it had begun repatriating its citizens who were subjected to repeated harassment by Ivoirian authorities (see Section 1.c.). Approximately 300 Nigerians stated that Ivoirian authorities regularly tore up their identity cards and stole goods. The Nigerians also accused the police of encouraging groups of youths to steal for them. Police would take them to police stations where they were beaten and detained overnight if they did not pay a bribe to the officers.

There were no reports that persons who had a valid claim to asylum or refugee status were repatriated involuntarily to a country where they feared persecution.

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

The new Constitution provides for the right of citizens to change their government peacefully through democratic means; however, presidential elections held on October 22 were marred by significant violence and irregularities, including a suspension of the vote count for several days.

The presidential elections followed several postponements and a controversial Supreme Court decision on October 6 disqualifying 14 of the 19 candidates, including all of the PDCI and RDR candidates. The new Constitution includes language that is considered more restrictive than the Electoral Code of the previous Constitution on the subject of parentage and eligibility requirements for candidates. Ouattara was excluded from running in the Presidential and the National Assembly elections following the Supreme Court's October 6 and November 30 rulings that he had not demonstrated conclusively that he was of Ivoirian parentage. Furthermore the Court maintained that Ouattara had considered himself a citizen of Upper Volta (Burkina Faso) earlier in his career. PDCI candidate and former Minister of State for Interior and Decentralization Emile Constant Bombet was disqualified because

he faced outstanding charges of abuse of office from when he was Minister. Former President Bedie was disqualified for not submitting a proper medical certificate.

Following the Supreme Court decision, most international election observers decided not to participate in the election. As a result, there were only 75 observers nationwide, 29 of whom were EU observers who originally were there assessing the overall security situation. The nationwide participation rate was 33 percent, and some polling places, especially in the North, closed early because of the lack of voters. Preliminary results showed that Gbagbo was leading by a significant margin. However, during the afternoon of October 23, soldiers and gendarmes entered the National Elections Commission (CNE) to stop the count. They expelled journalists and disrupted television and radio broadcasting. On October 24, Daniel Cheick Bamba, an Interior Ministry and CNE official, announced on national radio and television that CNE had been dissolved and declared General Guei the victor with 56 percent of the vote. Thousands of Gbagbo supporters began protesting almost immediately, demanding a proper vote count. Mass demonstrations continued until October 26 and resulted in numerous deaths and injuries (see Sections 1.a. and 1.c.). In the early afternoon on October 25, national radio and television reported that Guei had stepped down.

When Gbagbo was inaugurated on October 26, gendarmes loyal to the new president violently suppressed RDR street demonstrations held to demand new presidential elections.

On December 4 and 5, gendarmes and police officers violently dispersed members of the RDR who were demonstrating to protest against the invalidation of Ouattara's candidacy in the legislative elections (see Sections 1.a., 1.c., and 2.b.).

The National Assembly election took place on December 10 and was marred by violence, irregularities, and a very low participation rate. The FPI won 96 out of 225 seats in the National Assembly; the PDCI, the former ruling party, won 77 seats; independent candidates won 17 seats; and 4 other parties won 7 seats. Largely because of the RDR boycott of the elections to protest against the invalidation of Ouattara's candidacy, the participation rate in the legislative election was only 33.12 percent. In addition the election could not take place in 26 electoral districts in the north because RDR activists disrupted polling places, burned ballots, and threatened the security of elections officials.

Before the adoption of the new electoral code, the number of registered voters in districts of the National Assembly, each of which elects one representative, varied by as much as a factor of 10; these inequalities systematically favored the ruling party. In August the Guei Government announced a fairer redistribution of constituencies. Before the December legislative elections, the Gbagbo Government completed the redistribution of electoral constituencies in line with the 1998 national census.

The Constitution was drafted by the CNSP-created Constitutional and Electoral Consultative Commission (CCCE), which was made up of members of major political parties and civil society; however, the CNSP made changes to the CCCE's text prior to submitting the draft Constitution to a referendum. The Constitution was adopted in a referendum held on July 23 and 24 by 86 percent of those voting, the Constitution of the Second Republic was implemented formally on August 4. The referendum was supervised by a quasi-independent commission that included representatives from some government ministries, civil society, and political parties.

The new Constitution and Electoral Code provide for legislative elections every 5 years and presidential elections every 5 years by a single and secret ballot. The new Constitution also continued the tradition of a strong presidency.

General Guei and the CNSP dominated the governing of the country for most of the year, even though a largely civilian cabinet was put in place in January. General Guei changed the make-up of this cabinet four times during the year. The National Assembly remained suspended until the December elections, but the Supreme Court continued to function.

Upon assuming power in October, Gbagbo sought to include representatives from all political parties in his government. Except for the Republican Rally (RDR), which decided not to accept ministerial posts, most major political parties were represented in the new Government, which is made up of 24 ministers including the Prime Minister. Nineteen ministers are members of the FPI; three ministers are members of the PDCI, the former ruling party, and two ministers are members of the PIT, a minor left-wing party.

Citizens' ability to elect sub-national governments is limited. The State remains highly centralized. Sub-national government entities exist on several levels, and include 19 regions, 58 departments, 230 sub-prefectures, and 196 communities. However, at all levels except for communities, which are headed by mayors elected for 5-year terms, and traditional chieftaincies, which are headed by elected chiefs, all sub-national government officials are appointed by the central Government. Sub-na-

tional governments generally must rely on the central Government for much of their revenue, but mayors have autonomy to hire and fire community administrative personnel.

Although there are no legal impediments to women assuming political leadership roles, women are underrepresented in government and politics. Women held 3 of the 26 ministerial positions in the Guei transition Government, and Gbagbo's cabinet includes 5 women. There are three women on the Supreme Court. At year's end, there were 17 women in the National Assembly. In January 1999, Henriette Dagri Diabate was elected to the post of Secretary General of the opposition RDR; she became the first woman to lead a political party.

There are no legal impediments to the exercise of political rights by any of the more than 60 ethnic groups in the country. General Guei increased the number of governmental posts filled by members of his ethnic group, the Yacouba, and other western ethnic groups. The Baoule, to which both former Presidents Houphouet-Boigny and Bedie belonged, and other Akan ethnic groups that have tended to support the PDCI, were overrepresented previously in both mid-level and low-level appointed positions throughout the public sector.

However, President Gbagbo sought improved ethnic and regional balance in the Government by including members from seven different ethnic groups. Nine members of Gbagbo's first cabinet were from the Krou group in the western provinces from which Gbagbo comes. There were three ministers from the North (Mande and Senoufo). The remainder mostly were from the center and the east (Baoule). Three Ministers in Gbagbo's Cabinet were Muslims.

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

Both the Guei Government and the Gbagbo Government allowed inquiry and reporting by human rights NGO's. The LIDHO, a domestic human rights NGO formed in 1987 and recognized by the Government in 1990, investigated alleged violations of human rights actively and issued press releases and reports, some critical of the Government. Other local NGO's also monitored government human rights abuses and published press releases critical of the Government's record. For example, the MIDH investigated the December demonstrations following Ouattara's disqualification from legislative elections (see Sections 1.a., 1.c., 2.b., and 3). The MIDH stated that the Government had been accommodating to their investigation.

The Government cooperated with international inquiries into its human rights practices. Following a visit by Amnesty International Secretary General Pierre Sane in May, General Guei formally disbanded the "parallel forces" upon Sane's advice. President Gbagbo invited several international human rights groups, including HRW and the International Federation of Human Rights, to conduct independent investigations into the mass grave at Yopougon (see Section 1.a.).

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The new Constitution and the law prohibit discrimination based on race, ethnicity, national origin, sex, or religion; however, in practice women occupy a subordinate role in society. Societal ethnic discrimination and division are problems.

Women.—Representatives of the Ivoirian Association for the Defense of Women (AIDF) state that spousal abuse (usually wife beating) occurs frequently and often leads to divorce. A July 1998 AIDF survey found that many women refused to discuss their experience of domestic violence; of women who completed the AIDF interview process, nearly 90 percent had been beaten or struck on at least one occasion. Doctors state that they rarely see the victims of domestic violence. A severe social stigma is attached to such violence, and neighbors often intervene in a domestic quarrel to protect a woman who is the known object of physical abuse. The courts and police view domestic violence as a family problem unless serious bodily harm is inflicted, or the victim lodges a complaint, in which case they may initiate criminal proceedings. The Government does not collect statistics on rape or other physical abuse of women. The Government has no clear policy regarding spousal abuse beyond what is contained in the civil code. In December 1998, the National Assembly enacted the Law Concerning Crimes against Women, which forbids and provides criminal penalties for forced or early marriage and sexual harassment, but says nothing about spousal abuse.

Women's advocacy groups have protested the indifference of authorities to female victims of violence and called attention to domestic violence and female genital mutilation (FGM). The groups also reported that women who are the victims of rape or domestic violence often are ignored when they attempt to bring the violence to the attention of the police. In July 1999, the AIDF launched a petition drive to pres-

sure the authorities to enact and enforce laws against domestic violence, especially spousal abuse; 18,000 petitions were collected by the end of 1999. The AIDF also is active in opposing forced marriage and advancing the rights of female domestic workers. On July 17, AIDF established a national committee with members of national and international institutions in Abidjan to fight violence against women. The committee's objective is to define programs and actions to reduce social inequalities and to make recommendations on combating violence against women. One month after establishing the committee, the Minister of Women's Affairs and Family, Constance Yai, held a workshop on developing strategies to fight violence against women.

The new Constitution and the law prohibit discrimination on the basis of sex; however, women occupy a subordinate role in society. Government policy encourages full participation by women in social and economic life; however, there is considerable informal resistance among employers to hiring women, whom they consider less dependable because of their potential pregnancy. Women are underrepresented in some professions and in the managerial sector as a whole. Some women also encounter difficulty in obtaining loans, as they cannot meet the lending criteria mandated by banks. These criteria include such elements as title to a house and production of profitable cash crops, specifically coffee and cocoa. Women in the formal sector are paid on an equal scale with men. In rural areas, women and men divide the labor, with men clearing the land and attending to cash crops like cocoa and coffee, while women grow vegetables and other staples and perform most menial household tasks.

Children.—Primary education is compulsory, but this requirement is not enforced effectively. Primary education is free but usually ends at age 13. Poverty causes many children to leave the formal school system when they are between the ages of 12 and 14 if they fail secondary school entrance exams. Students who pass entrance exams may elect to go to free public secondary schools. Secondary school entrance is restricted by the difficulty of the exam, which changes each year, and the state's ability to provide sufficient spaces for all who would like to attend. Many children leave school after only a few years. According to UNICEF statistics, 79 percent of males and 58 percent of females of primary school age reportedly were enrolled in the period between 1990 and 1996; more recent statistics were not available.

There is a parental preference for educating boys rather than girls, which is noticeable throughout the country but is more pronounced in rural areas; however, the primary school enrollment rate for girls is increasing in the northern part of the country. The Minister of National Education stated that almost one-third of the primary and secondary school dropout rate of 66 percent was attributable to pregnancies, and that many of the sexual partners of female students were teachers, to whom girls sometimes granted sexual favors in return for good grades or money. In January 1998, in an effort to combat low enrollment rates for girls, the Government instituted new measures against the statutory rape of students by teachers.

The penalty for statutory rape or attempted rape of either a girl or a boy aged 15 years or younger is a 1- to 3-year prison sentence and a fine of $140 to 1,400 (FCFA 100,000 to 1,000,000).

There are large populations of street children in the cities. Fraternite Matin, the government daily newspaper, reported in April that the number of street children in the country is 200,000, of which 50,000 are in Abidjan. Some children are employed as domestics and are subject to sexual abuse, harassment, and other forms of mistreatment by their employers, according to the AIDF and press reports (see Section 6.d.).

In September 1998, an Abidjan daily newspaper reported allegations by a 14-year-old boy that he had been sodomized repeatedly over many months by a network of pedophiles that included former Minister of Economic Infrastructure Ezan Akele and a foreign ambassador. Leading human rights organizations, including the LIDHO, demanded that the alleged pedophiles not be shielded from prosecution. In January 1999, judges released six of the eight accused in this matter on provisional liberty, and the trial court dismissed the suit in March 1999. The boy's parents have appealed the dismissal, and the appeal still was pending at year's end.

According to an UNICEF study, approximately 15,000 Malian children were trafficked and sold into indentured servitude on Ivoirian plantations in 1999, and observers believe that the rate of trafficking remained approximately the same during the year (see Sections 6.c., 6.d., and 6.f.).

The Ministries of Public Health and of Employment, Public Service, and Social Security seek to safeguard the welfare of children, and the Government also has encouraged the formation of NGO's such as the Abidjan Legal Center for the Defense of Children. In 1996 the Government announced a series of measures aimed at re-

ducing the population of street children. These steps include holding parents legally and financially responsible for their abandoned children and the development of training centers where children can learn a trade; however, this in not abided to in practice. One of these centers opened in Dabou in July 1999.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is a serious problem. Until 1998 there was no law that specifically prohibited FGM, which was considered illegal only as a violation of general laws prohibiting crimes against persons. However, the December 1998 Law Concerning Crimes against Women specifically forbids FGM and makes those who perform it subject to criminal penalties of imprisonment for up to 5 years and a fine of roughly $650 to $3,500 (360,000 to 2 million FCFA francs); double penalties apply for medical practitioners. FGM is practiced particularly among the rural populations in the north and west and to a lesser extent in the center. The procedure usually is performed on young girls or at puberty as part of a rite of passage; it is done almost always outside modern medical facilities, and techniques and hygiene do not meet modern medical standards. According to the World Health Organization and the AIDF, as many as 60 percent of women have undergone FGM. Since the law on FGM was enacted in December 1998, six girls in Abidjan's Port Bouet district were mutilated, and police and social workers neither acted to prevent the mutilation nor to arrest the girls' parents. In response the Minister of Solidarity and the Promotion of Women organized numerous seminars and informational meetings on FGM concentrating on regions where it is practiced widely. The seminars targeted police, administrative authorities, and traditional political and religious leaders.

As a result of the active campaign against FGM undertaken by the Government and NGO's, several excisors were arrested in the north for performing excisions. In prior years, arrests were made only following the death of the FGM victim. On May 6, two excisors from Guinea were arrested in Abobo and imprisoned following the death of a young Burkinabe girl who had been excised. On July 12, police arrested two Ivoirian women in the northern city of Kongasso and detained them in Seguela for practicing FGM on girls between the ages of 10 and 14.

Women's advocacy organizations continued to sponsor campaigns against FGM, forced marriage, marriage of minors, patterns of inheritance that exclude women, and other practices considered harmful to women and girls. Children regularly are trafficked into the country from neighboring countries and sold into forced labor (see Sections 6.c., 6.d., and 6.f.).

People with Disabilities.—In October 1998, the National Assembly enacted a law that requires the State to educate and train disabled persons, to hire them or help them find jobs, to design houses and public facilities for wheelchair access, and to adapt machines, tools, and work spaces for access and use by the disabled. The law covers individuals with physical, mental, visual, auditory, and cerebral motor disabilities. The Government is working to put these regulations into effect; however, the law had not been implemented fully by year's end. Wheelchair accessible facilities for the disabled are not common, and there are few training and job assistance programs for the disabled.

Laws also exist that prohibit the abandonment of the mentally or physically disabled and enjoin acts of violence directed at them.

Traditional practices, beliefs, and superstitions vary, but infanticide in cases of serious birth disabilities is less common than in the past. Disabled adults are not specific targets of abuse, but they encounter serious difficulties in competing with nondisabled workers. The Government supports special schools, associations, and artisans' cooperatives for the disabled, but physically disabled persons still beg on urban streets and in commercial zones.

Religious Minorities.—Relations between the various religious communities generally are amicable; however, there is some societal discrimination against Muslims and followers of traditional indigenous religions.

The country's Islamic communities are subject to a great deal of societal discrimination. Some non-Muslims have opposed construction of mosques, such as the new mosque in Abidjan's Plateau district, because the Islamic duty to give alms daily may attract beggars to neighborhoods containing mosques. Some non-Muslims also object to having to hear the muezzins' calls to prayer. Some persons consider all Muslims as foreigners, fundamentalists, or terrorists. Muslim citizens often are treated as foreigners by their fellow citizens, including government officials, because most Muslims are members of northern ethnic groups that also are found in other African countries from which there has been substantial immigration into the country. Muslims also frequently were discriminated against because of ethnic origin or political leanings. Many Muslims are northerners and tended to support the presidential candidacy of Ouattara.

During the October demonstrations, FPI militants burned several mosques in the Abidjan's Yopougon district in retaliation, for RDR militants burning churches (see Sections 1.a., 1.c., and 3). On October 26 and again in early December, rival political groups burned a number of churches and mosques across the country. On December 5, youths set fire to a mosque in Abidjan's Abobo district.

Followers of traditional indigenous religions are subject to societal discrimination. Many leaders of religions such as Christianity or Islam look down on practitioners of traditional indigenous religions as pagans, practitioners of black magic, or human sacrifice. Some Christians or Muslims refuse to associate with practitioners of traditional indigenous religions. The practices of traditional indigenous religions often are shrouded by secrecy, and include exclusive initiation rites, oaths of silence, and taboos against writing down orally transmitted history. However, there have been no reports of human sacrifice in the country since well before independence. Although the purported practice of black magic or witchcraft continues to be feared widely, it generally is discouraged by traditional indigenous religions, aspects of which commonly purport to offer protection from witchcraft. Traditional indigenous religions commonly involve belief in one supreme deity as well as lesser deities or spirits that are to be praised or appeased, some of whom in some religions may be believed to inhabit or otherwise be associated with particular places, natural objects, or manmade images. However, many practitioners of traditional indigenous religions are unaware of societal discrimination and have not complained.

Conflicts between and within religious groups have surfaced occasionally. Members of the Limoudim of Rabbi Jesus, a small Christian group of unknown origin, have criticized and sometimes attacked other Christian groups, allegedly for failing to follow the teachings of Jesus. In January 1998, a conflict over land erupted between Catholics and Assembly of God members in Abidjan's Yopougon district. The same area was the scene of a land conflict between Baptists and their neighbors in August 1998; however, there were no reports of such conflicts during the year.

The Celestial Christians are divided because of a leadership struggle, as are the Harrists, who have fought on occasion. In March due to the internal struggle in the Harrist Church, clergy leader Barthelemy Akre Yasse struck from the church rolls Harrist National Committee president Felix Tchotche Mel for insubordination. This battle for church leadership at the national level led to violent confrontations between church members at the local level. In April local governments, in order to prevent further violence, closed some Harrist churches (see Section 2.c.).

Prior to the December 1999 coup, the Islamic leadership was fractured by disagreement between factions, two of which (the Superior Islamic Council and the Ouamma Islamic Front) were allied with the former ruling party, and two of which (the National Islamic Council and the Islamic Confederation for the Development of Cote d'Ivoire) were unaligned politically and had sought to create Islamic organizations that enjoy the same freedom from unofficial state oversight and guidance that Catholic organizations long have enjoyed. Following the December 1999 coup, the organizations began to work together.

National/Racial/Ethnic Minorities.—The country's population of approximately 15.3 million (1998 Census) is ethnically diverse. The citzenry—not including the large noncitizen part of the population—is made up of five major families of ethnic groups. The Akan family made up more than 42 percent of the citizenry; the largest Akan ethnic group, and the largest ethnic group in the country, is the Baoule. Approximately 18 percent of citizens belong to the Northern Mande family, of which the Malinke are the largest group. Approximately 11 percent of citizens belong to the Krou family, of which the Bete are the largest group. The Voltaic family accounts for another 18 percent of the population, and the Senoufou are the largest Voltaic group. Approximately 10 percent belong to the Southern Mande family, of which the Yacouba are the largest group. Major ethnic groups generally have their own primary languages and their non-urban populations tend to be concentrated regionally.

At least 26 percent of the population is foreign, of which 95 percent are other Africans. Most of the Africans are from neighboring countries such as Mali and Burkina Faso and may not claim citizenship legally. Birth in Ivoirian national territory does not confer citizenship. The ethnic composition of the whole population, including these noncitizens, is quite different from that of the citizenry alone.

All ethnic groups sometimes practice societal discrimination on the basis of ethnicity. Urban neighborhoods still have identifiable ethnic characteristics, and major political parties tend to have identifiable ethnic and regional bases, although interethnic marriage increasingly is common in urban areas.

Some ethnic groups include many noncitizens, and their share of the electorate would be increased by enfranchising noncitizens. Other ethnic groups include few noncitizens, and their share of the electorate would be decreased by enfranchising

noncitizens. There are societal and political tensions between these two sets of ethnic groups. This cleavage corresponds to some extent to regional differences; ethnic groups that include many noncitizens are found chiefly in the north. Members of northern ethnic groups that are found in neighboring countries as well as in the country often are required to document their citizenship, whereas members of historically or currently politically powerful ethnic groups of the south and west reportedly do not have this problem. Police routinely abuse and harass noncitizen Africans residing in the country (see Section 1.c.). Official harassment reflects the frequently encountered conviction that foreigners are responsible for high crime rates, as well as concern for Ivorian national identity and identity card fraud.

The new Constitution includes a restrictive presidential eligibility clause that not only limits presidential candidates to those who can prove that both parents were born in the country, but also states that a candidate can never have benefited from the use of another nationality.

Election law changes in 1999 also limited presidential candidates to those who could prove that both parents were born in the country. Because of this restriction, Ouattara was considered ineligible for both presidential and legislative elections during the year.

Differences between members of ethnic groups are a major source of political tensions and since 1997 have erupted repeatedly into violence. Many members of the Baoule group, which long has inhabited the east-central region, have settled in towns and on previously uncultivated land in other areas, especially in more westerly regions. In the past, the Government generally has viewed use of land as conferring de facto ownership of land. However, in December 1998, the National Assembly enacted the new Land Use Law, which establishes that land title does not transfer from the traditional owner to the user simply by virtue of use.

General Guei initially included many members of the previously disenfranchised northern and western ethnic groups in the transition Government, but over the course of the year he excluded northerners from the power structure. Guei filled an increasing number of government positions with members of his ethnic group, the Yacouba, and he brought a number of southern PDCI officials back into the Government. During the Bedie regime, members of the Baoule ethnic group dominated the PDCI and held disproportionate numbers of positions in the public sector, including the security forces, the civil service, and state-owned businesses (see Section 3). Gbagbo's cabinet, which took office on October 27, included three Muslims and three northerners, most significantly the Minister of State for Foreign Affairs.

Tensions continued in the southwest between Kroumen and settlers from Burkina Faso, many of whom were born in the region or have lived in the region for up to 30 years. The most significant violence began in late August, then continued in September and October. In August and September, fighting in the villages of Trahe and Heke (Grand Bereby) resulted in at least 13 deaths. In October fighting in Trahe and Heke resulted in another five deaths. Fighting between August and October drove approximately 2,500 persons from their homes, including citizen Baoules and Kroumen who were caught in the battles. In November 1999, approximately 12,000 Burkinabe were forced to return to Burkina Faso as a result of land battles. Although some of those who left had returned by year's end, the majority remained in Burkina Faso. There were no further reports of violence between native Kroumen and settlers and migrant laborers from Burkina Faso during the year.

Section 6. Worker Rights

a. The Right of Association.—The new Constitution and the Labor Code grant all citizens, except members of the police and military services, the right to form or join unions. Registration of a new union requires 3 months. For almost 30 years, the government-sponsored labor confederation, the General Union of Workers of Cote d'Ivoire (UGTCI), dominated most union activity. The UGTCI's hold on the labor movement loosened in 1991 when several formerly UGTCIaffiliated unions broke away and became independent. In 1992 a total of 11 formerly independent unions joined to form the Federation of Autonomous Trade Unions of Cote d'Ivoire. There also are two other registered labor federations not affiliated with the Government, including the Dignite labor federation. Unions legally are free to join federations other than the UGTCI, although in the past the Government pressured unions to join UGTCI.

The right to strike is provided by the new Constitution, and by statute. The Labor Code requires a protracted series of negotiations and a 6-day notification period before a strike may take place, making legal strikes difficult to organize. In the aftermath of the December 1999 coup, the CNSP and the Labor Ministry arbitrated more than 80 labor-related conflicts. Employees working for Solibra, Tropical Rubber, Cote d'Ivoire Blohorn, and PISAM Hospital, complained about severe problems in-

cluding being underpaid, working in dangerous job conditions, and lack of safety concerns.

On February 1, police used tear gas to disperse striking workers at the Commune of Cocody City Hall (see Section 1.c.).

Public and private school teachers went on strike several times during the year to protest lack of pay raises and perceived government apathy to their demands. Public teachers, especially those hired under a 1991 law that cut starting salaries in half, demanded that the new Government fulfill promises made during the Bedie regime to raise salaries and improve benefits. Guei accepted most of their demands and agreed to implement the wage increases in 2001. President Gbagbo repeated these promises.

In March private teachers also organized a series of strikes to protest nonpayment of salaries. In November six private school teachers went on a hunger strike to protest that their pay was not competitive with their public school counterparts. In December the Government offered to give the six private school teachers $7,000 (500,000 FCFA) each.

In February the union of employees of the company BlohornUnilever attempted to negotiate a reduction in the substantial difference in salary between foreign workers (especially European) and those hired locally. Complaining of what workers called "Salary Apartheid," union leaders called a 72-hour strike after talks failed. The strike ended when management promised to "look into the issue;" however, no improvements had been made by year's end.

In August security guards assigned to a sub-prefecture in Abidjan and radio technicians in the Ministry of the Interior and Decentralization went on strike over lack of benefits and a set salary of $90 (62,000 FCFA) a month for workers regardless of work experience and length of service. Instead of negotiating with the workers, Interior Minister Grena Mouassi replaced them.

Minibus owners and drivers union went on strike for 1 day on November 27 in response to gendarmes' abuse of some minibus drivers (see Section 1.c.). Truck drivers went on strike for 48 hours in November and obtained the arrest of the gendarme who had shot at a colleague. The gendarme's trial started November 28 but had not been completed by year's end.

Unions are free to join international bodies.

b. The Right to Organize and Bargain Collectively.—The new Constitution provides for collective bargaining, and the Labor Code grants all citizens, except members of the police and military services, the right to bargain collectively. Collective bargaining agreements in effect are in many major business enterprises and sectors of the civil service. In most cases in which wages are not established in direct negotiations between unions and employers, salaries are set by job categories by the Ministry of Employment and Civil Service. Labor inspectors have the responsibility to enforce a law that prohibits antiunion discrimination. There have been no known prosecutions or convictions under this law, nor have there been reports of anti-union discrimination.

Members of the military intervened directly in labor disputes, sometimes arresting and intimidating parties (see Section 1.e.).

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced labor is prohibited by law; however, the International Labor Organization's Committee of Experts in its 1996 annual report questioned a decree that places certain categories of prisoners at the disposal of private enterprises for work assignments without their apparent consent. Legislation exists allowing inmates to work outside of prison walls; however, because of a lack of funds to hire warden guards to supervise the inmates, the law often is not invoked. In April the NGO Doctors without Borders funded a project in which inmates where hired to improve the sanitation system in their prison. Although it did not finance the project, the Government did permit the prisoners to receive a salary for their work.

The law prohibits forced and bonded child labor; however, the Government did not acknowledge the problem until recently and does not enforce this prohibition effectively (see Section 6.d.). Children regularly are trafficked into the country from neighboring countries and sold into forced labor (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—In most instances, the legal minimum working age is 14; however, the Ministry of Employment and Civil Service enforces this provision effectively only in the civil service and in large multinational companies. Labor law limits the hours of young workers, defined as those under the age of 18. However, children often work on family farms, and some children routinely act as vendors, shoe shiners, errand boys, car watchers, and washers of car windows in the informal sector in cities. There are reliable reports of some use of children in "sweatshop" conditions in small workshops. Chil-

dren also work in familyoperated artisanal gold and diamond mines. Primary education is mandatory but far from universally enforced, particularly in rural areas (see Section 5). Since 1998 the Government has tried to develop special technical and vocational programs for those expelled from school at an early age. Some technical and vocational programs began operations in March and April; at year's end, it was not clear if they would be successful.

Although the Government prohibits forced and bonded child labor, it does not enforce this prohibition effectively. Children regularly are trafficked into the country from neighboring countries and sold into forced labor. There was widespread abuse of foreign children for forced labor on agricultural plantations (see Section 6.f.).

e. Acceptable Conditions of Work.—The Government administratively determines monthly minimum wage rates, which last were adjusted in 1996. President Gbagbo promised an overall pay raise, as did General Guei; however, no such raises had been granted by year's end. A slightly higher minimum wage rate applies for construction workers. The Government enforces the minimum wage rates only for salaried workers employed by the Government or registered with the social security office. Minimum wages vary according to occupation, with the lowest set at approximately $52 (36,607 FCFA) per month for the industrial sector, which is insufficient to provide a decent standard of living for a worker and family. The majority of the labor force works in agriculture or in the informal sector where the minimum wage does not apply. According to a Labor Ministry survey, workers in the agricultural and fishing sector receive an average of $1040 (726,453 FCFA) a year.

Through the Ministry of Employment and the Civil Service, the Government enforces a comprehensive Labor Code that governs the terms and conditions of service for wage earners and salaried workers and provides for occupational safety and health standards. Those employed in the formal sector generally are protected against unjust compensation, excessive hours, and arbitrary discharge from employment. The standard legal workweek is 40 hours. The law requires overtime payment on a graduated scale for additional hours. The Labor Code provides for at least one 24-hour rest period per week.

Government labor inspectors can order employers to improve substandard conditions, and a labor court can levy fines if the employer fails to comply with the Labor Code. However, in the large informal sector of the economy involving both urban and rural workers, the Government's occupational health and safety regulations are enforced erratically, if at all. The practice of labor inspectors accepting bribes is a growing problem, and observers believe that it is widespread. Workers in the formal sector have the right under the Labor Code to remove themselves from dangerous work situations without jeopardy to continued employment by utilizing the Ministry of Labor's inspection system to document dangerous working conditions. However, workers in the informal sector ordinarily cannot remove themselves from such labor without risking the loss of their employment.

Labor federations such as Dignite are working to provide some relief to workers when companies fail to meet minimum salary requirements. For example, the sanitary services company ASH continues to pay wages as low as $15.50 (12,000 FCFA) a month to female employees who work sweeping the streets of Abidjan. According to Dignite, labor inspectors continue to ignore this clear violation of the law. The shipbuilding company Carena discriminates between European engineers who are paid $11,400 (8 million FCFA) a month, compared with their African colleagues who receive $114 (80,000 FCFA) a month. Government labor and employment authorities have not responded to these problems.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were credible reports that it occurs. Since the mid 1990's, media reports have exposed the widespread practice of importing and indenturing Malian boys for field work on Ivoirian plantations under abusive conditions. For example, children recruited by Malians in the border town of Sikasso are promised easy and lucrative jobs in Cote d'Ivoire, transported across the border, and then sold to other Malians who disperse them throughout the plantations of the central region. These children are forced to work under grueling conditions in the fields and locked at night in crowded sheds, with their clothing confiscated. The Governments of Mali and Cote d'Ivoire confirmed these reports in a joint February press conference with UNICEF. The Government of Mali and UNICEF took steps to halt this trafficking and repatriate the children in Mali; more than 270 Malian children were returned to their families during the year. The extent of this practice is difficult to estimate because many Malian adults also worked on Ivoirian plantations in the same area under difficult conditions.

On February 18, Ivoirian authorities working with the Malian Consul in Bouake repatriated 19 Malian men and children who were working as forced labor on a plantation in the western region of Bangolo. The youngest was 13 years-of-age, al-

though 14 of them were under the age of 20. The police filed criminal charges against the farm owner and the traffickers in February, but at year's end, their trial had not begun.

In August the Governments of Cote d'Ivoire and Mali signed the Bouake agreement, which recognized the need to be more active in repatriating Malian children from Cote d'Ivoire. It is estimated that some 15,000 Malian children work on Ivoirian cocoa and coffee plantations. Many are under 12 years-of-age, sold into indentured servitude for $140 (100,000 FCFA), and work 12-hour days for $135 to $189 (95,000 to 125,000 FCFA) per year. In September authorities intercepted 26 young Malian children and 13 suspected traffickers led by Somboro Moussa on their way to Bouake; the children were repatriated in mid-September. During the year, more than 270 Malian children have been repatriated from Cote d'Ivoire; however, despite the Bouake accord, child trafficking remained a problem. In November the Minister of Employment announced that it plans to continue working with Malian authorities to repatriate child laborers.

Children also are trafficked into the country from countries other than Mali. During the year, there were reports of children, some as young as 6 years-of-age, coming from Benin to work as agricultural laborers and maids. Burkina Faso, Ghana, and Togo are other sources of child labor. The Government discussed a labor agreement with the Government of Togo but had not signed an accord by year's end.

DJIBOUTI

On April 9, 1999, Djibouti elected its second president since gaining independence from France in 1977. Ismael Omar Guelleh, the candidate of the ruling party, the People's Rally for Progress (RPP), won the election with 74 percent of the vote. Opposition candidate Moussa Ahmed Idriss, of the Unified Djiboutian Opposition (ODU), received 26 percent of the vote. For the first time since multiparty elections began in 1992, no group boycotted the election. The ODU later challenged the results based on election "irregularities" and the assertion that "foreigners" had voted in various districts of the capital; however, international and locally-based observers considered the election to be generally fair and cited only minor technical difficulties. Guelleh took the oath of office as President in May 1999, with the support of an alliance between the RPP and the government-recognized section of the Afar-led Front for the Restoration of Unity and Democracy (FRUD). The RPP has been the ruling power since independence in 1977. Two main ethnic groups hold most political power: Somali Issas (the tribe of the President), and Afars. Citizens from other Somali clans (Issak, Gadabursi, and Darod), and those of Yemeni and other origins, are limited unofficially in their access to top government positions. In 1994 the Government and a faction of the FRUD signed a peace accord, ending 3 years of civil war. In the accord, the Government agreed to recognize the FRUD as a legitimate political party. The Government named two FRUD leaders to Cabinet positions in 1995. On February 7, the Government and the faction of the FRUD that had rejected the 1994 peace accord signed a new peace accord, ending FRUD opposition to the Government. Since April the two sides have been negotiating many issues, including a role for this faction of the FRUD in the Government. Two other legal political parties have existed since 1992, the National Democratic Party (NDP) and the Party for Democratic Renewal (PRD); neither holds a parliamentary seat or a cabinet level post. In 1997 the ruling party coalition that includes the FRUD party won all 65 seats in legislative elections, which took place without international observers and amid opposition claims of massive fraud. The judiciary is not independent of the executive.

The 8,000-member National Police Force (FNP) is responsible for internal security and border control, and is overseen by the Ministry of Interior. The Ministry of Defense oversees the army. The Gendarmerie Nationale, a police force responsible for the President's security, is an autonomous unit under the presidency. A small intelligence bureau also reports directly to the President. Civilian authorities generally maintain effective control of the security forces, but there were instances in which the security forces acted independently of the Government's authority. Some members of the security forces committed human rights abuses.

The country has little industry and few natural resources. Services provide most of the national income. Minor mineral deposits remain mostly unexploited. Only a tenth of the land is arable and only 1 percent is forested. Outside the capital city, the primary economic activity is nomadic subsistence. Citizens are free to pursue private business interests and to hold personal and real property. The part of the annual gross domestic product not generated by and for the foreign community,

which includes some 8,000 French citizens, is estimated at no more than $250 per capita annually. Unusually low rainfall caused drought conditions that negatively impacted some of the population. The Government did not pay the salaries of teachers, security forces, and civil servants for the 5 months prior to the end of the year.

The Government's human rights record remained poor; although there were a few improvements in some areas, serious problems remain. Although the 1999 presidential elections were considered generally fair, the 1997 parliamentary elections took place amid claims of massive fraud, and the RPP continues to control the political system to suppress organized opposition. Members of the security forces committed extrajudicial killings. There were credible reports that security forces beat, otherwise abused, and at times tortured detainees, and raped female inmates. There were credible reports that police beat protesters. Prison conditions remained harsh. The Government continued to harass and intimidate political opponents, and to arrest and detain persons arbitrarily. Prolonged detention and incommunicado detention remained problems. The judiciary is not independent of the executive and does not ensure citizens' due process. The Government infringed on citizens' privacy rights. The Government at times restricted freedom of the press. The Government limited freedom of assembly, and restricted freedom of association. While the Government respected freedom of religion in general, it discouraged proselytizing. There were some limits on freedom of movement. The Government remained antagonistic to the formation of human rights groups. Violence and discrimination against women persisted, and the practice of female genital mutilation (FGM) continued to be widespread. Discrimination on the basis of ethnicity and clan background persisted. The Government restricted unions and harassed and intimidated their leaders. Child labor exists.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Security forces committed several extrajudicial killings. On June 24, in a market in Balbala, police shot and killed Daher Guedi Fourreh, the nephew of Moumin Bahdon Farah, the leader of the opposition party Groupe pour la Democratie et Republique (GDR), because they mistook him for a smuggler. Police admitted he was shot by mistake and were investigating the shooting at year's end.

On October 13, while forcibly dispersing an unruly crowd demonstrating in support of Palestinians, police fired into the crowd, killing one person and injuring several others (see Section 2.b.).

On December 7, approximately 150 police officers, led by Police Chief Yacin Yabeh Galab, attempted to overthrow the Government (see Sections 1.c., 1.d., and 3); as many as 9 persons were killed and over 10 injured during clashes in front of the presidential offices between the police and the gendarmerie, who were supporting the President. A stray bullet also killed a person praying at a nearby Mosque.

The Government has not used landmines since signing the Mine Ban Treaty in 1997; however, the armed wing of the FRUD used landmines during its conflict with the Government. Both parties signed a peace accord in February, and efforts have begun since to demine the areas in which the FRUD operated. FRUD was cooperating with the Government to locate landmines laid in northern areas of the country. Landmines laid by the Government and FRUD forces in the 1990's remain in some areas of the country, especially in areas controlled by the FRUD prior to the peace accord (see Section 2.d.), and there were several deaths and injuries from landmine explosions during the year. On February 8, a military vehicle hit a landmine in Obock, killing one soldier and injuring four others. In March in Obock a landmine explosion seriously injured two children.

There were no reports of any action or investigation into the following 1999 cases of extrajudicial killings: The March death of a political detainee in the main prison; the April killings of Abdallah Ahmed Mohamed Rebeh, Moussa Abdallah, Ahmed Yagouri, and Ali Mohamed Ali "Derbi;" the August killing of eight persons in Tadjourah district when an army helicopter exploded; and the September killing of one person by police attempting to arrest Moussa Ahmed Idriss.

There were no reports of any action or investigation into the following 1998 cases of extrajudicial killings: The killing of one man when police shot into a crowd while attempting to make an arrest in downtown Djibouti and the killing of two Afar community elders near Assa Gueyla.

In March 1999, the Paris-based Association for the Respect of Human Rights in Djibouti (ARHRD), and an unidentified citizen presented a complaint in a French court against former President Gouled and President Guelleh alleging human rights violations, including summary executions. The complaint listed a series of human

rights abuses and judicial abuses dating back to 1995. No action was known to have taken place by year's end.

b. Disappearance.—There were no reports of politically motivated disappearances. In May 1999, police detained an Ethiopian guard at a private residence, allegedly because he was an illegal immigrant. The guard's whereabouts still were unknown at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution provides that no one shall be subjected to torture or to other inhuman, cruel, degrading, or humiliating punishments, and torture is punishable by 15 years' imprisonment; however, there continued to be credible reports that police and gendarmes beat, otherwise physically abused, and at times tortured prisoners and detainees.

On October 13, while forcibly dispersing an unruly crowd demonstrating in support of Palestinians, police fired into the crowd injuring several persons (see Sections 1.a. and 2.b.).

On December 7, at least 10 persons were injured during clashes in front of the presidential offices between the police and the gendarmerie (see Sections 1.a., 1.d., and 3).

There were widespread, although unconfirmed, reports that gendarmes and police beat, raped, or stole personal property from some of approximately 5,000 undocumented foreigners arrested and detained on December 21; most of those arrested were Ethiopian (see Sections 1.d., 1.f., 2.d., and 5).

Unlike in the previous year, there were no reports during the year that government security forces in the northern districts denied access to food and water to citizens who refused to declare loyalty to the Government and renounce the FRUD.

Landmine explosions resulted in at least one death and several injuries during the year (see Section 1.a.).

There was no known action taken against members of the security forces responsible for torturing, beating, or abusing the persons in the following 1999 cases: The April case of Saleh Mohamed Dini who reportedly was tortured while in custody; the April case of approximately 20 Afars reportedly subjected to physical violence while in detention in Obock district; and the May case of a civilian who reportedly was beat after he refused to walk on a landmine. In March 1999, an unidentified citizen in conjunction with the ARHRD presented a claim in a French court against President Guelleh and former President Gouled, alleging that he had been detained arbitrarily and tortured, and had suffered physical and psychological damage as a result. There were no reported developments in the case at year's end.

In previous years, there have been credible reports that security force personnel raped at least 120 Afar women in the northern districts of Obock and Tadjourah (see Section 5). In almost all of the cases, the victims did not press charges due to shame and fear. There were no reported cases of rape during the year, and there were no developments in the 1999 rape case of Zenaba Agoden.

Unlike in the previous year, there were no reports of clashes between unemployed citizens and Ethiopians in various parts of the capital.

In April unknown persons beat and robbed the cousin of Ali Dahan, a FRUD official, several days after the delegation of FRUD leaders returned to the country (see Sections 2.d. and 3); Dahan was residing at his cousin's residence. It still was unknown who the perpetrators were at year's end.

Prison conditions are harsh, and prisons are overcrowded severely. Gabode prison, built for 350 persons, at times housed nearly twice that number. The Government sometimes shortens prison terms to reduce overcrowding. The Ministry of Justice estimates that 60 percent of prisoners are illegal Ethiopian immigrants who have committed crimes in the country, but that the majority of the approximately 200 prisoners in Gabode prison at year's end were citizens. Children of female inmates under the age of 5 sometimes are allowed to stay with their mothers; authorities say that milk is provided for them. Prisoners reportedly must pay authorities to obtain food. Health care sources reported that prison guards raped female inmates. Women and men are detained separately. Several prisoners were reported to be suffering from untreated illnesses or gunshot wounds received during arrest. Medical care is inadequate, and the prison infirmary lacks sufficient medication. There are no educational or rehabilitation facilities within the prison. The lack of funding hampers the ability of Ministry of Justice officials to provide even minimal services. In principle juveniles are housed separately from adult prisoners; however, in practice this is not always the case.

In March 1999, Abdi Houfaneh Liban, a 35-year old political prisoner arrested in April 1998, died under unexplained circumstances. Djiboutian human rights groups in France asserted that Abdi's death was caused by harsh living conditions in the Gabode prison. Some opposition supporters believe that Abdi's death might have

been due to poisoning. A foreign journalist who visited the prison shortly after Abdi's death believes that Abdi died after taking incorrect medication. The journalist noted that the prison infirmary was stocked poorly and prisoners often were given incorrect medications.

Conditions at Nagad detention center, where Ethiopians and Somalis are held prior to deportation, also are extremely harsh. Detainees at Nagad are held in unsanitary conditions and often are not fed for several days before their deportation.

An International Committee of the Red Cross (ICRC) delegate from Kenya made quarterly visits to the main prison. In March a visiting delegation from the Organization of African Unity (OAU) Human Rights Committee visited Gabode prison. OAU observers stated that the conditions at the prison were desperate. The president of the Djiboutian Human Rights League (LDDH) was granted permission to visit prisoners in Gabode Prison during the year.

d. Arbitrary Arrest, Detention, or Exile.—Despite legal protections, arbitrary arrest and detention remained problems. The 1995 Penal Code stipulates that the State may not detain a person beyond 48 hours without an examining magistrate's formal charge. Detainees may be held another 24 hours with the prior approval of the public prosecutor. All persons, including those accused of political or national security offenses, must be tried within 8 months of arraignment. Nevertheless, the police occasionally disregarded these procedures, typically arresting persons without warrants, and sometimes detaining them for lengthy periods without charge. The penal code provides for bail and expeditious trial. Incommunicado detention is used.

On February 22, police detained and questioned for 7 hours Jean-Paul Abdi Noel, president of the LDDH, regarding a December 20, 1999, communique in which Abdi alleged government indifference to the populations of the Tadjourah and Obock districts. In March police again detained for 2 hours Abdi in conjunction with the same matter; he was not charged.

On March 6, Abdoulfatah Moussa Ahmed, the son of opposition leader Moussa Ahmed Idriss, was sentenced to 3 years' imprisonment and a fine of $129,980 (23 million DF) for misappropriation of public funds. He had been in provisional detention since June 22, 1999. He was released in April, and his appeal of the sentence was pending at year's end.

On May 30, police arrested five bus union leaders for organizing a strike to protest fuel price increases (see Section 6.a.). On May 31, police arrested 15 bus drivers and owners in connection with the strike. All were released after 2 days following an agreement to raise bus fares.

On June 3, police detained approximately 160 persons, mostly women and children, for blocking traffic in Djibouti City to protest the increased bus fares (see Section 2.b.). All were released after 1 or 2 days.

On December 21, gendarmes and police arrested and detained approximately 5,000 undocumented foreigners, most of whom were Ethiopian (see Sections 1.c., 1.f., 2.d., and 5). There were widespread, although unconfirmed, reports that gendarmes and police beat, raped, and stole personal belongings from some of those detained. Many of those detained were deported from the country by year's end.

In April 1999, authorities arrested more than 20 Afars in the Obock district for expressing support for the FRUD. After 4 days in detention in a military camp at Medeho, five men were released, one was detained further, and nine were transferred to a police prison near the capital. The remaining nine were released as a result of an amnesty granted in February (see Section 1.e.).

There were no developments in the 1999 cases of: Abdoulfatah Moussa Ahmed, who was rearrested in June 1999 and charged with an economic crime; and Saleh Mohamed Dini, chief of Mabla, who was arrested in April 1999 allegedly for insulting the President. Both remained in detention pending trials at year's end.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary is not independent of the executive. Constitutional provisions for a fair trial are not respected universally, even in nonpolitical cases, because of interference from the executive branch. The Minister of Justice officially is responsible for human rights.

The judiciary, based on the French Napoleonic code, is composed of a lower court, appeals courts, and a Supreme Court. The Supreme Court can overrule decisions of the lower courts. Magistrates are appointed for life terms. The Constitutional Council rules on the constitutionality of laws, including those related to the protection of human rights and civil liberties; however, its rulings are not always respected.

The legal system is based on legislation and executive decrees, French codified law adopted at independence, Shari'a law, and nomadic traditions. Urban crime is dealt with in the regular courts in accordance with French-inspired law and judicial practice. Civil actions may be brought in regular or traditional courts. Shari'a law

is restricted to civil and family matters. The Government promulgated a new law on judicial organization in August, which included the establishment of a National Committee for the Promotion and Protection of Human Rights and provided for the separation of the court system from the Ministry of Justice. The law was not implemented by year's end.

Traditional law (Xeer) often is used in conflict resolution and victim compensation. For example, traditional law often stipulates that a blood price be paid to the victim's clan for crimes such as murder and rape.

The Constitution states that the accused is innocent until proven guilty and has the right to legal counsel and to be examined by a doctor if imprisoned. Although trials are public officially, in politically sensitive cases security measures effectively prevent public access. Legal counsel is supposed to be available to the indigent in criminal and civil matters; however, defendants often do not have representation. Court cases are heard in public before a presiding judge and two accompanying judges. The latter receive assistance from two persons, assessors, who are not members of the bench, but who are thought to possess sufficient legal sophistication to comprehend court proceedings. The Government chooses assessors from the public at large, but credible reports indicate that political and ethnic affiliations play a role in the selection.

Human rights attorney Aref Mohamed Aref and his colleague Djama Amareh Meidal remained disbarred for alleged irregularities in their representation of a client in a 1994 commercial transaction.

On November 29, in honor of Ramadan, the Government announced that the President had signed a decree approved by the Council of Ministers, which granted a general amnesty to all prisoners serving sentences of 2 years or less, and reduced the sentences by 6 months of all prisoners serving sentences of more than 2 years. By year's end, the Government had released 201 prisoners in accordance with the amnesty.

From November 11 to 15, the Government sponsored a series of judicial assessment workshops to analyze the judicial system and to propose recommendations for strengthening the judiciary. The Government invited representatives from all opposition parties (see Section 3); however, some opposition leaders refused to participate because they had been invited in their personal capacity, not as political party leaders. Approximately 150 persons participated in the workshops, and the governmentowned media provided coverage of the event. The final workshop report and recommendations had not been completed by year's end.

In February 1998, the Committee for the Support of Political Prisoners (CSPP) was created. In 1999 the CSPP reported that the Government held 52 political prisoners, including 12 relatives of former cabinet director Ismael Guedi Hared who were arrested in October 1998, allegedly for hoarding weapons, and 40 FRUD dissidents who had been handed over by Ethiopian authorities or were FRUD rebels captured in clashes with the army. In March the Council of Ministers approved a law granting amnesty for political crimes committed by the FRUD prior to the signing of the peace accord. In February the Government released all FRUD political prisoners as a condition of the February peace accord; on February 10, the Government released 29 political prisoners, all members of the FRUD, and on February 12, the Government released an additional 18 political prisoners, including 11 followers of Ismael Guedi Hared. There were no remaining political prisoners at year's end.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the family, home, correspondence, and communications; however, the Government infringed on these rights. The law also requires that the authorities obtain a warrant before conducting searches on private property; however, in practice the Government does not always obtain warrants before conducting such searches, and it reportedly monitors and sometimes disrupts the communications of some Government opponents. On April 16, authorities searched the home and office of the Somaliland representative to Djibouti without a warrant and gave him 3 hours to gather his belongings and leave the country (see Section 2.d.). Unlike in the previous year, there were no reports that authorities harassed the family members of opposition leaders.

On December 21, gendarmes and police arrested and detained approximately 5,000 undocumented foreigners, most of whom were Ethiopian (see Sections 1.c., 1.d., 2.d., and 5). Unlike previous searches, police and gendarmes conducted a house to house search for these persons. Traffic into and out of entire neighborhoods was prohibited during the searches. Although unconfirmed, there were widespread reports that police beat, raped, or stole personal property from those who were arrested and detained.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, at times the Government restricted these rights in practice. The law prohibits the dissemination of false information and regulates the publication of newspapers. The Constitution prohibits slander.

The Government owns the principal newspaper, La Nation, which expanded publication from weekly to biweekly printings in 1999. There are several opposition-run weekly and monthly publications that circulate freely and openly criticize the Government.

On June 22, the Government deported Abdirazak Hadji Soufi and Muridi Aboubaker Mahdi, two delegates attending the Somalia Peace and Reconciliation Conference, after they criticized the Government for allegedly interfering in the conference process (see Section 2.d.).

In March the opposition newspapers Le Renouveau and Le Temps began publishing again following a 6-month ban imposed in 1999 following charges of distributing false information. The newspapers' editors had been arrested in August 1999 after Le Temps and Le Renouveau reprinted a letter in which the Paris-based FRUD leader Ahmed Dini claimed responsibility for the downing of an army helicopter. Both were released in December 1999 as part of a presidential amnesty.

In April the Government banned the importation and sale of the Somaliland newspapers Jamhuuriya and The Republican. The ban remained in effect at year's end.

The Government also owns the radio and television stations. The official media generally are uncritical of government leaders and government policy. On May 28, the British Broadcasting Corporation (BBC) began "World Service" in the country in conjunction with Radio-Television Djibouti (RTD), the official government station. The BBC and RTD plan to broadcast 24 hours a day in four languages on the radio. Radio France Internationale also broadcasts in the country.

In May the Government allegedly restricted the activities of BBC journalists covering the Somali Conference.

The country has one Internet service provider, which is owned by the Government.

There are no specific laws or criminal sanctions that threaten academic freedom. In general teachers may speak and conduct research without restriction, provided that they do not violate sedition laws.

b. Freedom of Peaceful Assembly and Association.—The right to free assembly is provided for in the Constitution; however, the Government limited this right in practice. The Ministry of Interior requires permits for peaceful assembly and monitors opposition activities. While permits generally are approved, the Government commonly uses a show of police force and threatening tactics to intimidate and discourage would-be demonstrators. Some opposition leaders effectively practiced self-censorship and, rather than provoke a Government crackdown, refrained from organizing popular demonstrations.

In June the Government refused a request by the ODU to organize a march for peace and democracy in celebration of Independence Day.

On June 3, police detained approximately 160 persons, mostly women and children, for blocking traffic in Djibouti City to protest increased bus fares (see Sections 1.d. and 6.a.).

On October 13, police used teargas to disperse an unruly crowd demonstrating in support of Palestinians in Djibouti City. A few police also fired into the crowd, killing one person and injuring several others.

The Constitution provides for freedom of association provided that certain legal requirements are met; however, the Government restricts this right in practice. A referendum held in 1993 approved limiting the number of political parties to four; however, this result has not yet been codified into law.

Nonpolitical associations must register and be approved by the Ministry of Interior. The Ministry has delayed registering the Djiboutian Human Rights League, which has been trying to register since May 1999. By year's end, it still was not registered.

c. Freedom of Religion.—The Constitution, while declaring Islam to be the state religion, provides for freedom of religion, and the Government generally respects this right in practice; however, proselytizing is discouraged.

The Qadi is the country's senior judge of Islamic law and was appointed by the Minister of Justice in June 1999. His predecessor was named Minister of State for Charitable and Religious Affairs under the Ministry of Justice—a position that was created in May 1999, when President Guelleh formed his Cabinet and declared that Islam would be a central tenet of his Government. Although Islam is the state religion, the Government imposes no sanctions on those who choose to ignore Islamic

teachings, or practice other faiths. Over 99 percent of the population is Sunni Muslim.

The Government requires that religious groups be registered. There were no reports that the Government refused to register any religious groups.

There is no legal prohibition against proselytizing, but proselytizing is discouraged. On a few occasions, police have questioned members of the Baha'i faith for possible proselytizing activities, but there have been no arrests.

Islamic law based on the Koran is used only with regard to family matters, and is administered by the Qadi. Civil marriage is permitted only to non-Muslim foreigners. Muslims are required to marry in a religious ceremony, and non-Muslim men only can marry a Muslim woman after converting to Islam.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution allows freedom of movement; however, there were instances in which authorities limited this right. In general citizens may travel or emigrate without restriction or interference; however, a judge may order a passport seized for those under judicial surveillance or awaiting trial. In March the Embassy of Djibouti in Paris refused to issue a passport to Ali Dahan, Permanent Representative of the FRUD to the Americas, prior to the return of exiled FRUD leaders to the country. On June 5, the Government refused to issue a passport to Aden Robleh Awaleh, president of the PND, to attend an African Leadership Forum in Nigeria (see Section 3); no passport was issued by year's end. On June 30, airport police prevented Bogor Abdillahi Bogor Moussa, a participant in the Somalia Peace and Reconciliation Conference, from boarding a plane for Puntland, in Somalia. In July the Government returned Aref Mohamed Aref's passport, which authorities had seized in December 1998. In August the Government returned the passport of GDR leader Moumin Bahdon Farah, which it had seized and kept in October 1998 despite a court order to return it.

Customary law, which is based on Shari'a (Islamic law), discriminates against women (see Section 5). Women are not permitted to travel without the permission of an adult male relative.

On April 15, after the Administration of Somaliland, in Somalia, prevented a delegation from the Djiboutian Government to deplane in Hargeisa, the Administration closed its border with Djibouti. On April 16, the Government closed its border with Somalia and expelled the Somaliland representative to Djibouti and his staff in retaliation. On June 22, the Government deported Abdirazak Hadji Soufi and Muridi Aboubaker Mahdi, two delegates attending the Somalia Peace and Reconciliation Conference (see Section 2.a.).

Landmines laid by the Government and FRUD forces in the 1990's remain in some areas of the country, especially in areas controlled by the FRUD prior to the peace accord, and landmines laid in Tadjoura and Obock districts restricted freedom of movement (see Section 1.a.).

The law provides for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government offers first asylum; however, the government committee responsible for determining refugees' status has not met since 1995. While the Government officially does not recognize those refugees under the protection of the U.N. High Commission for Refugees (UNHCR) absent this approval, the refugees are permitted to remain in the country.

The country hosts up to 100,000 refugees and illegal immigrants from neighboring countries, equal to approximately one-fifth of the population. These numbers have increased since January due to the drought in Ethiopia and the Ethiopian-Eritrean war in May. The UNHCR assists 21,000 Somali and 1,000 Ethiopian residents of the two remaining refugee camps. Approximately 2,500 Ethiopian and Somali urban refugees are registered with the UNHCR office in Djibouti City. In May and June, approximately 1,100 Somali refugees, who were living in a camp in Eritrea, fled to a temporary camp in Obock to escape the Ethiopian-Eritrean war. In October UNHCR began a facilitated repatriation of these refugees back to Somalia. All remaining refugees in Obock camp were repatriated, and the camp was closed by year's end.

In May UNHCR repatriated over 1,700 Ethiopian refugees who had fled to the country in 1984–85 and ceased to register Ethiopians as refugees. In previous years, the Djiboutian National Office for the Assistance of Refugees and Displaced Persons reported that it deported up to a thousand Ethiopians each week. Although the number of deportations still is believed to be high, no figures were available during the year.

There are reports that members of the security forces sometimes compel illegal immigrants to work for them under the threat of deportation.

On December 21, gendarmes and police arrested and detained approximately 5,000 undocumented foreigners, most of whom were Ethiopian (see Sections 1.c., 1.d., 1.f., and 5). Police and gendarmes cordoned off entire neighborhoods and conducted house to house searches for these persons. Although unconfirmed, there were widespread reports that police beat, raped, or stole personal property from those who were arrested and detained. Many of those detained were deported from the country by year's end.

There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their Government, and citizens exercised this right through a democratic process in presidential elections held in April 1999. RPP candidate Ismael Omar Guelleh, the designated successor of former President Hassan Gouled Aptidon, won the 1999 election with 74 percent of the vote. ODU candidate Moussa Ahmed Idriss received 26 percent of the vote. For the first time since multiparty elections began in 1992, no group boycotted the vote. Although Moussa Ahmed Idriss and the ODU challenged the results, alleging election "irregularities" and asserting that "foreigners" voted in various districts of the capital, international and domestic observers considered the election to be generally fair and transparent, citing only minor irregularities. All five of the districts were visited by at least 1 of the 22 international observers on election day. Observers representing the Arab League, the International Organization of Francophone States (La Francophonie), and the OAU issued a joint communique that expressed satisfaction with the transparency of the election, citing only minor technical problems. Representatives of both candidates were present in virtually all voting stations, and there was no ethnic strife among Afars, Yemenis, and Somalis. Large numbers of persons of all communities supported both candidates.

In the December 1997 legislative elections, the RPP alliance with the legal FRUD party won all 65 seats. The elections took place without international observers amid opposition claims of fraud.

The RPP, which has been in power since independence in 1977, continues to rule the country. The RPP also continues to control carefully the implementation of the four-party system to suppress any organized opposition. Previous efforts by both the legal and unrecognized opposition parties to unify also floundered due to disagreements among their leaders over who should lead a unified opposition. There is no independent election commission.

The 1994 peace agreement between the Government and the FRUD required that FRUD members be included in senior government positions. Two FRUD members were named to the Cabinet in June 1995, and in May 1999, two new FRUD members were appointed to the Cabinet: A former FRUD military commander was appointed to the Defense portfolio and another FRUD member assumed the Health portfolio. The government-recognized faction of the FRUD was registered as a political party in 1996. On February 7, the Government and the faction of the FRUD that had rejected the 1994 peace accord signed a new peace accord, ending FRUD opposition to the Government. The two sides were negotiating many issues at year's end, including the role of this branch of the FRUD in the government.

Government harassment of opposition leaders continued to be a problem; however, the number of incidents reportedly decreased during the year. On June 5, Aden Robleh Awaleh, president of the PND, was refused a passport to attend an African Leadership Forum in Nigeria (see Section 2.d.).

On December 7, approximately 150 police officers, led by Police Chief Yacin Yabeh Galab, attempted to overthrow the Government. As many as 9 persons were killed and over 10 others were injured during clashes in front of the presidential offices between the police and the gendarmerie, who were supporting the President (see Sections 1.a. and 1.c.). The coup followed months of nonpayment of police salaries by the Government and rumors that the President had fired Yacin (see Section 6.e.). On December 9, police arrested and detained Yacin and 12 others for attempting to overthrow the President (see Section 1.d.). On December 13, the magistrate in charge of the investigation charged the 13 with conspiracy and breach of state security and cited them with calling on citizens to take up arms illegally, carrying and making use of weapons of war, and damaging public property. The 13 remained in detention at Gabode Prison pending trials at year's end. On December 14, the President replaced Yacin as Police Chief with Colonel Ali Hassan.

Women are underrepresented in government and politics and have been excluded from senior positions in government and in the political parties even though they legally are entitled to participate in the political process. No women served in the

legislature. In May 1999, the President announced the appointment of the first female minister to his cabinet. Hawa Ahmed Youssouf serves as Minister of State for the Promotion of Women's, Family, and Social Affairs, and reports to the Prime Minister. Khadija Abeba, President of the Supreme Court, is the highest-ranking female official and, according to the Constitution, would become interim President should that position become vacant.

The President's subclan, the Issa Mamassans, wields disproportionate power in affairs of state. Afars hold a number of high Ministerial posts; however, they are not well represented at lower levels. Somali clans other than the Issa and Djiboutians of Yemeni origin are limited unofficially to one ministerial post each, which they hold. There also are informal limits on the number of seats for each group in the Parliament.

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

The Government does not support the formation of local human rights groups. The Association for the Defense of Human Rights and Liberties (ADDHL), which ceased operations in 1997, briefly resumed activity as a progovernment organization in 1998; however, it has not resumed its investigations into, or criticisms of, human right abuses.

The Committee in Support of Political Prisoners (CSPP) was formed in February 1998. The Committee's goal is to publicize the plight of political prisoners and mobilize support for the improvement of prison conditions and for the release of political prisoners.

The Djiboutian Human Rights League (LDDH) operated without government interference during the year.

The Union of Djiboutian Women (UNFD) and the Djiboutian Association for the Promotion of the Family (ADEPF) promote the rights of women and children.

The ICRC maintains a small office that is staffed with locally-hired personnel. The ICRC regional representative, who is based in Nairobi, makes quarterly visits.

In March the Government permitted a visit by a delegation of the OAU Human Rights Committee for the first time. The delegation met with senior government officials and had free access to prisons and human rights groups.

In October 1999, a presidential decree created the post of government ombudsman, and in November 1999, the first incumbent took office. In August the Government promulgated a new law on judicial organization, included the establishment of a National Committee for the Promotion and Protection of Human Rights; however, the Committee was not established by year's end.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of language, race, sex, or religion; however, discrimination against women and ethnic minorities persists. In particular the Government's enforcement of laws to protect women and children is weak.

Women.—Violence against women exists but reported cases are few. The Government remained concerned about the problem of rape, and the 1995 revised Penal Code includes sentences of up to 20 years' imprisonment for rapists. More than 80 such cases were tried during the year, but only a few led to conviction. Violence against women normally is dealt with within the family or clan structure rather than in the courts. The police rarely intervene in domestic violence incidents, and the media report only the most extreme examples, such as murder. In almost all the cases of the rape of Afar women by soldiers in recent years, the victims did not press charges due to shame and fear (see Section 1.c.).

Women legally possess full civil rights, but custom and traditional societal discrimination in education dictate that they play a secondary role in public life and have fewer employment opportunities than men. Few women work in managerial and professional positions; women largely are confined to trade and secretarial fields. Customary law, which is based on Shari'a (Islamic law), discriminates against women in such areas as inheritance, divorce, and travel (see Section 2.d.). Male children inherit larger percentages of an estate than do female children. Women are not permitted to travel without the permission of an adult male relative. The few women who are educated increasingly turn to the regular courts to defend their interests.

Children.—The Government devotes almost no public funds to the advancement of children's rights and welfare. A few charitable organizations work with children. Primary education is compulsory; however, the Government does not monitor compliance. The Government provides public education for free; however, there are

extra expenses that may be prohibitive to poorer families, such as transportation, book fees, and chalk. Many schools are in poor condition and need upgrading. The number of classrooms for secondary students is inadequate, and only approximately 20 percent of children who start secondary school complete their education. More than 53 percent of the population is illiterate: Only 32 percent of girls are literate compared with 60 percent of boys. Only 62 percent of girls attend primary school compared with 73 percent of boys, and only 23 percent of girls attend secondary school compared with 33 percent of boys. Girls made up only 36 percent of all secondary students. In November 1999, the Government reaffirmed its 1998 commitment to increase the number of female students in the educational system to 50 percent; however, there was no change in the number of female students or the literacy rate by year's end.

It is believed that as many as 98 percent of females age 7 or older have undergone FGM, which is condemned widely by international health experts as damaging to both physical and psychological health. FGM traditionally is performed on girls between the ages of 7 and 10. In 1988 the Union of Djiboutian Women (UNFD) began an educational campaign against infibulation, the most extensive and dangerous form of FGM. The campaign only has had a limited impact on the prevalence of this custom, particularly in rural areas, where it is pervasive. After the 1995 U.N. Women's Conference in Cairo, Egypt, the UNFD declared that all forms of mutilation should be forbidden. The Penal Code states that "violence causing genital mutilation" is punishable by 5 years' imprisonment and a fine of over $5,650 (1 million DF). However, the Government has not yet convicted anyone under this statute. The efforts of the UNFD and other groups appeared to be having some effect, at least in the capital city. In 1997 some health workers reported a precipitous drop in the number of hospitalizations related to FGM in Djibouti City. Many believe that the incidence of infibulation has decreased, although no systematic data was available on the problem. U.N. and other experts believe that lesser forms of FGM still were practiced widely and that infibulation still was common in rural areas.

Child abuse exists; however, except for FGM, it is not thought to be common. The Government has not addressed child abuse, which often is punished lightly; for example, when a child is raped or abused, the perpetrator usually is fined an amount sufficient to cover the child's medical care. The Government has not used applicable existing provisions of the Penal Code to deal with child abuse more severely.

Child labor persisted (see Section 6.d.).

People with Disabilities.—The Government does not mandate accessibility to buildings or government services for the disabled. Although disabled persons have access to education and public health facilities, there is no specific law that addresses the needs of the disabled, and there are no laws or regulations that prevent job discrimination against disabled persons. The disabled have difficulty finding employment in an economy where at least 60 percent of the able-bodied adult male population is underemployed or jobless.

National/Racial/Ethnic Minorities.—The Government continued to discriminate against citizens on the basis of ethnicity in employment and job advancement. Somali Issas are the majority ethnic group and control the ruling party, the civil and security services, and the military forces. Discrimination based on ethnicity and clan affiliation limited the role of members of minority groups and clans, particularly the Afar minority ethnic group, in government and politics.

The Government conducted periodic roundups of undocumented foreigners, which usually targeted Ethiopians and non-Djiboutian Somalis. On December 21, gendarmes and police arrested and detained approximately 5,000 undocumented foreigners, most of whom were Ethiopian (see Sections 1.c., 1.d., 1.f., and 2.d.). Although unconfirmed, there were widespread reports that police beat, raped, or stole personal property from those who were arrested and detained. The Government blames undocumented foreigners for the country's economy, unemployment rate, and rising crime.

Section 6. Worker Rights

a. The Right of Association.—Under the Constitution, workers are free to join unions and to strike provided that they comply with legally prescribed requirements; however, the Government limited these rights. In 1999 the Government took control of the two largest labor unions, the General Union of Djiboutian Workers (UGTD) and the Union of Djiboutian Workers (UDT). In May 1999, police broke into UDT offices and confiscated banners and the public address system that were to have been used in Labor Day ceremonies. At a July 1999 meeting, the Government elected its supporters to head the UDT and UGTD, and in September 1999, the Government took possession of union offices. The International Labor Organization (ILO) and the International Confederation of Free Trade Unions (ICFTU) criticized

the Government's actions. On December 1, 1999, the ILO reported that the situation of the country's unions had "gravely deteriorated." The ILO rejected the credentials of Government officials claiming to represent the UDT and UGTD at several international conferences.

At its June meeting, the ILO demanded the Government enact the labor resolutions it had signed in 1998. The ILO noted ongoing abuses by the Government in forbidding union meetings and preventing union officials from receiving their mail. Prior to the Government takeover, approximately 70 percent of workers in the small formal economy were members of the UDT or UGTD; however, since the takeover, there have been almost no independent union activities. The Djiboutian Labor Congress (CIDJITRA), composed of Ministry of Labor officials, created by the Government to counter the UDT and UGTD, did not appear to exist any longer.

The law requires representatives of employees who plan to strike to contact the Ministry of Interior 48 hours in advance. The Government did not pay the salaries of teachers, security forces, and civil servants for the 5 months prior to the end of the year (see Section 3). Teachers' strikes continued during the year, primarily to protest delays in salary payments. Beginning in May, there were periodic demonstrations by teachers and other civil servants protesting salary arrears (see Section 6.c.). The demonstrations generally took place on Thursday mornings and peacefully dispersed after 1 or 2 hours. Kamil Hassan, a schoolteacher, who previously had been detained in February 1997 as a leader of a teacher's strike, still was not permitted to teach in public schools. On May 30, police arrested five bus union leaders for organizing a strike to protest fuel price increases, which increased 33 percent on May 31 (see Section 1.d.). On May 31, police arrested 15 bus drivers and owners in connection with the strike, which ended on June 3.

The law permits unions to maintain relations and exchanges with labor organizations abroad. The UDT has been a member of the International Confederation of Free Trade Unions (ICFTU) since 1994.

b. The Right to Organize and Bargain Collectively.—Although labor has the legal right to organize and bargain collectively, collective bargaining rarely occurs. Relations between employers and workers are informal and paternalistic. Wage rates generally are established unilaterally by employers on the basis of Ministry of Labor guidelines. In disputes over wages or health and safety problems, the Ministry of Labor encourages direct resolution by labor representatives and employers. Workers or employers may request formal administrative hearings before the Ministry's inspection service; however, critics claim that the service suffers from poor enforcement, due to its low priority and inadequate funding. The law prohibits antiunion discrimination, and employers found legally guilty of discrimination are required to reinstate workers fired for union activities; however, the Government does not appear to enforce the law.

An export processing zone (EPZ) was established in 1994. Firms in the EPZ are exempt from the Government's social security and medical insurance programs. Instead they must provide either government or private accident insurance. Employers within the EPZ have authority to pay less than minimum wage, offer less annual leave than the rest of the country, and in the EPZ the work week is longer (see Section 6.e.). However, plans for the EPZ largely have failed; and it does little business and employs few people.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits all forced or compulsory labor, including by children; however, while the law generally is observed, there are reports that members of the security forces sometimes compel illegal immigrants to work for them under the threat of deportation. There were no reports of forced child labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits all labor by children under the age of 14, but the Government does not always enforce this prohibition effectively, and child labor, although not common, exists. A shortage of labor inspectors reduces the likelihood of investigation into reports of child labor. Children generally are not employed for hazardous work. Children may and do work in family-owned businesses, such as restaurants and small shops, at all hours. The law prohibits forced or compulsory labor, including by children, and there were no reports of forced child labor (see Section 6.c.). The Government ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—Only a small minority of the population is engaged in wage employment. The Government administratively sets minimum wage rates according to occupational categories, and the Ministry of Labor is charged with enforcement. The monthly wage rate for unskilled labor, set in 1976, is approximately $90 (15,840 DF). Most employers pay more than the minimum wage. Some workers also receive housing and transportation allowances. The minimum wage for unskilled labor does not provide adequate compensation for a worker and family to

maintain a decent standard of living. The Government owed 5 months worth of salary arrears to teachers, security forces, and civil servants at year's end (see Sections 3 and 6.a.).

By law the workweek is 40 hours, often spread over 6 days. Some employers ask employees to work up to 12 hours per day and pay them an additional wage. Workers are provided daily and weekly rest periods and paid annual leave. The Ministry of Labor is responsible for enforcing occupational health and safety standards, wages, and work hours. Because enforcement is ineffective, workers sometimes face hazardous working conditions, particularly at the port. Workers rarely protest, mainly due to fear that others willing to accept the risks may replace them. There are no laws or regulations permitting workers to refuse to carry out dangerous work assignments without jeopardy to continued employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports of persons being trafficked to, from, within, or through the country.

EQUATORIAL GUINEA

Equatorial Guinea nominally is a multiparty constitutional republic; however, in practice power is exercised by President Teodoro Obiang Nguema and the small Mongomo subclan of the majority Fang tribe, which has ruled since the country's independence in 1968. President Obiang, who has ruled since seizing power in a military coup d'etat in 1979, was elected to a 7-year term in February 1996 in elections that were marred by extensive fraud and intimidation. The President's Democratic Party of Equatorial Guinea (PDGE) controls the judiciary and the legislature; the latter was elected in elections in March 1999 that were criticized widely as seriously flawed by the international community. The judiciary is not independent.

President Obiang exercises control over the police and security forces through the Minister of the Interior, who also serves as President of the National Electoral Board. The Director General of National Security is the President's brother, Armengol Ondo Nguema. The security forces committed numerous, serious human rights abuses.

The majority of the population of approximately 474,000 lives by subsistence agriculture, supplemented by hunting and fishing. Unemployment and underemployment is very high. Barter is a major aspect of the economy, and the monetary sector is based on exports of petroleum, cocoa, and timber. Most foreign economic assistance was suspended due to the lack of economic reform and the Government's poor human rights record; however, in December 1999, the Government of Spain resumed aid. The per capita gross domestic product is approximately $1,800. Earnings from offshore oil exploitation are approximately $140 million per year. However, the investment and other use of oil revenues lacked transparency despite repeated calls in previous years from international financial institutions and citizens for greater financial openness. Poor fiscal management and a lack of public accounting transparency in national finances have undermined the country's economic potential. Little evidence is apparent that the country's oil wealth is being devoted to the public good.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. Citizens do not have the ability to change their government in fair elections. The security forces committed a number of abuses, including torture, beating and other physical abuse of prisoners, suspects, and opposition political members. The Government continued to attempt to control opposition groups outside its borders by kidnaping citizens living in other countries. The victims of government kidnapings are detained (usually without charge), reportedly beaten or tortured, and later released. Prison conditions remained harsh and life threatening. There were reports that prison authorities tortured, beat, and otherwise abused prisoners, and that such abuse, combined with a lack of medical care, resulted in the deaths of prisoners. Prisoners often are subjected to torture to extract confessions. Security forces used arbitrary arrest, detention, and incommunicado detention. The judicial system continued to fail to ensure due process and remained subject to executive pressures. The Government restricted the right to privacy, and security forces conducted searches without warrants. Members of the security forces generally commit abuses with impunity. The Government severely restricted freedom of speech and of the press. It continued to restrict the rights of assembly and association. The Government continued to limit freedom of religion and freedom of movement. There were no effective domestic human rights nongovernmental organizations (NGO's). In 1999 the Government promulgated a law that further restricted NGO's and precluded them from functioning in the area of human

rights. Violence and discrimination against women remained a serious problem. Discrimination against ethnic minorities, particularly the Bubi ethnic group, and foreigners continued. During the year, the Government restricted labor rights; no labor unions exist. Child labor persists, and forced prison labor is used.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of extrajudicial killings. Unlike in previous years, there were no reports that security forces committed extrajudicial killings.

There have been reports that prison authorities tortured, beat, and otherwise abused prisoners, and that such abuse, combined with a lack of medical care, resulted in the deaths of prisoners.

The Government did not prosecute any members of the security forces considered responsible for extrajudicial killings in previous years.

On January 21, 1998, in the town of Luba on the island of Bioko, noncommissioned officers Felix Ndong Ondo, Mauro Era Nguema, and Alberto Nsue were killed. The Government claimed that they had been killed by armed men leading a revolt by ethnic Bubis organized by the Movement for Self-determination of Bioko (MIAB); MIAB denied involvement. There were unconfirmed reports of similar attacks and killings in the towns of Moka and Bako Grande. No independent observers were able to visit any of these towns or confirm the Government's account. A military court convicted 63 persons, 15 of whom were sentenced to death although the President subsequently commuted their sentences to life in prison (see Section 1.e.).

b. Disappearance.—In previous years, there were unconfirmed reports of politically motivated disappearances; however, during the year, there were no reports of disappearances.

The Government continued to attempt to control opposition groups outside its borders by kidnaping citizens living in other countries (see Section 1.e.). Such individuals reportedly are detained, questioned, and tortured before being released (see Sections 1.c., 1.d., and 2.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution mandates respect for the liberty and dignity of persons, but does not specifically prohibit torture or cruel or inhuman punishment, and members of the security forces tortured, beat, and otherwise abused suspects and prisoners. The level of these abuses is serious. A number of prisoners still are under sentence from the alleged revolt of 1998 (see Section 1.a.), and the U.N. Special Representative confirmed reports of their abuse and torture in November 1999.

Officials reportedly detained, interrogated, beat, and tortured opposition political activists (see Section 1.d.).

The Government continued to attempt to control opposition groups outside its borders by kidnaping citizens living in other countries (see Section 1.e.). Such individuals reportedly are detained, questioned, and tortured before being released (see Section 2.d.).

Local authorities singled out foreigners from neighboring countries for harassment such as verbal intimidation and extortion. Several thousand citizens of Nigeria, Ghana, and Francophone Africa continue to reside in the country; most are small traders and businesspersons (see Section 5).

During the campaign period prior to the May municipal elections, there were reports that government security forces beat and detained opposition politicians daily (see Section 3.)

Milagrosa Obono Ndong, a voting station representative for the Social Democracy Convergence Party (CPDS), was detained by security forces to prevent her presence on election day. While in custody she reportedly was raped by Jose Luis Abaga Nguema, the district judge of Evinayong.

Conditions in prisons and jails are harsh and life threatening. In a 1999 study, a governmental body cited the extremely poor conditions of nearly all penal establishments. According to the government investigation, inmates are held without access to necessities including: food; medical care; working toilets or latrines; drinkable water; clean and healthful living space; and minimum equipment (e.g. beds). For example, the government investigation found the prison in Bata to be in an advanced stage of deterioration and unfit for human habitation. The prison had no food, medical care, or sanitation facilities; and beds and blankets were not provided.

In March 41 Bubi prisoners, who were convicted of crimes associated with the January 1998 unrest and formerly held at Malabo prison, were moved to a mainland prison at Evinayong. The prison is approximately 300 miles from their homes and

families which made it difficult or impossible for the families to bring them medicines, food, and moral support. An ICRC representative visited them in April, but they have not been seen subsequently by international observers.

There have been reports that prison authorities tortured, beat, and otherwise abused prisoners, and that such abuse, combined with a lack of medical care, resulted in the deaths of prisoners. The CNDHGE reported in 1999 that there was a lack of medical care, but stated that the prisoners were not mistreated; Amnesty International reported during the year that eight prisoners died as a result of torture and lack of medical assistance in 1999. Furthermore, the U.N. Special Representative reported in November 1999 that on October 19, 1999, Dingo Sepa Tobache died at the Malabo prison as the result of injuries caused by beatings and excessive mistreatment by guards during his incarceration.

In November 1999, the U.N. Special Representative reported that when he visited the Malabo prison, he witnessed eight persons being held in cells measuring approximately 4.92 feet by 2.3 feet. A ninth prisoner normally held in the same cells had been hospitalized a few days earlier for a serious illness. The Special Representative was told that these prisoners were among those condemned to death for the events of January 1998, but whose sentences were later commuted to life imprisonment. The U.N. Special Representative confirmed that the nine persons were held in those cells permanently and were not allowed outside; that they received no medical care, although all of them were suffering from illnesses due to the prison conditions and the torture that they had suffered before trial; that their food was inadequate; and that they were allowed no contact with their families. All of the prisoners were in poor physical condition. The U.N. Special Representative also confirmed that the Bata gendarmerie detained and tortured Dr. Antimo Oyono Mba and Dr. Joaquin Mbana Nchama of the UP by beating them on the soles of their feet.

Male and female prisoners were not held in separate facilities, nor were adult and juvenile prisoners. The CNDHGE reported that prisoners and prison authorities subjected female prisoners to sexual assaults.

In its 1999 study, a government investigation noted that prisoners were exploited as virtual slaves by local judges and by administrators of the prisons. Prisoners told the investigators that they were used habitually as labor for others and as workers on construction projects for certain officials, without pay or other compensation. The U.N. Special Representative found that Juan Obiang Late, a man detained at the police headquarters in Bata, (see Section 1.d.) was taken from the jail to do work for an official in 1999. Judges also reportedly used prisoners as domestic workers.

There are no local NGO's other than the government-controlled CNDHGE; as a result, there are no local NGO's that visited prisons or promoted prisoners' rights. Prison conditions ostensibly are monitored by the International Committee of the Red Cross (ICRC), which historically has made recommendations to the Government; however, the head of the regional ICRC office was not granted access to any prisons or detention centers during the first 11 months of 1999. In October 1999, a government body recommended that the Government enter into a dialog with the ICRC; as a result, the ICRC director was granted access in December 1999 to the prisons under the jurisdiction of the Minister of Justice. The ICRC visited some prisoners during the year, for example, in April inmates at Evinayong prison who had recently been moved from the Malabo prison. Another ICRC prison visit is planned for March 2001.

d. Arbitrary Arrest, Detention, or Exile.—There are nominal legal procedural safeguards regarding detention, the requirement for search warrants, and other protection of citizens' rights; however, these safeguards are ignored systematically by security forces, which continued to arrest and detain persons arbitrarily.

Police routinely hold prisoners in incommunicado detention. Foreigners from neighboring countries sometimes are targeted for arbitrary mistreatment and random arrest. In previous years, these included visitors and residents from Nigeria, Ghana, Togo, and Benin. Members of the security forces extorted money from them; however, reportedly such incidents were reduced during the year, and most checkpoints on the road from Luba to Malabo and within Malabo were removed.

Security forces often detain individuals "on orders from superiors" without any further formality. For example, authorities, after receiving orders from their superiors detained Teodoro Abeso Nguema and Juan Obiang Late, beginning respectively on November 9 and 11, 1999, at the Bata prison. According to Nguema, both men were detained because they copied an article on the health of President Obiang from the Internet (see Section 2.a.).

Security forces detained relatives of prisoners or criminal suspects in an attempt to force the prisoners or suspects to surrender. For example, in October 1999, the CNDHGE found that Candida Nsue Mba had been held for 2 months at Bata prison

as a hostage for her daughter who had escaped; at Nzok Nzomo prison, Monica Mangue was held hostage for her daughter; and the Mikomeseng and Anisok prisons each held a woman hostage against the appearance of their daughters.

During the year, the Government arrested political activists and detained them without charge for periods up to several weeks during which time officials reportedly interrogated, beat, and tortured them (see Section 1.c.). For example, in September authorities in Bata arrested Francisco Nsue Masie, the Director of Public Works and son of former president Macias Nguema, and others and charged them with conspiracy against the State; they were transferred to the prison in Malabo. There were unconfirmed reports that these detainees were tortured (see Section 1.c.). Nsue Masie and the others remained in custody at year's end, pending a trial. Political detentions seldom lasted more than a few months. It was difficult to estimate the number of political detainees, although it was believed to be less than 100 persons. The Government used the psychological effects of arrest, along with the fear of beatings and harassment, to intimidate opposition party officials and members.

In September 1999, authorities arrested and detained Placido Miko Abodo, Secretary General of the opposition CPDS. Miko was held for a week, and upon his provisional release, he was told to report to the authorities in Bata twice a month; however, no formal charges ever were made against him. At year's end, Miko's case reportedly remained in the hands of a military examining magistrate.

Following the 1998 revolt, approximately 500 ethnic Bubis reportedly were arrested and interrogated (see Section 1.e.); however, reliable information on the number and identities of detainees was not available readily. The majority of them were released, although 15 were tried and sentenced to death, but they had their sentences commuted to life imprisonment by President Obiang later in 1998.

There was a report that Mariano Oyono Ndong of the opposition Democrat Republican Front (FDR) was confined to the limits of his town for 3 years beginning in June 1997, without any judicial action (see Section 1.e.). He was released in mid-year.

Authorities often detain both men and women for failure to repay a dowry following the dissolution of a marriage; however, only divorced women or their responsible male relatives are imprisoned for not repaying a dowry. These cases arise from customary law, where the amount of money or goods due is set by traditional courts. A government investigation documented that as many as 20 persons were detained solely for failure to repay dowries, including Victoriana Abuy and Veronica Monanga at Mbini prison and Mariano Nsue Ela and Juan Esono Nguema at Nkue prison; two women at Mikomeseng; five men at Ebibeyin; one man at Nzok Nzomo; three persons at (Anizok; and two men (one 85 to 90 years of age) at Akonibe. Their detention was not limited by the 72 hours established by law even for those suspected of crime.

During the year, government security forces on occasion detained employees of foreign oil companies. Police detained an employee of a foreign oil company for a short period in August for alleged irregularities in processing the import of equipment. The driver for an oil company alleged that police detained and beat him openly.

The Government continued to attempt to control opposition groups outside its borders by kidnaping citizens living in other countries (see Section 1.e.). Such individuals reportedly are detained, questioned, and tortured before being released (see Sections 1.b., 1.c., and 2.d.).

Security forces responsible for arbitrary arrest and detention and other abuses were not held accountable for their actions. The U.N. Special Representative noted that some executive officials closely related to the security apparatus of the Government are treated as being above the law. For example, Francisco Mba Mendam, a government delegate from Micomeseng, remained free, despite having been sentenced in October 1999 to 30 years in prison for the murder of a former ambassador to France; he received a presidential pardon in November.

The Government does not use forced exile; however, some persons have fled the country for political reasons.

e. Denial of Fair Public Trial.—The Constitution provides for judicial independence; however, the judiciary is not independent. Judges serve at the pleasure of the President, and they are appointed, transferred, and dismissed for political reasons. Corruption is widespread.

The court system is composed of lower provincial courts, two appeals courts, a military tribunal, and a Supreme Court. The President appoints members of the Supreme Court, who report to him and take their orders from him in practice; the President is the most powerful member of the judicial branch. Tribal elders adju-

dicate civil claims and minor criminal matters in traditional courts in the countryside.

There are no objective criteria for the selection of judges below the Supreme Court; the law allows the Ministry of Justice to undertake periodic inspections and name judges. A government investigation noted in its 1999 report that some judges are regularly absent from their posts, resulting in delays in judicial proceedings. As a result of absences by judges, prisoners remain detained at police stations awaiting hearings for longer than the 72 hours prescribed by law and the jails available become even more overcrowded and unsanitary. Some persons are detained indefinitely as an alternative to formal arrest, trial, and imprisonment; they are held without any intention of formal judicial action.

In August 1999, the Government created a Special Commission on Corruption to address court corruption. In January the President fired a substantial number of judges, including members of the Supreme Court. The firings reportedly were the result of the courts' diverting $7 million from their budgets between 1996 and 1999. Following completion of the investigation by the Special Commission on Corruption, the President of the Supreme Court and two other justices, together with the secretary of the court, were implicated in corruption and replaced. Five other justices were not implicated and either were returned to the Supreme Court or promoted to other positions. The President of the Constitutional Court, one justice, and the attorney for that court also were implicated and removed from positions of responsibility.

The Constitution and laws passed by the Chamber of Deputies provide for legal representation in trials and the right to appeal. In practice the authorities often do not respect these provisions. Civil cases rarely come to public trial. Cases involving national security are tried by the military tribunal. Cases that are essentially political in nature frequently are referred to military courts, even when the defendants are civilians and the charges are not related to the military. The 1945 Code of Military Justice permits persons who disobey a military authority to be tried in a military tribunal whether or not they are civilians. The military courts do not provide for due process or other procedural safeguards, and their proceedings are not made public. For example, the case of Placido Mico, the civilian opposition leader, was heard in secret by a military judge (see Section 1.d.). Two other FDR members, Mariano Oyono Ndong and Carmelo Biko Ngua, were tried in 1999 by a military tribunal; they remained in custody in June, and there was no indication that they had been released at year's end.

The Government holds a number of political prisoners. In May 1998, the Government conducted a public trial before a military tribunal of 116 persons allegedly involved in the January 1998 revolt on Bioko island. The defendants were charged with terrorism, undermining state security, and illegal possession of weapons. Many defendants claimed that the Government obtained confessions from them by torture (see Section 1.c.). At their trials in 1998, some defendants were found to be suffering from broken jaws, inflamed testicles, and other conditions indicative of torture; however, the president of the military tribunal refused to allow defense lawyers to raise the question of torture. The conduct of the trials drew universal criticism. The tribunal found 63 persons guilty on at least 1 charge and acquitted 53 of all charges. It sentenced 15 convicted defendants to death, and sentenced the other 48 to terms ranging from 6 to 26 years in prison. The 15 condemned to death were the only defendants absent from the court when the sentences were announced. President Obiang in 1998 commuted their sentences to life imprisonment.

Two members of the ruling Mongomo clan and of the banned FDR party, former Education Minister Felipe Ondo and former Planning Minister Guillermo Nguema, remained in prison. In 1998 they were convicted of libel against the Government and sentenced to 30 months' imprisonment in 1998, after Equatoguinean security forces repatriated them involuntarily from Gabon with the consent of the Government of Gabon (see Section 2.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law requires judicial warrants for searches; however, the Government does not enforce the law in practice. Security forces regularly search homes and arrest occupants, and they generally do so with impunity.

There reportedly is government surveillance of members of the opposition parties and foreign diplomats.

For lawyers, government employees, and some others, PDGE party membership is necessary for employment and promotion. Even in the private sector, many citizens claim that party membership is required in order to be hired.

According to credible sources, in previous years, citizens living in rural areas were hesitant to associate with or even be seen with foreigners, due to the fear of reper-

cussions from the authorities; however, there were no reports of such behavior during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press.—The Constitution provides for freedom of speech and of the press; however, the Government severely restricted these rights in practice. Journalists practice self-censorship.

The Government allows mild criticism of infrastructure, public institutions, and public sector mismanagement and permitted some increased criticism of minor administrative decisions; however, it permits no criticism of the President or the security forces. All journalists must be registered with the Ministry of Information. According to press sources, there are approximately 12 independent reporters registered with the Ministry of Information. Between 30 and 40 reporters employed by the official party or government publications also are registered. In previous years, visiting foreign reporters were required to be accompanied by guides from the Ministry of Information; however, during the year, a journalist traveled unescorted.

In April 1999, shortly before a national symposium on press liberty was scheduled, the Minister of the Interior ordered the removal of the democratically elected president of the Press Association (ASOPGE), Manuel Nze Nzogo, even though the ASOPGE was a legally recognized association. The reason given was that Nzogo supposedly was not qualified properly for the position; he remained removed from his position during the year and ASOPGE was inactive.

There are five general-interest newspapers that were published regularly: La Gaceta, a Malabo-based publication with informal connections to the Government, which was published monthly; El Correo Guineo Ecuatoriano, a bimonthly newspaper published by the Gaceta group; La Opinion, an opposition newspaper that was published every 2 to 3 weeks; El Tiempo, an opposition newspaper that published its first edition on December 30; and Ebano, a publication of the Ministry of Information, Tourism, and Culture, which appeared about twice a month. There was also a magazine (AYO) that was published by students at the university and a monthly cultural review, El Patio, published by the Guinean-Hispano Cultural Center. The PDGE published La Voz del Pueblo, and the opposition CPDS published La Verdad, which appeared one or two times per year.

The 1992 press law reportedly is based on Spain's 1967 Franco-era press law and authorizes government censorship of all publications. In previous years, the Ministry of Information sometimes required publishers to submit copy for approval prior to publication; however, the practice reportedly has ended. All local publications exercise self-censorship and were subject to prior restraint. Few foreign publications were available for sale, and security forces confiscated literature from Spain that was critical of the Government.

Radio is the most important medium of mass communication. The Government continued effectively to dominate domestic radio broadcasting. It owns and operates Radio Malabo; however, it received some competition from Radio France International on the FM band, which has transmitted from Malabo since 1995. In 1998 the Government permitted the establishment of the country's first private domestic radio station, the FM station Radio Asonga. However, that station reportedly is owned by the Minister of Forestry, Environment, and Fisheries, Teodoro Obiang Nguema, the son of the President. The Government has not approved the one or two other applications to operate private radio stations that have been pending for several years.

The domestic television station is government controlled and broadcasts only a few hours a day. Television Asonga, owned by President Obiang, broadcast by cable only in Bata. Foreign cable television is available, and offers the Cable News Network, French news, movies, sports events, and cartoons, but relatively few citizens can afford it. Satellite reception is increasingly available.

The Government generally withholds access to domestic broadcasting from opposition parties and rarely refers to the opposition in anything but negative terms when broadcasting the news.

Radio Exterior, the international short-wave service from Spain, often broadcasts news about the country and interviews with opposition politicians. It is virtually the only means for the opposition to disseminate its views and positions widely. Its editorials, like those of most of the Spanish media, often are highly critical of the Government. The Government regularly accused Radio Exterior—sometimes with justification—of misrepresenting the situation in the country, and in 1998 it asked the Spanish Government to halt broadcasts that "may provoke problems."

Internet service is available, although access is expensive, and computer ownership is not widespread. In late 1999, two men were arrested for possessing an article

taken off of the Internet that referred to the health of the President (see Section 1.d.).

The Government recognized respect for academic freedom and encouraged educators and students to work "peacefully and in harmony with the moral guidelines of the society;" however, it imposed a few limits on academic freedom. During the year, students at the National University wrote a letter to the rector complaining about their food and housing. The students were brought before the President in March, publicly berated for their lack of gratitude for free accommodations, and then immediately evicted from the student housing.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly; however, the Government restricts this right in practice. Government authorization must be obtained for meetings of more than 10 persons in private homes for discussions that the Government considers political. Although the Government formally has abolished permit requirements for party meetings within party buildings, in practice opposition parties must inform the authorities in order to hold gatherings of any kind, regardless of location. Security forces generally observe gatherings in public places, even small gatherings. The Government required notification for public events and routinely denied permission for such events.

The Government required that the Catholic NGO Autonomous Rural Development (DAR), in the diocese of Ebibeyin, inform the locally appointed official delegate each time that it had a board meeting. The DAR complied with the requirement and received permission to meet, but the local delegate insisted on being present during the meetings. The DAR refused to hold meetings with the delegate present, and consequently it did not meet during the year (see Section 2.c.).

The Constitution provides for the right of association; however, the Government restricted this right in practice. The law prohibits the formation of political parties along ethnic lines. A 1999 law on NGO's does not permit such groups to defend or promote human rights; any group attempting to do so is considered to be illegal (see Section 4); however, no groups were prosecuted during the year for attempting to promote human rights.

Police routinely harass and detain members of opposition parties (see Section 1.d.). Reportedly the Government bribed members of the opposition. Opposition party members complained of disruption of meetings and of roadblocks at which they are forced to pay soldiers in order to proceed.

The Progress Party (PP) of Severo Motto appealed a 1997 decision by the Government in which the PP was declared illegal. The Court of Appeals upheld the suspension of their right to operate, and, during the year, the Supreme Court confirmed the decision of the Court of Appeals. The PP was banned because Motto was accused of organizing an attempted coup d'etat in 1996. The FDR has sought recognition since 1995 unsuccessfully; FDR directors are in jail in Malabo and Bata (see Section 1.d.). The Independent Democratic and Social Party (PIDS) also sought recognition unsuccessfully. The Movement for the Self-determination of Bioko (MIAB), an ethnic political party, is illegal (see Section 3). Reportedly MIAB was banned in reaction to its alleged role in the January 1998 unrest; subsequently, legislation made ethnic political parties illegal.

On several occasions the Government reportedly attempted to force opposition members or officials to join the PDGE party (see Section 3).

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, in practice the Government limits this right in some respects.

The Government continued to restrict the freedom of expression of the clergy, particularly regarding any open criticism of the Government. The Government requires permission for any religious activities outside the church building, but in practice this requirement did not appear to hinder organized religious groups.

Religious groups must be approved by and registered with the Ministry of Justice and Religion in order to function legally; however, there were no reports that the Government refused to register any group. The approval process usually takes several years, but such delay apparently is due primarily to general bureaucratic slowness and not the result of a clear policy designed to impede the operation of any religious group.

The Government required that the Catholic NGO Autonomous Rural Development (DAR), in the diocese of Ebibeyin, inform the local delegate each time that it had a board meeting. The DAR complied with the requirement and received permission to meet, but the local delegate insisted on being present during the meetings. The DAR refused to hold meetings with the delegate present, and consequently it did not meet during the year (see Section 2.b.).

Religious study is required in schools and is usually, but not exclusively, Catholic.

In February 1998, security forces arrested a priest, Father Eduardo Losoha Belope, a member of the Bubi ethnic group and president of the Malabo chapter of

the Catholic nongovernmental organization Caritas, in connection with the January 1998 revolt. Father Belope remained in detention at year's end, and was one of the Bubi prisoners transferred in March from Bioko island to Evinayong on the mainland (see Section 1.c.).

In July 1998, the Archbishop of Malabo, Laureano Ekua Obama, stated publicly that the Government now required Catholic priests to obtain government permission before celebrating mass and commented that the Government did this because the church repeatedly criticized human rights violations, social injustice, and corruption in the country. The Archbishop also stated that government harassment made it very difficult to be a Catholic priest in the country. Nonetheless, a 1992 law includes a stated official preference towards the Catholic Church and the Reform Church of Equatorial Guinea due to their traditional roots and well-known influence in the social and cultural life of the populace. For example, a Roman Catholic mass is normally part of any major ceremonial function such as the October 12 national day.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for freedom of movement and travel throughout the country; however, the Government limits these rights in practice. Local police routinely demand bribes from occupants of cars, taxis, and other vehicles traveling outside the capital. The police routinely stoped citizens, particularly members of the opposition, at roadblocks, subject them to searches, and extort money from them; however, during the year, the Government eliminated a number of checkpoints between Malabo and Luba and in the vicinity of Bata. Members of the Bubi ethnic group on the island of Bioko were unable to move about freely, according to credible sources. Roadblocks throughout the island prevented Bubis from traveling easily between villages.

During his 1999 visit, the U.N. Special Representative confirmed that the existence of roadblocks substantially limited the freedom of movement, both on Bioko and on the mainland. The Government justified these roadblocks as customs controls to compensate for its inability to control the country's borders effectively. In November 1999, the Special Representative was stopped after taking a photograph of cars waiting at one such barrier, but he was released shortly thereafter. The Special Representative also concluded that these roadblocks effectively restricted the freedom of movement of members of the opposition and prevented them from either leaving or returning to their hometowns.

All citizens are required to obtain permission to travel abroad from the local Police Commissioner, and members of opposition parties regularly were denied this permission. Those who do travel abroad sometimes were interrogated or detained upon their return. However, several prominent members of opposition parties were able to travel abroad without hindrance during the year.

Government officials attempt to control the movements of citizens by refusing exit visas or denying or confiscating passports. During the campaign prior to the municipal elections in May, opposition politicians complained that the Government prohibited them from traveling from town to town to campaign.

The Government is a signatory of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. During recent years, an average of one or two persons a year, from Mauritania, Nigeria, or the Congo, requested refugee or asylee status in the country. The Government provides first asylum and generally grants asylum requests. Although security forces reportedly have harassed asylum seekers in past years, there were no reports of such harassment during the year. The police reportedly continued to harass several thousand citizens of Nigeria, Ghana, and Francophone Africa most of whom are small traders and businesspersons (see Section 5) as well as harassing asylum seekers on an individual basis.

There were no reports of the forced return of any persons to a country where they feared persecution.

The Government continued to attempt to control opposition groups outside its borders by kidnaping citizens living in other countries (see Section 1.e.). Such individuals reportedly were detained, questioned, and tortured before being released (see Sections 1.c. and 1.d.).

In September 1997, 12 Equatoguinean refugees and their families in Cameroon were detained by Cameroonian security forces—ostensibly for their own protection—at a military base in Yaounde. The majority of the heads of family are former military officers and consider themselves in opposition to the Government. All have been granted refugee status by the U.N. High Commissioner for Refugees. In October 1999, the Cameroonian press reported that two of the refugees had escaped from the base and met with others to plot a coup attempt against the Government of Equatorial Guinea. They were arrested in Douala and returned to Yaounde. In mid-October 1999, senior government officials reportedly requested their extradition to Equatorial Guinea, which the Cameroonian Government did not grant. In July three

of the former officers disappeared from the base in Cameroon after undergoing final processing for resettlement, and at year's end, they had not been found. The other nine refugees have been resettled with their families in another country.

The Government continued to demand that the Spanish Government repatriate Severo Moto, leader of the now-banned Progress Party (see Section 2.b.), who led an attempt to overthrow the government by armed force in 1996 and to whom the Government of Spain had granted asylum in 1997.

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

The Constitution provides citizens with the right to change their government peacefully; however, in practice there have been no free, fair, and transparent elections since independence in 1968. The President exercised complete power as head of state, commander of the armed forces, and leader of the government party, the PDGE. Leadership positions within the Government in general were restricted to the President's Mongomo clan of the Fang ethnic group and its closest supporters. The elected Chamber of Deputies was dominated completely by the Government. The Minister of the Interior also acted as President of the National Electoral Board.

Significant segments of the political opposition either remained banned or had yet to be recognized by the Government by year's end, including the FDR, the Progress Party (PP), the Independent Democratic and Social Party (PIDS), and the Movement for the Self-Determination of Bioko (MIAB)(see Section 2.b.).

The February 1996 presidential election, in which President Obiang claimed reelection with 98 percent of the vote, was considered openly fraudulent by international observers. Some opposition politicians who campaigned were beaten and jailed. Voting was done in the open and without secrecy, with opposition parties allegedly being barred from access to polling areas. There were credible reports of widespread arrests and violence against opposition party members before the elections, as well as of beatings, roadblocks, stuffed ballot boxes, and the presence of security forces. Most opposition parties, claiming that it was futile to run amidst such blatant corruption, boycotted the election.

In 1997 the Government and 13 political parties promulgated a revised national pact following 3 months of debate. The pact called for the creation of a multiparty electoral commission and an observance commission to monitor compliance with the agreement. The pact also stipulated an end to various political and electoral abuses and the extension of voting rights already nominally provided in the Constitution. However, the Government has not abided by most of the pact's provisions. Opposition activists reported that the Government made virtually no effort to implement the pact. The Government's refusal to issue exit visas to some opposition figures violates the pact's principle of freedom of travel. The continued arrests of CPDS, UP, and FDR activists further undermined the Government's claims that it abides by the pact, as did its continued restrictions on freedom of movement and the continued lack of access to government media by the opposition.

In 1998 the Government enacted a new electoral law that mandates the replacement of open voting by secret ballots in future elections but prohibits coalitions between political parties. Nevertheless in December five opposition groups including the CPDS, Front for Democratic Opposition (PSD), PP, Progressive Democratic Alliance (ADP), and the Popular Union (UP) joined to form the Front of Democratic Opposition (FOD). At year's end, the Government had not responded to this action.

The legislative elections that should have been held in the fall of 1998 were postponed until March 1999. The new electoral census was completed in December 1998, but not all of the opposition parties agreed to sign it due to irregularities including the inclusion of the underaged, the dead, and nonresidents, while excluding opposition party members. The three opposition parties initially called for a boycott of the polls to protest preelection irregularities; however, all but one of the parties, the CPDS, ultimately participated in the voting. One CPDS candidate was elected; however, he had refused to take his seat at year's end.

International observers considered the legislative election process to be seriously flawed. The elections were characterized by numerous irregularities and by restrictions on the ability of the opposition to campaign. Roadblocks impeded the opposition's ability to travel; and opposition leaders were detained intermittently, sometimes with mistreatment, torture, or stiff fines. The UP and CPDS opposition parties won 5 of the 80 seats, refused to take their seats in the new legislature, and called for the results to be annulled and new elections held.

During the municipal elections on May 28, the PDGE won all 30 municipalities with more than 95 percent of the vote. The elections used the same flawed electoral census that was used in the 1999 legislative elections. According to one opposition

party leader, police beat and detained opposition politicians daily during the campaign (see Section 1.c.).

Although there are no legal restrictions on the participation of women in politics, women remain seriously underrepresented in government and politics. There are 4 women in the 41-member Cabinet, and 5 in the 80-member legislature.

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

There are no effective domestic human rights nongovernmental organizations (NGO's). In April 1999, the Government promulgated a law governing NGO's that restricted NGO's and identifies specific areas in which they may operate; human rights is not one of these areas.

The Government required that the Catholic NGO Autonomous Rural Development (DAR), in the diocese of Ebibeyin, inform the local delegate each time it had a board meeting. The DAR complied with the requirement and received permission to meet, but the local delegate insisted on being present during the meetings. The DAR refused to hold meetings with the delegate present and consequently did not meet during the year.

No international human rights NGO has a permanent presence in the country, and the Government neither acknowledged nor gave credibility to reports issued by Amnesty International, Human Rights Watch, and other international human rights organizations.

The U.N. Special Rapporteur for Human Rights visited in March and December 1998, and ostensibly he received the Government's cooperation; however, the Government succeeded in having the Rapporteur replaced early in 1999. A new Special Representative visited the country in November 1999 and released his report in March with recommendations for fundamental reforms, especially in the areas of political rights, the administration of justice, and the treatment of prisoners and detainees.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution condemns all forms of discrimination; however, both governmental and societal discrimination against women and ethnic minorities continued.

Women.—Societal violence against women, particularly wife beating, is common. The public beating of wives is forbidden by government decree; however, violence in the home generally is tolerated. The Government does not prosecute perpetrators of domestic violence.

Although the Constitution provides for equal rights, women largely are confined by custom to traditional roles, particularly in agriculture. Polygyny, which is widespread among the Fang, contributes to women's secondary status, as does limited educational opportunity. On average women receive only one-fifth as much schooling as do men.

There is no discrimination against women with regard to inheritance and family laws, but there is discrimination in traditional practice. For an estimated 90 percent of women, including virtually all ethnic groups except the Bubi, tradition dictates that if a marriage is dissolved, the wife (or her father or brother) must return the dowry given her family by the bridegroom at the time of marriage. The husband automatically receives custody of all children born after the marriage, while the mother maintains custody of all children born prior to the marriage. In many instances, the woman has no funds or property after the divorce with which to repay the dowry, and, as a result, is incarcerated (see Section 1.d.). Many prisons do not have separate areas for men and women and women are subjected to sexual abuse from both the authorities and other prisoners while in detention (see Section 1.e.).

In the Fang, Ndowe, and Bisio cultures, primogeniture is practiced, and because women become members of their husband's family upon marriage, they usually are not accorded inheritance rights. According to the law, women have the right to buy and sell property and goods; however, in practice the male-dominated society permits few women access to sufficient funds to engage in more than petty trading or to purchase real property beyond a garden plot or modest home.

Children.—No provisions for the welfare of children are legislated. The Government devotes little attention to children's rights or their welfare and has no set policy in this area. Education is compulsory until the age of 14, but the law is not enforced. In practice following primary education, males are expected either to complete an additional 7 years of secondary school or to finish a program of vocational study. Pregnancy and the requirement to assist in agricultural work make this level of education less likely for females. The 1999 report by the U.N. Special Representative noted that only 12 percent of girls reach the secondary level of education com-

pared with over 24 percent of boys who reach the same level. Only 9 percent of girls finish fifth grade. In 1999 only 1.8 percent of the national budget was committed to education. Children suffer poor health and a high mortality rate. Child labor is common.

There was no societal pattern of abuse directed against children. When children or adolescents are arrested, they are imprisoned with adults (see Section 1.c.). There were no reports of abuse by guards or other inmates.

People with Disabilities.—There is no constitutional or legal provision for the physically disabled with respect to discrimination in employment, education, or the provision of other government services; however, there is no notable discrimination against the disabled in practice. No law mandates access for the disabled to buildings or government services.

National/Racial/Ethnic Minorities.—Discrimination against ethnic or racial minorities is not legal, and the Government does not overtly limit their participation in politics; however, the monopolization of political power by the President's Mongomo clan of the Fang ethnic group persists. In practice some members of ethnic minorities face discrimination because they are not members of the Fang ethnic group, or belong to a Fang subclan other than the President's. Ethnic minorities do not face discrimination in inheritance, marriage, or family laws.

Differences between the majority Fang ethnic group and the Bubi ethnic minority are a source of political tension and historically often have erupted into violence. Bubis allegedly led the January 1998, separatist revolt on Bioko, after which the Fang-dominated Government and the security forces intensified their longstanding institutionalized repression of the Bubis and allowed Fang vigilante groups to abuse Bubi citizens with impunity. Before independence the Bubis were a majority of the population on the island of Bioko (then Fernando Po), which was both administratively distinct from and more economically developed than the larger and more populous mainland (then Rio Muni), where the Fang were a majority. The two Spanish colonies were united 9 years before independence, after which many Fang migrated to Bioko, where Malabo, the capital, is located. The Fang dominated the united independent state; during the first decade after independence, misrule by Obiang's uncle, Macias Nguema, reduced the country's population by about one-third and devastated the economy.

Differences among clans of the Fang ethnic group, in particular resentment of the political dominance of the Mongomo clan, also were sources of significant political tensions and in past years, occasional violence; however, there were no reports of such violence during the year.

Several thousand citizens of Nigeria, Ghana, and Francophone Africa continued to reside in the country. Most are small traders and businesspersons. The police reportedly continued to harass them (see Section 1.c.) as well as harassing asylum seekers on an individual basis.

Section 6. Worker Rights

a. The Right of Association.—Although the Constitution provides for the right to organize unions, no labor unions exist; however, there are a few cooperatives with limited power. The 1992 Law of Associations and Syndicates allows only workers in the same activity, numbering no fewer than 50, and grouped in the same geographic area, to form unions; this has effectively blocked union formation. Since 1992 the CPDS has tried unsuccessfully to legalize its affiliated Union Sindical de Trabajadores (UST). An independent union, Sindicator Independiente de Servicios (SIS), initially applied for registration twice in 1995 with subsequent application in 1996, but the Government denied SIS's applications. Although SIS's registration met the requirements of the 1992 Trade Union Law, the authorities denied it. The 1992 law provides that a separate law be enacted to govern unions for civil servants; however, this law has not been enacted. The law prohibits strikes. The Labor Code contains provisions to uphold worker rights, but the Government generally does not enforce them.

It generally is acknowledged that membership in the PDGE, the President's party, is a prerequisite for hiring and promotion, both in the public and private sectors (see Section 1.f.). Membership in a rival political organization is considered grounds for dismissal from any position, public or private. Opposition politicians who are not participating in the Government often claimed to have been dismissed from their jobs after joining alternate political groups.

During the year, the country's major private employer, the oil industry, which is dominated by foreign firms, continued to take steps to reduce government control of hiring in the industry. Having ceased their exclusive reliance on the government employment agency APEGESA in 1999, the companies employed methods ranging from public advertising of jobs and objective testing to screening of applicants by

non-Equatoguineans only, in their attempt to eliminate the former political bias in the hiring process.

In the past, APEGESA allegedly kept nearly two-thirds of employees' wages, although reportedly its ability to do so has been reduced. Recent legislation mandates that oil workers receive at least 60 percent of their wages. Oil sector workers receive a much higher scale than elsewhere in the national economy, often 10 times the minimum wage. In the past, when several employees signed a petition complaining of ill treatment, they were fired; however, this abuse no longer exists.

b. The Right to Organize and Bargain Collectively.—There is no law regarding these rights or prohibiting antiunion discrimination. There is no evidence of collective bargaining by any group. The Government and employers set wages, with little or no participation by workers. Employers must pay the minimum wages set by the Government, and most companies pay more than the government-established minimum.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law forbids forced or bonded labor and slavery; however, detainees and convicted felons perform extensive labor outside prison, including for prison officials, without compensation (see Section 1.c.). The law prohibits forced or bonded labor by children, and there were no reports that it occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for the employment of children is 14 years, but the Ministry of Labor does not enforce this law, and child labor is common particularly on family farms and businesses. The Government also does not enforce the law that stipulates mandatory education up to the age of 18. Underage youth perform both family farm work and street vending. While the Ministry of Labor is responsible for the enforcement of labor legislation, the Government does not have a comprehensive policy on child labor.

The Chamber of Deputies approved ILO Convention 182 on the worst forms of child labor in December; however, the Government had not completed ratification of the convention by year's end. The Government has not established or identified any specific organization to implement the convention.

The Labor Code prohibits forced or bonded labor by children, and there were no reports that it exists (see Section 6.c.).

e. Acceptable Conditions of Work.—The minimum monthly wage was approximately $41 (27,000 CFA francs). The minimum wage is not sufficient to provide a decent standard of living for a worker and family.

The law prescribes a standard 35-hour workweek and a 48-hour rest period, which are observed in practice in the formal economy.

The Labor Code provides for comprehensive protection for workers from occupational hazards; however, the Government does not enforce this in practice. The Government has nine labor inspectors, which was insufficient to oversee local industry.

Employees who protested unhealthy or dangerous working conditions risked losing their jobs.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, through, or within the country.

A July 1998 UNICEF study stated that the country is a source for traffickers that feeds the domestic labor market in urban centers of countries such as Cote d'Ivoire and Gabon.

ERITREA

Eritrea became an independent state in 1993, following an internationally monitored referendum in which citizens voted overwhelmingly for independence from Ethiopia. The Eritrean People's Liberation Front (EPLF), which led the 30-year war for independence, has controlled the country since it defeated Ethiopian armed forces in 1991; its leader, Isaias Afwerki, serves as the President. The EPLF became the People's Front for Democracy and Justice (PFDJ), and redefined itself as a political party in 1994; it is the sole political party in the country. Elections, which were scheduled originally for 1998, were postponed again due to the outbreak of an armed conflict with Ethiopia that began in May 1998. However, during the year, the Government established two committees to develop guidelines and rules for new elections and the formation of political parties. National Assembly elections are scheduled to take place in 2001. The Constitution provides for democratic freedom; however, while it was ratified in May 1997, its provisions had not yet been imple-

mented fully by year's end. The judiciary is formally independent; however, it is weak and subject to executive interference.

The police are responsible for maintaining internal security, although the Government may call on the armed forces, the reserves, and demobilized soldiers in response to both domestic and external security requirements. In May 1998, fighting broke out between Eritrean armed forces and Ethiopian militia along the border. The Government responded to an escalating military conflict by calling up reserves and increasing its armed forces to approximately 300,000 soldiers. In addition to the border conflict, the army has had to deal with the Eritrean Islamic Salvation (EIS), a small, Sudan-based insurgent group that has mounted terrorist attacks in the north and west since 1993. Some members of the security forces committed human rights abuses.

The conflict with Ethiopia has resulted in severe economic disruption and the dislocation of more than 1 million persons. Problems included higher inflation, an increased fiscal deficit, a drop in economic activity, and increased pressure on the local currency as foreign exchange reserves fell. The fighting from May to June had a severe negative impact on agricultural production, making the country partially dependent on food donations. Inflation rose from about 8.3 percent in 1999 to 30 percent during the year. Private foreign investment dropped nearly to zero as a result of the conflict with Ethiopia. Economic growth declined from 3 percent in 1999 to negative 9 percent during the year. The severance of trade relations with Ethiopia, Eritrea's largest trading partner before the conflict, led to an extremely large drop in exports. The integration of as many as 75,000 Eritreans or Ethiopians of Eritrean origin who have been deported from Ethiopia and the internal displacement of approximately 1 million persons have strained resources and further aggravated pressures on the economy. In addition there was a shortage of skilled labor because of increased military conscription. As a result of a lack of foreign exchange, imports were curtailed during the year, resulting in shortages of basic consumer goods. While trade, services, and manufacturing account for the greatest portion of gross domestic product (GDP), the rural economy is based largely on subsistence agriculture, and more than 70 percent of the population of 3.6 million is engaged in farming and herding. The small industrial sector consists mainly of light industries, many using outmoded technologies. Principal exports include salt, leather products, and fish. Principal imports include machinery, spare parts, food, and military materiel. International economic assistance has accounted for a significant portion of external revenues. Eritreans who live abroad also provide a major source of external revenues, estimated at $300 to $400 million a year. Nominal GNP was estimated at $695 million. The country has an annual per capita income of less than $200, and about a third of the population depends on foreign emergency assistance. The PFDJ continues to exert a strong economic influence through a variety of investments and party-owned businesses.

The Government's human rights record was poor, and serious problems remain; however, there were improvements in a few areas. Citizens did not have the ability to change their government, which is dominated by the PFDJ. Many observers believe that the police occasionally resort to torture and physical beatings of prisoners, particularly during interrogations, and police severely mistreated army deserters and draft dodgers. There were reports that police beat Ethiopians detainees and credible reports that soldiers beat and raped female Ethiopian deportees. The Government generally does not permit prison visits by local or international human rights groups, although it permitted some independent monitoring of conditions in detention facilities after the conflict with Ethiopia began. In August the Government granted the International Committee of the Red Cross (ICRC) access to Ethiopian civilian detainees and prisoners of war (POW's). Arbitrary arrest and detention are problems. An unknown number of persons suspected of association with the Ethiopian Mengistu regime, radical Islamic elements, or terrorist organizations remained in prolonged detention. The judiciary is weak and subject to executive influence. The provision of speedy trials was limited by a lack of trained personnel, inadequate funding, and poor infrastructure. The use of a special court system limited due process. The Government infringed on the right to privacy. The Government restricted press freedom, including the rights of the religious media, and there were some limits on freedom of association. The Government restricted religious freedom in the case of Jehovah's Witnesses. The Government restricted freedom of movement. Violence and societal discrimination against women also are problems, and female genital mutilation (FGM) remains widespread despite government efforts to discourage the practice. Members of Jehovah's Witnesses and members of the Kunama ethnic group also face some government and societal discrimination. The Government restricted workers' rights and there were reports of forced labor.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Extrajudicial Killing.—There were no reports of political killings; however, there were reports that security forces killed some Ethiopian detainees. For example, there were reports that camp guards killed approximately 30 Ethiopian detainees at a camp in Wia. There was no investigation into these reports by year's end.

The Government deployed military police in Asmara to find deserters and draft dodgers (see Section 1.d.). The Government authorized the use of deadly force against anyone resisting or attempting to flee; however, there were no reports that such force was used.

In July and August, the Government deported thousands of Ethiopians to Ethiopia under difficult and dangerous conditions, which resulted in a number of deaths (see Sections 1.d. and 2.d.). On July 31, up to six deportees reportedly disappeared crossing the Mereb river and are believed to have drowned. Credible sources reported that during a deportation on August 2 five Ethiopian deportees disappeared and are believed to have died.

In October six POW's in the Nakfa POW camp died from gastrointestinal illnesses (see Section 1.c.). There also were some reports that civilian detainees in camps at Sheb Mensheb and Afabet died (see Section 1.c.)

During the year, approximately 100 Ethiopian civilians were killed in landmine explosions from landmines laid by Eritrean forces withdrawing from occupied territories.

Unlike in the previous year, there were no reports that during the year the Government provided support to armed groups opposed to the Ethiopian Government operating out of Somalia and Kenya.

During the year, the Ethiopian army reportedly laid landmines in the Eritrean territories that it occupied. According to the Government Commission for Coordination with the U.N. Peacekeeping Mission, there are an estimated 2.5 million landmines or other unexploded ordnances in the country, including approximately 500,000 landmines laid by Ethiopia during the 1962–91 war for independence. On occasion, new mines have been laid by the EIS or others. During the year, there were approximately 48 reported casualties, including a number of deaths, as a result of landmines and unexploded ordnances; however, it is not clear which landmines in particular were responsible for these casualties. The Commission reported that 15 children were killed by landmines and unexploded ordnances during the year. For example, in February a fuel truck hit a landmine in the west that reportedly was laid by the EIS; the driver and his assistant both were killed. In December a bus hit a landmine on the Tologamja-Kotobia road; the driver was killed and two passengers were injured; the mine was laid the previous night, but it is not known by whom. It is probable that there were additional, unreported deaths in remote areas.

b. Disappearance.—There were no confirmed reports of politically motivated disappearances; however, the Ethiopian Government and media alleged that numerous Ethiopians in Eritrea disappeared during and after fighting that took place from May to June. These allegations reportedly were under investigation by international observers at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The transitional Penal Code prohibits torture; however, many observers believe that the police at least occasionally resort to torture and physical beatings of prisoners, particularly during interrogations. During the year, the police severely mistreated and beat army deserters and draft dodgers, and the army subjected deserters and draft dodgers to various military disciplinary actions that included prolonged sun exposure in temperatures of up to 113 degrees Fahrenheit, or the tying of the hands and feet for extended periods of time (see Section 1.d.).

In October a guard at the Keren detention facility shot in the shoulder an Ethiopian detainee who locked himself into a room with 68 other detainees for fear of being punished. The guard apparently shot the detainee through a window. The detainee was treated at a hospital and he was repatriated to Ethiopia by year's end. No action is known to have been taken against the guard.

In July the Government deported 92 Ethiopian women to Djibouti by boat (see Section 1.d.). There were credible reports that Eritrean soldiers beat and raped some of the women while they were in detention awaiting deportation.

There were credible reports that at times security forces beat Ethiopian detainees who were awaiting deportation or repatriation to Ethiopia.

In July and August, the Government deported to Ethiopia thousands of Ethiopians under potentially difficult or dangerous conditions without the participation

of the ICRC (see Section 1.d.). On July 31, up to six deportees reportedly disappeared crossing the Mereb river and are believed to have drowned. During another deportation on August 2 via the town of Tsorona, credible sources reported that five Ethiopian deportees disappeared and are believed to have died, one woman gave birth, and returnees were forced to march for 18 hours straight.

There were some instances in which private Eritrean individuals threatened and beat Ethiopians after fighting resumed in May. In some cases, police intervened too late to prevent the abuse, or were unable to halt such abuse. For example, on May 18, the day after Ethiopian troops occupied the Eritrean town of Barentu, students harassed, assaulted, and occasionally beat Ethiopians in Asmara.

During the year, there were approximately 48 reported casualties, including a number of deaths, from landmines and unexploded ordnances (see Section 1.a.). It is probable that there were additional, unreported injuries that occurred in remote areas.

Prison conditions are Spartan. The Government permits three visits per week by family members. There were no confirmed reports that any prisoners died due to lack of proper medical care. Women and men are held in separate facilities. There are no juvenile detention centers or correction facilities and juvenile offenders often are incarcerated with adults.

Between June and September, the Government established detention camps for Ethiopians scheduled for repatriation or deportation in a number of areas, including Wia, Sheib, Alla, Afabet, Megarih, Shiketi, and Wekerti (see Section 1.d.). Monitors who visited the camps at Afabet, Adi Abieto, and Alla reported that conditions in the camps were Spartan but generally adequate; however, there were reports that numerous detainees became sick due to camp conditions at Afabet, and that some died. In addition between 10 and 15 persons died in the Sheb Mensheb detention camp during the year; most were infants and young children who died of dehydration due to the extremely hot weather. The Government responded by sending in a team of doctors and additional supplies, including water. There were credible reports that at least some of these detainees were forced to work outside their camps (see Section 6.c). By December the Government reported that most of these camps had been shut down and that approximately 1,500 detainees remained at Afabet and that 150 Ethiopians who did not want to leave the country remained at Alla.

Approximately 1,000 POW's were being held at a camp in Nakfa at year's end. Conditions at the POW camp reportedly were good; however, in October six POW's in the Nakfa POW camp died from gastrointestinal illnesses (see Section 1.c.). POW's were forced to perform labor on road-building projects; however, following an ICRC visit in late August, the POW's were no longer forced to perform such labor (see Section 6.c.).

Prior to August 8, the Government generally did not permit prison visits by local or international human rights groups; however, in 1998 the Government began to permit some independent monitoring of conditions in detention facilities by international groups after the conflict with Ethiopia began. Local groups reportedly were not permitted to monitor conditions in prisons. Beginning on August 8, the Government allowed the ICRC to visit and register civilian detainees in internment camps and prisons, and, beginning on August 30, the ICRC was permitted to visit Ethiopian POW's. In November for the first time, the ICRC was permitted to visit several police stations in Asmara where Ethiopians reportedly were being held. The ICRC was not granted access to approximately 800 Ethiopian detainees, mostly young men, who were being held at the Keren camp prior to their deportation in October.

During the year, the Government reportedly denied officials from the Government of Sudan access to 14 Sudanese prisoners arrested in 1994 (see Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are problems. The Penal Code stipulates that detainees may be held for a maximum of 30 days without being charged with a crime. In practice the authorities sometimes hold persons suspected of crimes for much longer periods. During the year, the Government detained between 10,000 and 20,000 Ethiopians, many of whom were repatriated or deported to Ethiopia. By December the Government reported that approximately 1,500 detainees remained at the Afabet internment camp and that 150 Ethiopians who did not want to leave the country remained at the Alla internment camp.

An unknown number of persons associated with radical Islamic elements or suspected terrorist organizations remained in detention without charge, in some cases for years. There were unconfirmed reports that the Government continued to hold numerous members of the Eritrean Liberation Front, an armed opposition group. Authorities sometimes arbitrarily arrest and detain former combatants or members of the PFDJ who violate an unwritten code of conduct (see Section 1.e.).

In June approximately 200 members of the Kunama ethnic group were detained without charges on suspicion of collaborating with Ethiopian forces (see Section 5). Most were released within a few months; however, at year's end, several Kunamas remained in detention.

At year's end, approximately five members of Jehovah's Witnesses remained in detention without charge and without being tried for failing to participate in national service. Some have been detained for more than 5 years without charge (see Section 2.c.).

During the year, the Government released 6 Sudanese from a group of 20 who reportedly were arrested in 1994. The other 14 Sudanese remained in detention at year's end. Officials from the Government of Sudan reportedly were denied access to these prisoners.

The few deportees of Eritrean origin from Ethiopia who cannot demonstrate their ties to Eritrea are subject to detention. The Government grants these deportees documents that identify them as Ethiopians who are permitted to stay in the country (see Section 2.d.). Government and army officials who routinely check the identification cards of citizens in order to find draft dodgers and deserters reportedly consider these Ethiopian deportees to be Eritreans who are trying to avoid national service. As a result, they are subject to harassment and detention while the authorities check their status.

There were reports that authorities arrested some Ethiopians in May for raising the Ethiopian flag in public places.

On October 14, authorities detained eight journalists (see Section 2.a.), six of whom were released on October 18. Reportedly the two other journalists were inducted into the military to fulfill their national service obligations.

During the year, the Government deployed military police in Asmara to find deserters and draft dodgers (see Section 1.a., 1.c., and 1.f.). The military police detained persons who had not done their national service, including some disabled and mentally ill individuals who were detained in a camp near Asmara. Those who were deemed unfit for military training by a military medical board were released; the rest were required to fulfill their national service obligations.

In June the Government began detaining Ethiopians in large numbers, and detained between 10,000 and 20,000 Ethiopians during the year. Between June and September, the Government established detention camps for Ethiopians scheduled for repatriation or deportation in a number of areas, including Wia, Sheib, Alla, Afabet, Megarih, Shiketi, Adi Abieto, and Wekerti (see Section 1.c.). There were credible reports that at least some of these detainees were forced to work outside their camps (see Section 6.c.). By December the Government reported that most of these camps were shut down and that approximately 1,500 detainees remained at Afabet and that 150 Ethiopians who did not want to leave the country remained at Alla. An unknown number of Ethiopians, particularly men, also were held in police stations, prisons, and jails in Asmara. The Government stated that Ethiopians detained in such places were being detained either for their own protection, because they had committed a crime, or because they were scheduled for deportation. There was no credible evidence that Ethiopians detained prior to deportation or detained for their protection continued to be held in police stations or jails at year's end.

The Government generally does not use exile as a means of political control; however, in August the Government began deporting and repatriating Ethiopians to Ethiopia. At year's end the Government had returned more than 25,000 Ethiopians from Eritrea to Ethiopia. Most of these persons were repatriated voluntarily; however, many were deported forcibly. Only about half of these returns were conducted with ICRC participation (see Section 2.d.). Ethiopian women in Asmara working as barmaids, prostitutes, and housemaids were singled out for detention and deportation to Ethiopia (see Section 5). In July and August, the Government deported thousands of Ethiopians to Ethiopia under difficult and dangerous conditions without the participation of the ICRC. On July 31, up to six deportees reportedly disappeared crossing the Mereb river and are believed to have drowned. During another deportation on August 2 via the town of Tsorona, credible sources reported that five Ethiopian deportees disappeared and are believed to have died, one woman gave birth, and returnees had to march for 18 hours straight. Due to the long walk or dangerous river conditions, many of the deportees were forced to leave their belongings behind during deportations. In August the Government stated its intention to refrain from additional repatriations except under ICRC auspices.

e. Denial of Fair Public Trial.—The judiciary is formally independent; however, it is weak and subject to executive interference. The continued use of an executive special court system allowed ongoing executive interference with the judicial process. In addition the judiciary relies on the Ministry of Justice for logistical and salary support, thereby further limiting the judiciary's independence.

The judicial system has three parts: civilian, military, and special courts. The civilian court system consists of village courts, subregional courts, regional courts, and the High Court, which also serves as an appellate court. The still developing judicial system suffers from a lack of trained personnel, inadequate funding, and poor infrastructure that, in practice, limit the State's ability to grant accused persons a speedy trial. Although 16 new courthouses were completed in 1998, further development of the judicial infrastructure was constrained due to the conflict with Ethiopia. At independence the Government chose to retain the Ethiopian legal system but made some modifications to it. The Government has developed new commercial, penal, and criminal codes, which were ready for ratification by the National Assembly at year's end, although such ratification had not occurred by year's end. A new civil code is expected to be completed by 2001.

Under the legal system, minor infractions are brought to village courts and subregional courts. More serious offenses are argued before regional courts, and cases involving murder, rape, and other serious felonies are heard by the High Court. All cases except those argued before the High Court are heard by a single judge; on the High Court, panels of three judges hear cases. Defendants have access to legal counsel, usually at their own expense. Although there is no formal public defender's office, the Government has requested successfully that attorneys work without fee to represent defendants accused of serious crimes punishable by more than 10 years in prison, who are unable to afford legal counsel. Defendants may appeal verdicts to a High Court panel, which is composed of the High Court president and four other judges.

Since the population is largely rural, most citizens only have contact with the legal system through the traditional village courts. Village judges, who are appointed by a panel composed of heads of regional courts, the regional prosecutor, and the regional governor, hear civil cases. Magistrates versed in criminal law hear criminal cases. Many local issues—for example, property disputes and most petty crimes—are adjudicated by local elders according to custom. In the case of Muslims, civil cases are heard under Shari'a law. The traditional courts cannot impose sentences involving physical punishment. The Ministry of Justice also offers training in alternative dispute resolution to handle some civil and petty criminal cases.

The drafting of many civilians, including court administrators, defendants, judges, lawyers, and others involved in the legal system, into the national service due to the border conflict with Ethiopia has had a significant negative impact on the judiciary. The High Court was reduced from seven benches to three benches and provincial, zone, and village court personnel were reduced by 40 percent. As a result of these personnel constraints, there were lengthy delays in the processing of cases. However, during the year some court personnel were permitted to return to work.

In February 1997, the Defense Minister created a special court system, ostensibly to reduce a growing backlog in the civilian court system; however, in practice, the special courts, which ban defense counsel and the right of appeal, allow the executive branch to mete out punishment without respect for due process. Judges in the special courts are senior military officers, most of whom have little or no legal experience. The special courts have jurisdiction over some criminal cases, such as capital offenses, felonies, misdemeanors, cases of tax evasion involving large sums, and cases of embezzlement by senior officials. The office of the Attorney General decides which cases are to be tried by a special court. The Attorney General also may allow the special courts to retry civilian court cases, including those decided by the High Court, thereby subjecting defendants to double jeopardy.

The special courts also handle crimes involving corruption, theft, and misuse of government authority allegedly committed by former members of the EPLF during the war for independence. Senior former fighters and members of the PFDJ often are held to a stringent unwritten code of conduct, and violations of this code are handled by special courts outside the normal judicial process. Those accused of violating this circle of trust have been arrested and held without formal charge (see Section 1.d.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Government at times infringed on the right to privacy. Under the law, warrants are required in routine searches and seizures, except in cases where authorities believe individuals may attempt to escape or destroy evidence. Warrants also theoretically are required before the Government can monitor mail, telephones, or other means of private communication; however, in practice the Government generally does not bother to obtain warrants and there were reports that the Government monitored some international telephone calls. There were unconfirmed reports that members of the PFDJ placed Ethiopians under surveillance. The Government has the author-

ity to ban the import of any foreign publication; however, it has not yet done so (see Section 2.a.).

In July there were credible reports that the Government impeded communication between Eritrean POW's being held in Ethiopia and immediate family members in Eritrea.

There were unconfirmed reports that the Government took land from members of the Kunama ethnic group without compensation and gave it to members of other ethnic groups on the grounds that the land was not being exploited efficiently (see Section 5).

During the year, military police were deployed in Asmara to find deserters and draft dodgers. Members of the force carried out frequent document checks and routinely detained individuals of military age who had not done their national service (see Section 1.d.).

In August the Government shut down all businesses in Asmara that belonged to Ethiopians with only a few days' notice: approximately 300 businesses owned by Ethiopians were shut down. The Government gave Ethiopians occupying government-owned housing a 1-month notice to vacate. The Government reportedly also froze some bank accounts and seized some assets belonging to Ethiopians. Some Ethiopians had difficulty renewing business licenses, driving licenses, resident permits, or leases. A significant but unknown number of Ethiopians were fired or lost their jobs because of their nationality; in some cases, this was due to the fact that Ethiopians were working for Ethiopian businessmen who left the country or whose businesses were shut down.

During the fighting in May and June, Ethiopian forces looted and caused significant damage to a number of Eritrean towns and villages. Among the properties ransacked and looted were mosques and churches, factories, flour mills, health clinics, pharmacies, schools, warehouses, bridges, and the homes of government officials.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, in practice, the Government restricts these rights, although it did so to a lesser extent than in the previous year. The Government uses the libel law to intimidate journalists. The editor-in-chief of the independent newspaper Kastedebana so far has been charged in seven libel cases; the cases were suspended pending the editor's return from serving a sentence for hard labor for leaving his post without proper leave papers. In 1999 the Government arrested an editor who refused to disclose the address of a reader whose letter to the editor criticized the commercial practices associated with Saudi Airlines operations in the country. He was rearrested briefly in late 1999 for additional questioning, and the Government brought more charges against him, some of which later were dropped. At year's end, the Saudi Airlines case and six other government charges of libel against the editor remained pending, and trial proceedings were suspended indefinitely when the editor was inducted into the army. While the Government has tolerated increased public debate over government decisions since the outbreak of conflict with Ethiopia, the media continues to practice self-censorship due, in part, to fear of Government reprisals.

In August the Government arrested and detained for a day without charge the editor of the independent newspaper Zemen, allegedly for having expired leave papers.

On October 14, authorities from the Ministry of Defense detained eight independent journalists, ostensibly to verify their draft status. Observers believe that the journalists were detained because their newspapers had been calling for access to National Assembly deliberations. Six of the journalists were released on October 18. Reportedly the two other journalists were inducted into the military to fulfill their national service obligations.

Some journalists claim that they were targeted unfairly for the draft and complained of routine harassment by unknown individuals who they believe work for the Government. These journalists also allege that they received threatening telephone calls and that unidentified individuals showed up at their offices and threatened them.

The Government controls much of the media, including three newspapers, one radio station, one television station, and one of only two newspaper printing presses in the country. There are no private radio or television stations. The Government has the authority to ban the import of any foreign publication, although it has not done so. The press proclamation issued in 1996 forbids the local reprinting of articles from banned publications. The Government continued to restrict the right of the religious media to comment on politics or government policies. In theory nonreli-

gious print media are free to criticize the Government. Nonetheless, criticism tends to be limited and fairly mild, and the media practices a great deal of self-censorship.

The Government's press proclamation allows individuals to publish newspapers, and private newspapers and magazines began publishing at the end of 1997. At year's end, there were nine independent newspapers and magazines operating. Four independent newspapers or magazines closed during the year when all of their reporters were called up for military service. Three independent newspapers, Setit, Kastedebana and Tsighenai, each have a circulation of 15,000. The pro-Government publication of the PFDJ's National Union of Eritrean Youth and Students, Trgta, has the widest circulation at 20,000. The press proclamation does not allow private ownership of any broadcast media or foreign influence or ownership of any media. The proclamation requires that all newspapers obtain a license from the Ministry of Information before publication and that all reporters must register with the Ministry. The Government also may punish "whosoever insults, abuses, defames, or slanders the Government or one of the constituted legislative, executive, or judicial authorities," and forbids the publication of any subject matter that contravenes general morality. While there was no direct government censorship of the independent press during the year, the Government continued to exert pressure on the independent press through advice and warnings.

In 1999 the Government began the process of implementing Internet access through its telecommunications system, and with foreign donor assistance, access to the Internet became available in November. There also are two independent Internet service providers.

Although the Government claims that there were no restrictions on academic freedom, the University of Asmara refused to give diplomas to students who completed their studies unless they did their national service. In addition, new graduates occasionally were pressured to work for government entities. The University of Asmara was closed formally in May, a few weeks before final exams, due to the fighting with Ethiopia; it reopened in October, although exams were held in June. Students were sent to active duty or to military training.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government respected this right in practice. The Government requires a permit from the Ministry of Local Government for a public meeting or demonstration. In general permits are granted freely for nonpolitical meetings or gatherings, and there were no reports that permits for political demonstrations were denied.

The Constitution provides for freedom of association and states that every citizen shall have the right to form organizations for political, social, economic, and cultural ends; however, in practice the Government restricts this right. The Government does not allow the formation of any political parties; however, during the year, the Government established two committees to develop guidelines and rules for new elections and the formation of political parties. The Government also has stated its opposition to the formation of any party based on ethnicity or religion. In 1999 journalists from the country's 11 independent newspapers formed an organizing committee to establish an independent journalists' organization. In October 1999, they filed for a license with the Ministry of Local Government; however, the Government refused to issue a license and the group had not formed by year's end.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government restricts this right in the case of Jehovah's Witnesses. The Constitution provides for the "freedom to practice any religion and to manifest such practice," and Islam and most forms of Christianity are practiced and tolerated widely throughout the country with persons free to worship at the church or mosque of their choice; however, the Government continued to harass, detain, and discriminate against members of the small community of Jehovah's Witnesses because of their refusal to perform National Service.

In 1994 in accordance with a presidential decree, the Government revoked the trading licenses of some members of Jehovah's Witnesses and dismissed most of those who worked in the civil service. This governmental action resulted in economic, employment, and travel difficulties for many members of Jehovah's Witnesses, especially former civil servants and businessmen. In April 1997, the government labor office issued a form to all employers in Asmara and the surrounding area requesting information on any government personnel who were members of Jehovah's Witnesses. In addition to these measures, members of Jehovah's Witnesses also often are denied identification cards, passports, exit visas, trading licenses, and government housing unless they hide their religion.

Most members of Jehovah's Witnesses refused on religious grounds to vote in the referendum on independence and have declined to participate in national service. This spurred widespread criticism that members of Jehovah's Witnesses collectively

were shirking their civic duty. Some Muslims also have objected to universal national service with regard to the requirement that women perform military duty. The Government does not excuse individuals who object to national service for religious reasons or reasons of conscience, nor does the Government allow alternative service. Although persons from other religious groups have been punished in past years for failure to participate in national service, only members of Jehovah's Witnesses have been subject to dismissal from the civil service, had their trading licenses revoked, been evicted from government-owned housing, and been denied passports, identity cards, and exit visas. However, there were no reports that Jehovah's Witnesses who performed national service and participated in the national independence referendum were subject to discrimination. Jehovah's Witnesses have several churches and members are not barred from meeting in private homes.

In 1998 several members of Jehovah's Witnesses were arrested for failure to comply with the national service law and some were tried, although there is no information available regarding the verdicts or sentences in these cases. At year's end, approximately five members of Jehovah's Witnesses remained in detention without charge and without being tried for failing to participate in national service. These individuals had been detained for varying period of time, some for more than 5 years without charge. The maximum penalty for refusing to perform national service is only 3 years' imprisonment. Ministry of Justice officials have denied that any members of Jehovah's Witnesses were being held without charge, although they acknowledge that some members of Jehovah's Witnesses, and a number of Muslims, are in jail serving sentences for convictions on charges of evading national service. There is no indication that any persons are detained or imprisoned solely because of their religious beliefs or practices; however, the Government has singled out members of Jehovah's Witnesses for harsher treatment than that received by members of other faiths for similar actions.

The army resorted to various forms of extreme physical punishment to force objectors, including some members of Jehovah's Witnesses, to do their military service (see Section 1.c.).

Unlike in previous years, there is no evidence that the Government discourages proselytizing by members of one faith among adherents of another.

In a 1995 proclamation, the Government described specific guidelines on the role of religion and religiously affiliated NGO's in development and government, stating that development, politics, and public administration are the sole responsibility of the Government and citizens. The 1995 Proclamation bans religious organizations from involvement in politics and restricts the right of religious media to comment on political matters. Pursuant to the 1995 proclamation, religious organizations are permitted to fund, but not initiate or implement, development projects; however, this proclamation was not enforced in practice—several religious organizations executed small-scale development projects without government interference. The 1995 proclamation also sets out rules governing relations between religious organizations and foreign sponsors.

In 1998 authorities informed all religious organizations that all schools run by religious denominations providing general education would be incorporated into the public school system. At the time, it was not made clear whether the religious authorities would continue to administer the curriculum with government oversight or whether the school faculty would be absorbed into the Ministry of education. However, no action was taken to implement this initiative because of the outbreak of the border conflict with Ethiopia. In 1998 the Government decreed that religiously affiliated organizations were prohibited from running kindergartens; however, this decree still had not been implemented by year's end. According to officials in the Religious Affairs Office, the Government is expected to allow religious schools to operate independently as long as they adhere to a standard curriculum.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for the rights of movement and emigration; however, while citizens can travel freely within the country and change their place of residence and work, authorities restrict freedom of movement and emigration in practice. The Government requires all citizens to carry national identification cards, which they must present on demand at security checkpoints. The Government restricted travel to some areas within the country for security reasons. Beginning in March, military police periodically set up numerous roadblocks in Asmara and other cities to find draft dodgers and military deserters (see Section 1.d.); however, the number of such roadblocks was reduced significantly by year's end.

During the year, the Government repatriated or deported more than 25,000 Ethiopians from Eritrea to Ethiopia (see Section 1.d.). Most of those who left the country were repatriated voluntary; however, many were deported forcibly (see Section 1.d.). Among the deportees were women who alleged that they were prevented from tak-

ing their children with them because their fathers were Eritreans (see Section 5). An estimated 40,000 to 50,000 Ethiopians remain in the country. Only about half of the returns were conducted with ICRC participation. In September the Government declared that it would conduct future repatriations only with the participation of the ICRC; however, while the Government generally abided by this declaration, on October 14, 800 Ethiopians were deported from the Keren camp without ICRC participation. The Government stated publicly on several occasions that it had not adopted a policy of deporting all Ethiopian nationals from the country.

Clashes between government forces and EIS members in 1997 led the Government to restrict travel along much of the border with Sudan. Some areas remain heavily mined, a legacy of the war for independence, and occasionally new mines are set by the EIS or others, leading to additional travel restrictions (see Sections 1.a. and 1.c.).

Some Ethiopians had difficulty renewing residence permits and were subject to detention when stopped by authorities with an expired residence permit (see Section 1.d.). In general Ethiopians were able to get exit visas.

Citizens largely are free to travel outside the country after obtaining an exit visa, although members of Jehovah's Witnesses (see Section 2.c.), officials of the former Ethiopian military regime, and those who have not completed national service have been denied passports or exit visas. In addition as a result of the conflict with Ethiopia, the Government increasingly denied exit visas to some young men and women, apparently on the ground that they were approaching the age of eligibility for national service.

In general citizens have the right to return; however, Eritreans must show proof that they paid a 2 percent tax on their annual income to the Government of Eritrea while living abroad in order to receive government services upon their return to the country. Instances in which citizens living abroad have run afoul of the law, have contracted a serious contagious disease, or have been declared ineligible for political asylum by other governments are considered on a case-by-case basis.

The border with Ethiopia was closed in May 1998, due to the outbreak of war, although Eritreans deported from Ethiopia crossed the border and were allowed to resettle in Eritrea. As many as 75,000 Eritreans or Ethiopians of Eritrean origin have been deported from Ethiopia. The deportees, if they wished, were placed in villages with friends or family. Those who no longer had connections in Eritrea were placed temporarily in camps with internally displaced persons (IDP's) before being settled among the general population. In order to facilitate the deportees' integration into society, the Government provided them with documentation good for 6 months that identified them as deportees. If, during that time, the deportees could find three Eritrean witnesses willing to testify to their Eritrean ties, the Government issued them documentation of Eritrean nationality; they then are considered to be permanent citizens. For the small minority of deportees who cannot demonstrate Eritrean ties, the Government grants them identity documents that specify that they are Ethiopian, but they are permitted to stay in the country. At times, these deportees are subject to harassment and detention by military authorities (see Section 1.d.). Deportees of military age who acknowledged Eritrean nationality were ordered to report for military service.

Approximately 1.1 million citizens have been displaced internally as a result of the conflict with Ethiopia. At year's end, approximately 243,000 IDP's were in 25 camps in the Debub, Gash-Barka, and Northern Red Sea zones, and there were approximately 100,000 IDP's outside of the camps. Camp facilities are basic, but conditions generally are adequate.

The law includes provisions for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provides first asylum and provided it to Somali and Sudanese refugees during the year. In May when fighting resumed with Ethiopia, there were 750 Sudanese refugees at the Elitte camp and 2,300 Somali refugees at the Harsile camp near the port of Assab. During the fighting, 1,228 Somali refugees were evacuated from the Harsile camp to the Emkulu camp near Massawa and another 972 were sent to Yemen and Djibouti by the UNHCR. The remaining 100 Somali refugees chose to remain in Assab. The ERREC, a government agency, is the principal Eritrean organization responsible for refugee and internally displaced issues.

In May the Government was scheduled to repatriate long-term Eritrean refugees from Sudan; however, the repatriations were postponed after the fighting with Ethiopia resumed. During the year, approximately 50,000 additional Eritreans from towns and villages in the southwest of the country fled to Sudan. By year's end, nearly all of these refugees in Sudan had returned to their villages or were in dis-

placement camps inside Eritrea. The estimated 136,000 long-term Eritrean refugees in Sudan remained there at year's end.

There were no reports of the forced return of persons to a country where they feared persecution.

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

Although the Constitution provides for this right, citizens have not been able to change their government in multiparty elections. Authority within the Government is held very narrowly among a small cadre of former fighters. The Government is dominated completely by the PFDJ, which came to power in the 1993 popular referendum in which over 99.8 percent of voters chose an independent Eritrea managed by a transitional government run by the PFDJ rather than electing to remain part of Ethiopia. The PFDJ still has not fulfilled the ambitious program that it initially outlined for a transition to a democratically elected government by 1997. Elections, originally scheduled for 1997, have never been held. An electoral commission was established in 1997 to draft an electoral code for 1998 elections, but accomplished little because of the outbreak of the conflict with Ethiopia, and elections again were postponed. The only political party permitted to operate is the PFDJ, and there are no opposition parties active domestically (see Section 2.b.). During the year, the Government established two committees to develop guidelines and rules for new elections and the formation of political parties; National Assembly elections are scheduled to take place in 2001.

Women are underrepresented in government and politics. In an effort to encourage broader participation by women in politics, the PFDJ named 3 women to the party's 19-member Executive Council and 11 women to the 75-member Central Council at the last party congress, held in 1994. Women participated in the Constitutional Commission (occupying almost half of the positions on the 50-person committee) and hold several senior government positions, including the positions of Minister of Justice and Minister of Labor. By law a third of regional National Assembly seats are reserved for women, and women also are able compete for the nonreserved seats.

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

The Ministry of Foreign Affairs and the Ministry of Local Governments jointly are responsible for handling human rights inquiries. All NGO's must register with the ERREC; there were 36 non-domestic NGO's operating in the country, the majority of which are involved in emergency assistance. A local human rights organization, Citizens for Peace in Eritrea (CPE), formed in 1998 to investigate and publicize Ethiopian deportations of Eritreans, was registered in July as a local NGO and broadened its mandate to include other human rights problems. In June the CPE issued a statement appealing to citizens and the Government to safeguard the human rights of Ethiopians living in the country.

In 1995 the Government proclaimed that religious organizations, including religious-based NGO's, could not engage in development activities; however, this proclamation never has been enforced in practice. In addition the four main religious groups (Orthodox, Catholic, Muslim, and Protestant) continued to coordinate the provision of relief services to deportees from Ethiopia in conjunction with the ERREC. A 1998 decree prohibiting religiously affiliated organizations from running kindergartens has not been implemented yet (see Section 2.c.).

A governmental proclamation issued in 1996 required that all private NGO's hire only those who have completed their national service; however, this proclamation was not enforced in practice. This proclamation was part of the Government's effort to provide benefits to citizens who have served in the military.

In January 1998, the Government ordered most of the country's remaining NGO's to close down their programs, allegedly because they wasted too much money on administrative costs. Most NGO's left in 1998; however, several NGO's began returning in 1999 when the Government sought to encourage greater NGO participation in development and humanitarian aid. At year's end, there were 36 non-domestic NGO's operating in the country.

Most international human rights organizations are not permitted to operate within the country, with the exception of the ICRC, which continued its programs during the year and provided shelter and supplemental food to approximately 243,000 persons displaced by the conflict with Ethiopia. However, the ICRC was not permitted to visit Ethiopian civilian detainees until August 8 and was not permitted to visit Ethiopian POW's until August 30 (see Section 1.c.), nor was it granted access to Ethiopian detainees held in several jails in Asmara until November (see Section

1.c.). In September the Government agreed to conduct future repatriations of Ethiopian civilians under ICRC auspices and to allow the ICRC to organize the return of Ethiopian POW's held in Eritrea; however, while the Government generally abided by this declaration, on October 14, 881 Ethiopians were deported from the Keren camp without ICRC participation (see Section 2.d.).

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution and the transitional civil code prohibit discrimination against women and the disabled, and the Government generally enforces these provisions.

Women.—The Government has taken a firm public stance against domestic violence; however, observers believe that violence against women, particularly in highland areas, is pervasive. Spousal abuse, especially wife beating, is common; however, domestic violence seldom is discussed openly by women because of societal pressures. Such incidents more commonly are addressed, if at all, within families or by religious clergy.

The Government consistently has advocated improving the status of women, many of whom played a significant role as fighters in the struggle for independence. Since independence women have enjoyed a legal right to equal educational opportunities, equal pay for equal work, and legal sanctions against domestic violence. In 1994 the Third Party Congress advocated more rights for women, including parity in the right to land and other property. However, much of society remains traditional and patriarchal, and generally women do not enjoy a social status equal to men. The law provides a framework for improving the status of women, but laws are implemented unevenly, because of a lack of capacity in the legal system and ingrained cultural attitudes. In practice males retain privileged access to education, employment, and control of economic resources, with more disparities in rural areas than in cities.

When the Government began detaining and returning Ethiopians to Ethiopia in June, authorities singled out young Ethiopian women, particularly prostitutes, barmaids, and waitresses, for detention and involuntary deportation (see Section 1.d. and 2.d.); reportedly this was due, in part, to the fear that these women spread HIV/AIDS. Reportedly those women who could demonstrate that they had a child with an Eritrean father were permitted to remain in the country. However, other female deportees alleged that they were prevented from taking their children because the fathers were Eritreans.

The law requires that women between the ages of 18 and 40 participate in the active national service program, and during the year, women were engaged in fighting in the conflict against Ethiopia. However, in 1999 the Government began moving more women away from direct combat roles and reassigned them to other responsibilities, including training and operation of heavy equipment.

Children.—The Ministry of Labor and Human Welfare is responsible for government policies concerning the rights and welfare of children. The Children's Affairs Division under the Ministry of Labor and Human Welfare covers child care, counseling, and probation. The law criminalizes child prostitution, pornography, and sexual exploitation.

Education through grade seven is compulsory and free; however, education above grade seven is neither free nor compulsory, and while the situation has improved, there is a shortage of schools and teachers at all levels. According the Ministry of Education, only 37 to 38 percent of children attend school. Approximately 75 percent of the population are illiterate. In rural areas, young girls usually leave school early to work at home.

A small number of children under the age of 18 entered military service, usually because of a lack of a birth certificate or other identification. When soldiers were found to be under the age of 18, they were removed from service.

Child abuse is not thought to be common; however, female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, is widespread, with estimates placing the number of women and girls who have been subjected to FGM at 95 percent. FGM is practiced by almost all ethnic and religious groups in the country. In the lowlands, infibulation—the most severe from of FGM—is practiced. There is no law prohibiting FGM; however, the Government has worked to combat officially the practice of FGM. The Government and other organizations, including the National Union of Eritrean Women, sponsored education programs that discourage the practice. The U.N. Population Fund, through the Ministry of Health, sponsors reproductive health projects that provide training and awareness programs that focus on the negative physical and psychological impacts of FGM.

People with Disabilities.—The long war for independence and the conflict with Ethiopia left thousands of men and women physically disabled from injuries they received as guerrillas, soldiers, and civilian victims. The Government spends a large share of its resources to support and train these disabled fighters, who are regarded as heroes, and does not discriminate against them in training, education, or employment. There are no laws mandating access for the disabled to public thoroughfares or public or private buildings; however, many newly constructed buildings provide access for disabled persons.

Religious Minorities.—Societal attitudes toward members of Jehovah's Witnesses are the exception to a widespread religious tolerance. Members of Jehovah's Witnesses generally are disliked and face some societal discrimination because of their refusal to participate in the independence referendum in 1993 and to perform national service, a refusal that is seen widely as unpatriotic. However, the level of societal discrimination against Jehovah's Witnesses has declined since the previous year.

Racial/Ethnic Minorities.—There were reports of government and societal discrimination against the Kunama, one of nine ethnic groups in the country and which are concentrated primarily in the west. Because of the existence of a Kunama opposition group operating in Ethiopia and supported by the Ethiopian Government, some Kunama in Eritrea are suspected of supporting or having sympathies with the Ethiopia Government. During the fighting from May to June, Ethiopian forces occupied many areas inhabited by Kunamas; following the withdrawal of Ethiopian troops, some Kunama were accused of collaborating with the Ethiopian troops or of looting of property. In June approximately 200 Kunamas were detained without charges on suspicion of collaborating with the Ethiopian forces (see Section 1.d.). There were unconfirmed reports that the Government took land from members of the Kunama ethnic group without compensation and gave it to members of other ethnic groups on the grounds that the land was not being efficiently exploited. There also is some societal discrimination against Kunamas due to the fact that Kunamas are seen, ethnically and culturally, as different from the majority of citizens.

Section 6. Worker Rights

a. The Right of Association.—Some government policies restrict free association or prevent the formation of unions, including within the civil service, the military, the police, and other essential services. The Ministry of Labor must grant special approval for groups of twenty or fewer persons seeking to form a union; the Government opposed the creation of a press association during the year (see Section 2.b.).

Proclamation 8 of 1991 provides workers with the legal right to form unions and to strike to protect their interests. The National Confederation of Eritrean Workers (NCEW), which was part of the EPLF during the war, maintains a close affiliation with the Government, and its leadership consists of high-ranking PFDJ members. The NCEW represents over 25,000 workers from 250 unions and receives some assistance from the International Labor Organization (ILO) and foreign labor organizations. The largest union within the NCEW is the Textile, Leather, and Shoe Federation. There were no strikes reported during the year.

Unions may affiliate internationally, and all five workers' federations within the NCEW maintained affiliations with international unions during the year.

b. The Right to Organize and Bargain Collectively.—In 1993 the ILO began assisting the Government with a draft labor code, which prohibits antiunion discrimination by employers, allows groups of 20 or fewer workers to organize without Ministry of Labor approval, and establishes a new tripartite mechanism for resolving disputes; however, the code had not implemented by year's end. Under the new labor code, a tripartite board composed of workers, employers, and Ministry of Labor officials is to work to resolve differences. Under the labor law in force during the year, disputes are taken to court. During the year, the NCEW brought 65 cases to court, while an additional 75 NCEW cases remained pending or were settled through conciliation by the Ministry of Labor at year's end.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor; however, there were reports that some Ethiopian civilian detainees were forced to perform paid farm labor and road repair. POW's were forced to perform labor on road-building projects; however, following an ICRC visit in late August, the POW's were no longer forced to perform such labor (see Section 1.c.). All citizens between the ages of 18 and 40 are required to participate in the National Service Program, which includes military training as well as civic action programs. High school students also are required to participate in a paid summer work program.

The Constitution prohibits forced or compulsory labor by children, and there were no reports that it occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment is 18 years, although apprentices may be hired at age 14. The law also prohibits apprentices under 18 years of age from performing certain dangerous and abusive labor, such as working in mines or sewers. Labor inspectors in the Ministry of Labor and Human Welfare are responsible for the enforcement of laws pertaining to the employment of children; however, due to the small number of inspectors, inspections are infrequent. According to the Ministry of Education, only 37 to 38 percent of children attend school due, in part, to a shortage of schools and teachers. It is common for rural children who do not attend classes to work on family farms, fetching firewood and water, and herding livestock among other activities. In urban areas, some children work as street vendors of cigarettes, newspapers, or chewing gum. Children also work as child-minders, traders, and domestic accountants and in small-scale manufacturing. There were reports that the Government inadvertently employed children under the age of 18 as soldiers (see section 5).

The Government has not yet ratified ILO Convention 182 on the worst forms of child labor.

The Constitution prohibits forced or bonded labor, including that performed by children, and there were no reports that it occurred (see Section 6.c.).

e. Acceptable Conditions of Work.—There are two systems that regulate employment conditions—the civil service system and the labor law system. There is no legally mandated minimum wage in the private sector. In the civil service sector, wages vary from $34 to $400 (320 to 3,800 nakfa) per month, with factory workers in government-owned enterprises earning the highest wages. The minimum wage in the civil service sector does not provide the average worker and family with a decent standard of living.

The standard workweek is 44° hours, but many persons work fewer hours. Under the Labor Law, workers are entitled to 1 day of rest per week, and most workers are allowed 1 to 1° days off per week. The Government has instituted occupational health and safety standards, but inspection and enforcement vary widely among factories. Workers are permitted to remove themselves from dangerous work sites without retaliation.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that such trafficking occurred to, from, within, or through the country.

ETHIOPIA

Ethiopia continued its transition from a unitary to a federal system of government. Prime Minister Meles Zenawi leads the Government of the Federal Democratic Republic of Ethiopia. In May the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) won general elections to the federal and regional parliaments. The elections were the second held based on an organizational concept of ethnic federalism incorporated into the 1994 Constitution. Most opposition political parties competed in the May election; however, due to lack of funds and often weak political organization, opposition parties contested only 20 percent of the seats to the federal parliament. EPRDF and affiliated parties hold 518 seats in the 547-seat federal parliament. EPRDF and affiliated parties also hold all regional parliaments by large majorities, although opposition parties hold approximately 30 percent in the Addis Ababa region council and 9.5 percent in the southern region council. According to international and local observers, the elections were generally free and fair in most areas; however, serious election irregularities occurred in the Southern Nations and Nationalities Peoples' Regional State (SNNPRS or southern region), particularly in Hadiya zone. The National Electoral Board (NEB) investigated complaints of the irregularities and determined that many of them had merit. The NEB conducted new elections in June in the SNNPRS, which were determined to be relatively free and fair by international observers, and resulted in the opposition winning 29 seats in the federal parliament and 33 seats in the region council. The principal faction within the EPRDF remains Prime Minister Meles' Tigray Peoples' Liberation Front (TPLF). Federal regions, largely organized along ethnic lines, increasingly are autonomous and have a large degree of local control over fiscal and most political issues. However, the relationship between the central government and local officials and among various judiciaries lacks consistent coordination, and occasionally actions are taken at the local level that conflict with stated federal policy. Highly central-

ized authority, poverty, civil conflict, and unfamiliarity with democratic concepts combine to complicate the implementation of federalism. The federal Government's ability to protect constitutional rights at the local level is limited and uneven. Local administrative, police, and judicial systems remain weak throughout the country. The judiciary is weak and overburdened but continued to show signs of independence.

The Government's security forces consist of the military and the police, both of which are responsible for internal security. The police, which are subordinate to the Ministry of Justice, report to the Security, Immigration, and Refugees Affairs Authority (SIRAA). The military consists of both air and ground forces and reports to the Ministry of National Defense. There was renewed fighting in May and June between Ethiopian and Eritrean armed forces. In June the two countries signed a cessation of hostilities agreement and, on December 12, signed a formal peace treaty. In 1998 when the conflict with Eritrea broke out, military forces assigned to help police and local militia in the Gambella and Benishangul-Gomuz regions establish order, control banditry, and curtail rebel activities, were redeployed to areas bordering Eritrea. Without the military's assistance, these areas once again experienced a breakdown in law and order. There was increased internal military presence in some parts of the Somali region and Oromiya. Military forces conducted an increased number of low-level operations against the Oromo Liberation Front (OLF), the Somalia-based Al'Ittihad terrorist organization, and elements of the Ogaden National Liberation Front (ONLF) both in the country and in southern Somalia and northern Kenya. Some local officials and members of the security forces committed human rights abuses.

The economy is based on smallholder agriculture, with more than 85 percent of the estimated population of 63 million living in rural areas under very basic conditions. Agriculture accounts for approximately 80 percent of total employment. Per capita gross national product is estimated at $100 per year. The real gross domestic product growth rate was estimated at 4.6 percent for the year. Total exports increased from between 2.9 and 6.9 percent over the previous year. Exports consist primarily of coffee, chat, hides, skins, beans, and oilseeds. Coffee accounted for 60 percent of the value of exports during the year, 60 percent of the value of 1999 exports and 70 percent of 1998 exports. The conflict with Eritrea led to increased military spending. Military spending from July 1999 to July was $830 million dollars (6.8 billion birr). The Government continued to implement an economic reform program designed to stabilize the country's financial position, promote private sector participation in the economy, and attract foreign investment. In December 1999, the customs authority introduced a 10 percent surtax on most imports to raise funds for the military; however, the surtax was rescinded as of January 1.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Security forces committed a number of extrajudicial killings and at times beat and mistreated detainees. Prison conditions are poor. Arbitrary arrest and detention and prolonged pretrial detention remained problems. The Government continued to detain persons suspected of sympathizing with or being involved with the OLF. The Government continued to detain and deport without due process Eritreans and Ethiopians of Eritrean origin. Since the outbreak of the border conflict in May 1998, as many as 75,000 such persons have left Ethiopia for Eritrea; the vast majority were deported, although a small number left voluntarily. However, the Government stopped deporting Eritreans and Ethiopians of Eritrean origin after it signed the cessation of hostilities agreement with Eritrea in June. Another 1,200 male Eritreans and Ethiopians of Eritrean origin were being held in internment camps at Dedesa at year's end. Although prompted by national security considerations, the expulsions and detentions raised fundamental concerns regarding arbitrary arrest and detention, forced exile, the forcible separation of families, and nationality issues, as well as the hardships and financial losses suffered by those who were detained or expelled. Despite some efforts, the judiciary continued to lack sufficient trained staff and funds, which limited its ability to provide citizens the full protection provided for in the Constitution. During August and September, the federal courts were able to reduce the backlog of court cases by approximately a third. The judiciary also showed some signs of growing independence. The Government infringed on citizen's privacy rights, and the law regarding search warrants was ignored widely.

The Government restricts freedom of the press and continued to detain or imprison members of the press; however, fewer journalists were detained than in previous years. Most were accused or convicted of inciting ethnic hatred, committing libel, or publishing false information in violation of the 1992 Press Law. Journalists continued to practice self-censorship. The Government at times restricted freedom of assembly. The Government limits freedom of association and, while the non-gov-

ernmental organization (NGO) registration process continued to improve, the Government continued to refuse to register some NGO's. In July legislation to create a constitutionally mandated Human Rights Commission and office of the ombudsman, which was passed in October 1999, entered into force; however, neither entity was operational at year's end. The Government generally respected freedom of religion; however, on occasion local authorities infringed on this right. The Government restricted freedom of movement. The border conflict with Eritrea displaced a large number of persons internally; however, approximately half of the internally displaced persons (IDP's) were able to return home by year's end.

Violence and societal discrimination against women, and abuse of children remained problems. Female genital mutilation (FGM) is widespread. The Government supported efforts to eliminate FGM and other harmful traditional practices. The exploitation of children for economic and sexual purposes remained a problem. Societal discrimination against disabled persons was a problem. Discrimination against religious and ethnic minorities continued. Child labor, particularly in the informal sector, continued to be a problem. Forced labor, including forced child labor, was also a problem, and there were reports of trafficking in persons.

The Government's Special Prosecutor's Office (SPO) continued conducting the trials of persons accused of committing crimes under the brutal Marxist regime (1974–91) of Colonel Mengistu Haile Mariam. Charges have been brought against 5,198 persons. All have been indicted and arraigned, and the testimony of victims continued to be heard in open court. However, more than half of those accused are not in custody and were charged in absentia. Most SPO detainees have been held in custody for 7 or 8 years awaiting trial and judgment.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—The security forces committed a number of extrajudicial killings, including alleged political killings. In February in Soro, police tortured and killed two farmers—supporters of the opposition—while they were in police custody; the farmers allegedly were arrested for the non-payment of taxes (see Sections 1.d. and 3). No action was taken against the police by year's end. In March in Ambo, police killed a student, Getu Driba, injured 6 others, and detained over 1,000 students and 3 teachers after a demonstration (see Sections 1.c., 1.d., and 2.b.). There was a credible report that in March security forces killed a student who was attempting to assist another person being arrested for the non-payment of taxes (see Section 1.d.). In April in Dembi Dolo, police killed a student during a student demonstration in support of detained Ambo students and teachers (see Sections 1.d. and 2.b.). In May in the SNNPRS region, Hadiya zone, security forces killed two women while they were voting, allegedly because they refused to mark their ballots for an EPRDF candidate (see Section 3). An election observer who saw the bodies stated that the women were shot in the face. A government investigation into the killings was conducted during the year; however, no results were released or further action taken in the matter by year's end. Also in May, according to Beyene Petros, the chairman of the Southern Ethiopian People's Democratic Coalition (SEPDC), police killed seven SEPDC supporters who were protesting outside two polling stations in the south (see Section 3). In December in Awassa, riot police shot and killed a student in a demonstration (see Section 2.a. and 2.b.). In December police reportedly beat to death a man detained allegedly in retaliation for election activities (see Section 1.c.). There also were numerous unconfirmed reports of extrajudicial killings by government security forces from Oromiya and the Somali region.

There were some reports that Ethiopian troops in Somalia killed some civilians during the year. For example, on September 23, approximately 30 Ethiopian soldiers attacked Haji Salah village in Somaliland, killed two persons, and confiscated radio equipment. Somaliland President Egal wrote a letter to the Ethiopian Government and asked for an explanation for the attack.

The Government provided financial support to a coalition of Eritrean opposition groups based in Sudan, which were reported to have laid landmines in Eritrea that resulted in several civilian deaths.

In late November, armed men reportedly from Ethiopia killed nine persons and seriously injured five others in the town of Moyale near the Kenyan border. Local politicians claimed that the attackers had support from Ethiopian security forces; the incident was not resolved by year's end.

There were some deaths in prison during the year due to illness and disease (see Section 1.c.).

In November 1999, student protests against the arrest of two teachers who criticized new textbooks in the Welayita speaking sections of the SNNPRS led to widespread demonstrations and riots (see Sections 1.d. and 5). Special police units called in to suppress the riot killed up to 10 persons and injured hundreds of others. The Government conducted an investigation into the incident but had not released a report by year's end.

There was no action taken or investigation into reports that in August 1999 security forces fired on a group of Somalis who were protesting the military's occupation of a Somali border town, killing two persons.

In June 1999, a youth attending the funeral of All Amhara People's Organization (AAPO) founder Dr. Asrat Woldeyes was shot and killed by an undercover security officer who subsequently was arrested and charged for the crime. No further action was taken in the case by year's end.

In 1997 the Federal High Court in Addis Ababa began the arraignment and prosecution of 5,198 persons formally charged with genocide and other war crimes, including extrajudicial killings, under the previous regime (see Section 1.e.). Of the 5,198 persons charged, 2,246 were detained, while the remaining 2,952 were charged in absentia. At year's end, witnesses still were being heard and evidence taken in the ongoing trials. During the year, the Government acquitted and released a number of prisoners for lack of evidence. In November 1999, the Federal High Court handed down a death sentence in absentia to Getachew Tekeba, a former district governor and army lieutenant. Tekeba was convicted of ordering the detention, torture, and execution of five alleged opponents of the Mengistu Government. Tekeba's whereabouts remained unknown at year's end. In November the Federal High Court sentenced Colonel Sileshi Mekuria to life imprisonment for killings he committed while he was head of the palace guards under Mengistu. The Federal High Court also sentenced three former palace guards to 15 years' imprisonment.

During the year, the Ethiopian army reportedly laid landmines in the Eritrean territories that it occupied. During the year, there were approximately 48 reported casualties in Eritrea, including a number of deaths, from landmines and unexploded ordnances; however, in addition to the landmines laid by Ethiopia during the conflict, Ethiopian forces also laid landmines during the Eritrean war for independence, and landmines were laid during the year by an armed group opposed to the Eritrean government. It was not clear which landmines in particular were responsible for the casualties. During the year, Eritrean forces also laid landmines as they withdrew from occupied territories; approximately 100 Ethiopian civilians were killed in landmine explosions from landmines laid by Eritrea.

The OLF and the ONLF regularly used landmines, which resulted in numerous civilian deaths and injuries (see Section 1.c.). Explosions by landmines laid by the OLF and the ONLF were estimated to have killed 2 to 5 persons per month during the year. The OLF has claimed responsibility for several landmine explosions along the railroad line from Addis Ababa to Djibouti, which resulted in between 5 and 15 civilian deaths; OLF responsibility could not be confirmed. For example, during the summer, a freight train was derailed by a landmine explosion near Nazareth; two persons died and several were injured. Observers believe the landmines were laid by the OLF.

Preelection and postelection violence resulted in some deaths (see Section 3). For example, on election day, three persons were killed when an EPRDF member threw a grenade into the home of an opposition party election observer while the observer was in his residence, killing him. In August in the Somali region, nine people, including five election observers, one opposition candidate, and three other passengers, were killed when the cars they in which they were riding were struck by either rockets or landmines. The identity of the perpetrators remained unknown at year's end.

Banditry remained a serious problem in parts of the country. Bandits, often heavily armed, killed civilians during robberies and attempted robberies. Most evidence suggests that their motives primarily were economic.

Ethnic clashes during the year resulted in a number of deaths (see Section 5). The drought has exacerbated tensions between the Oromo Borena community and ethnic-Somali Garre pastoralists in the south, and reportedly at least 150 people have been killed in clashes between the two communities during the year (see Section 5).

b. Disappearance.—There were no confirmed reports of disappearances perpetrated by the Government; however, there have been some unconfirmed reports of politically motivated disappearances.

In 1997 the federal High Court in Addis Ababa began the arraignment and prosecution of 5,198 persons charged with genocide and other war crimes under the previous regime, including the disappearance of 14,209 persons (see Section 1.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits the use of torture and mistreatment; however, there were credible reports that security officials sometimes beat or mistreated detainees. Government media published occasional reports of officials who were jailed or dismissed for abuse of authority and violations of human rights. In the fall, police reportedly beat a man who was detained allegedly in retaliation for election activities; he was beaten so severely that he sustained permanent damage. In December police reportedly beat another man to death who was detained for similar reasons (see Section 1.a.)

In March in Ambo, police injured 6 students who were hospitalized for their injuries, killed a student, and detained over 1,000 students and 3 teachers after a demonstration (see Section 1.d. and 2.b.).

In November 1999, student protests against the arrest of two teachers who criticized new textbooks in the Welayita speaking sections of the SNNPRS led to widespread demonstrations and riots (see Sections 1.d. and 5). Special police units called in to suppress the riot injured hundreds of the demonstrators and killed up to 10 persons. The results of a government investigation into the incident were not released by year's end.

Preelection and postelection violence resulted in some injuries and deaths (see Sections 1.a and 3).

The OLF and the ONLF regularly used landmines, which resulted in numerous injuries and deaths (see Section 1.a). For example, there was a report that a landmine explosion injured a nurse and driver working on the National Polio Immunization Campaign. Landmine explosions derailed cargo and passenger trains on occasion during the year. For example, during the summer, a freight train was derailed by a landmine explosion near Nazareth; two persons died and several were injured (see Section 1.a.). Observers believe the landmines were laid by the OLF.

Ethnic clashes throughout the year resulted in numerous injuries and the deaths of hundreds of persons (see Sections 1.a. and 5).

Prison conditions are poor, and overcrowding remains a serious problem. Prisoners often are allocated fewer than 21.5 square feet of sleeping space in a room that may contain up to 200 persons. Prison food is inadequate, and many prisoners have food delivered to them every day by family members or use their own funds to purchase food from local vendors. Prison conditions are unsanitary, and access to medical care is not reliable. There were some deaths in prison during the year due to illness and disease. Prisoners typically are permitted daily access to prison yards, which often include working farms, mechanical shops, and rudimentary libraries. Visitors are permitted. Prison letters all must be written in Amharic, making outside contact difficult for non-Amharic speakers; however, this restriction is not enforced. Female prisoners are housed separately from men, and rape does not appear to be a problem; however, there was a report in September that a guard raped a female prisoner. The guard was arrested in September and remained in detention pending a trial at year's end.

Approximately 2,000 Eritrean soldiers were captured as a result of fighting conducted during May and June. These prisoners of war (POW's) have been interned in camps in Tigray region, in addition to those captured during earlier combat and imprisoned in a camp at Dedesa. In June 1999, approximately 1,200 internees of Eritrean origin and 172 POW's were moved from the Bilate detention camp to the Dedesa internment camp in western Oromiya. The new camp is in an area less prone to malaria. Conditions in the camp are Spartan, but there are adequate housing, food, water and sanitation facilities. In July 1999, approximately 350 Eritrean POW's were moved from the Tigray region to the Dedesa internment camp. Following the signing of a formal peace treaty on December 12, the Government repatriated 359 severely wounded or ill POW's to Eritrea.

The Government permits independent monitoring of prison conditions and police stations by the International Committee of the Red Cross (ICRC) and by diplomatic missions. The ICRC generally had access to federal and regional prisons, civilian detention facilities, and police stations throughout the country; in May the Government granted the ICRC access to the Central Investigation Division (CID) detention facility in Addis Ababa, which holds upwards of 200 persons whose cases are under investigation. The ICRC had access to the Tatek military detention facility in the east but not to other military detention facilities where suspected OLF fighters are held. Unlike in the previous year, the ICRC was permitted access once in June to all 29 police stations in Addis Ababa where it identified and registered three individuals of Eritrean origin. The Government generally permitted the ICRC access to detention facilities holding Eritrean POW's, including the main camp at Dedesa. The ICRC also regularly visited civilian Eritrean nationals and Ethiopians of Eritrean origin detained on national security grounds.

Government authorities continued to permit diplomats to visit prominent detainees held by the SPO for alleged involvement in war crimes and terrorist activities. These detainees include the former housing ministry official and governor of Sidamo under Mengistu, Abera Yemane-Ab, 1968 Olympic marathon winner Mamo Wolde, and former Addis Ababa university president Dr. Alemayehu Tefera. Ethiopian Teachers Association (ETA) president Dr. Taye Woldesemayat, now serving a 15-year sentence for plotting violent insurrection, also is permitted visitors from the diplomatic community. However, although a delegation from the international NGO Education International had received visas to visit Dr. Woldesemayat in prison, they were turned back upon arrival at Addis Ababa airport in June (see Section 6.a.). A second delegation from Education International attempted to visit Dr. Woldesemayat in December; however, all but one of the delegation members were denied visas (see Section 6.a.).

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and both the criminal and civil codes prohibit arbitrary arrest and detention; however, the Government does not always respect these rights in practice.

Under the criminal procedure code, any person detained must be charged and informed of the charges within 48 hours and, in most cases, be offered release on bail. Those persons believed to have committed serious offenses may be detained for 15 days while police conduct an investigation, and for additional 15-day periods while the investigation continues. Some offenses, such as murder and treason, are not bailable. In practice and especially in the outlying regions, authorities regularly detain persons without a warrant, do not charge them within 48 hours, and—if persons are released on bail—never recall them to court. Thousands of criminal suspects remained in detention without charge; most were accused of involvement in OLF terrorist activities. Often these lengthy detentions are due to the severe shortage and limited training of judges, prosecutors, and attorneys.

Federal and regional authorities arrested and detained persons without charge or trial for activities allegedly in support of armed opposition groups. The vast majority of these incidents took place in the Oromiya and Somali regional states. Approximately 7,500 persons allegedly associated with armed opposition groups remained in detention at year's end. Most detainees were accused of participating in armed actions by the OLF or the ONLF. In typical cases, security forces arrested and held these persons incommunicado for several days or weeks before eventually releasing them.

In August Dr. Moga Frissa, vice president of Mecha-Tulema, an Oromo civic organization, was arrested on charges of involvement with the OLF. The police and prosecutor charged Moga with subversion and aligning with a terrorist organization; however, the judge in this case did not accept the charges and ordered Moga released. Dr. Moga was released on September 24.

There were reports that in June, soldiers arrested 200 persons in Malka Jabdu near the site of a landmine explosion that derailed a train in May (see Section 1.c.). The individuals arrested were mostly OLF or suspected OLF members.

In February in Soro, police tortured and killed two farmers—supporters of the opposition—while they were in police custody (see Sections 1.a. and 3).

In March in Ambo, police detained over 1,000 students and 3 teachers, injured 6 students, and killed a student after a demonstration (see Section 1.c. and 2.b.). Most of the students were released after questioning, and all of the students and teachers were released by year's end.

In December ethnic tensions between Oromo and Tigrayan students at Addis Ababa University led to some fighting and vandalism, and authorities arrested some Oromo students (see Section 5). The Oromo students claim that the arrests were out of proportion to their involvement in the fighting.

In August authorities arrested the official driver of the Eritrean Embassy. He remained in detention at year's end; however, no further information on his case was available.

There were credible reports that local authorities in the Oromiya, Amhara, and southern regions periodically arrested and detained supporters of opposition parties in the period prior to and following the May elections (see Section 3). For example, approximately 500 Hadiya Nation Democratic Organization (HNDO) supporters were detained by the police ostensibly on charges of non-payment of taxes and fertilizer loans; most were released just prior to the May elections. There was a credible report that in March security forces killed a student who was attempting to assist another person being arrested for the non-payment of taxes (see Section 1.a.). Representatives of the SEPDC alleged in July that authorities in the southern region detained hundreds of SEPDC supporters in retaliation for voting for the opposition in the May elections (see Section 3). Some of those detained were released,

some were released after paying a fine, and some remained in detention at year's end.

A total of three journalists were detained during the year and five journalists remained in detention at year's end, including four journalists detained in 1997, and one journalist sentenced to a 1-year prison term in June (see Sections 1.e. and 2.a.). In February a journalist was released after the International Federation of Journalists protested her continued detention despite having posted bail in December 1999 (see Section 2.a.). She was convicted in July of having violated the Press Law and was sentenced to 6 months' imprisonment.

In response to attacks by armed opposition groups operating out of Somalia and Kenya (see Sections 1.a. and 1.c.), the Ethiopian military has conducted operations in and around the areas bordering Somalia and Kenya. These operations have resulted in the capture and detention of hundreds of opposition fighters and their suspected supporters on both sides of these borders.

In December 1999, the Government arrested 26 Nuer tribal political activists associated with the Gambella People's Democratic Congress (GPDC); the Government released 12 of the activists, and 14 remained in detention at year's end (see Sections 3 and 5). Some of the activists were arrested for inciting Nuer students in November to demonstrate for the use of the Nuer language in school (see Section 2.b.), while others were arrested on suspicion of supporting the OLF.

In November 1999, student demonstrations against the arrests of two teachers in Sodo in the SNNPRS for objecting to the use of a new language in student textbooks led to widespread weeklong demonstrations and riots (see Section 5). Special police units brought in to suppress the demonstrations killed up to 10 persons, injured hundreds, and arrested up to 1,000 others (see Sections 1.a. and 5). A former Young Men's Christian Association camp in Sodo was used as a temporary detention facility for hundreds of demonstrators. Most of those arrested were released by year's end; however, approximately 50 elders, teachers, and civil servants were charged with subversion and remained in detention pending trials at year's end. Bail was set for the detainees from between $6,060 to $12,121 (50,000 and 100,000 birr), but none of the detainees were able to make bail.

In June 1999, ETA president Dr. Woldesemayat was convicted of treason and alleged involvement in an underground terrorist organization and sentenced to 15 years in jail (see Section 6.a.). In handing down the sentence the court referenced two alleged terrorist acts that had been dropped from the list of charges against Dr. Woldesemayat during the trial. Dr. Woldesemayat's attorney appealed the conviction.

The closed trial of 65 Oromos suspected of involvement in OLF terrorist acts and arrested in 1997 and indicted in 1998 continued. Six of the defendants staged a 10-day hunger strike in May 1999 to protest the prison policy of keeping them in handcuffs 24 hours a day. The defendants are no longer kept handcuffed.

In 1997 the SPO formally charged 128 defendants with politically motivated genocide dating back to the 1976 "red terror" (see Section 1.e.). The SPO has the authority to arrest and interrogate anyone suspected of involvement in the Red Terror Campaign under Mengistu. In December 1998, the SPO began presenting prosecution testimony in the case of former Addis Ababa University president Alemayehu Tefera, imprisoned since 1993, although the charges on which he originally had been detained were dropped the same year. His petition to separate his case from the 127 other defendants was denied (see Section 1.a.). The court also started hearing testimony in December 1998 on the case of former Olympic marathon champion Mamo Wolde, who was charged with genocide for the state-sponsored killing of 14 teenagers during the prior regime. Wolde has been detained since 1992. Both trials were ongoing at year's end. During the year, the Government freed a number of SPO prisoners for lack of evidence.

Opposition groups allege that some of the persons detained by the SPO are held for political reasons. The Government denies that it holds persons for political reasons.

Some civilian residents of Eritrean origin have been detained since the outbreak of hostilities between Ethiopia and Eritrea. The Government justified these detentions on grounds of security. Approximately 1,200 civilian residents of Eritrean origin remained detained in the internment camps at Dedesa at year's end (see Section 1.c). The ICRC was conducting interviews with the detainees at year's end to determine their willingness to be repatriated to Eritrea; repatriations for those willing are scheduled to occur in early 2001. There were credible reports that hundreds of other detainees of Eritrean origin were held in police stations for months prior to being deported in 1999. In June for the first time, the ICRC was granted access to all 29 police stations in Addis Ababa (see Section 1.c.). Beginning in April 1999, authorities began releasing Eritrean civilian detainees if they could obtain visas to a

country other than Eritrea. Approximately 90 detainees left Ethiopia in 1999, mostly to other African countries, particularly Uganda and Malawi. However, following a violent confrontation in August in Malawi between some former detainees and Malawi police, the Government reportedly decided to not let detainees travel to other African countries (see Section 2.d.).

Approximately 2,000 Eritrean POW's, captured in fighting between Ethiopia and Eritrea, remained detained at year's end. In December 359 severely wounded or ill POW's were repatriated to Eritrea; the remaining POW's are scheduled to be repatriated in early 2001 under ICRC supervision.

Exile is illegal, and the Constitution provides that citizens shall not be deprived of their nationality against their wills; however, since the outbreak of conflict with Eritrea in May 1998, the Government has detained and deported as many as 75,000 Eritreans and Ethiopians of Eritrean origin on national security grounds. Some of the deportees were voluntary returnees who had requested return to Eritrea; however, the vast majority were deported forcibly. Deportation orders originated from the SIRAA in Addis Ababa. The Government's actions raised serious issues of due process since there were no preliminary hearings to determine the merits of the deportations, no right to counsel was provided to detainees, and detainees only had a very circumscribed opportunity to register protests. In addition the issue of the nationality of Eritrean-origin Ethiopians has not been settled yet. Heads of households were taken without warning, detained, and often deported via overland routes within 48 hours. Remaining family members were given arbitrary deadlines to sell property and sometimes were subjected to departure taxes based on estimated annual income and unpaid balances on government bank loans. The ICRC monitored the deportation or repatriation of approximately 475 Eritreans or Ethiopians of Eritrean origin during the year; 747 were deported or repatriated without ICRC involvement. The Government stopped deporting Eritreans and Ethiopians of Eritrean origin after it signed the cessation of hostilities agreement with Eritrea in June. Approximately 400 Eritreans were voluntarily repatriated to Eritrea between June and December. In August 1999, all Eritreans and Ethiopians of Eritrean origin over 18 years of age who had taken part in the 1993 referendum on Eritrean independence were required to register with the SIRAA and complete residence application forms. After registration applicants received identity cards and residence permits valid for 6 months (see Section 2.d.).

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary remained weak and overburdened. Although the federal and regional courts continued to show signs of judicial independence, in practice severe shortages of adequately trained personnel in many regions, as well as serious financial constraints, combined to deny many citizens the full protections provided for in the Constitution.

Consistent with the Constitution, the Government continued to decentralize and restructure the judiciary along federal lines with the establishment of courts at the district, zonal, and regional levels. The federal High Court and federal Supreme Court hear and adjudicate original and appeal cases involving federal law, transregional issues, and national security. The regional judiciary is increasingly autonomous, with district (woreda), zonal, high, and supreme courts mirroring the structure of the federal judiciary. In March the president of the federal High Court created two new three-judge benches at the High Court level to handle criminal cases. The Government has delegated some of the war crimes trials to the supreme courts in the regions where the crimes allegedly were committed.

The Constitution provides legal standing to some preexisting religious and customary courts and gives federal and regional legislatures the authority to recognize other courts. By law, both parties to a dispute must agree before a customary or religious court may hear a case. Shari'a (Islamic) courts may hear religious and family cases involving Muslims. In addition some traditional courts still function. Although not sanctioned by law, these courts resolve disputes for the majority of citizens who live in rural areas and who generally have little access to formal judicial systems.

The outbreak of hostilities between Ethiopia and Eritrea adversely impacted the military justice system. Most foreign assistance to train officers and noncommissioned officers was suspended at the same time that the rapid expansion of the military greatly increased the need for trained military lawyers and judges.

Regional offices of the federal Ministry of Justice monitor local judicial developments, and the regional courts have jurisdiction over both local and federal matters, but the federal judicial presence in the regions is limited nevertheless. Anecdotal evidence suggests that some local officials believe they will no longer be held accountable to a higher authority. For example, during the year local government officials in some areas ignored instructions from the National Electoral Board (NEB)

on the acceptance of candidate endorsement signatures from opposition party candidates (see Section 3).

To remedy the severe lack of experienced staff in the judicial system, the Government continued to identify and train lower court judges and prosecutors, although officials acknowledge that the pay scale offered does not attract the required numbers of competent professionals. Senior government officials charged with judicial oversight estimate that the creation of a truly independent and skilled judicial apparatus would take decades. The Government has welcomed foreign financial and technical assistance to accelerate this process. Pending the passage by regional legislatures of laws particular to their region, all judges are guided by the federal procedural and substantive codes.

According to the Constitution, accused persons have the right to a public trial by an ordinary court of law within a reasonable time after having been charged. Accused persons have the right to be represented by legal counsel of their choice. However, in practice, lengthy pretrial detention was common, closed proceedings occurred, and at times, detainees were allowed little or no contact with their legal counsel. The public defender's office provides legal counsel to indigent defendants, although its scope remains severely limited, especially with respect to SPO trials. The law does not allow the defense access to prosecutorial evidence before the trial.

The Constitution provides that persons arrested have the right to be released on bail. In most cases, bail is set between approximately $120 (1,000 birr) and approximately $1,200 (10,000 birr). Since 1999 approximately 50 elders, teachers, and civil servants remained in detention pending trials at year's end because they were not able to make bail (see Section 5). Certain offenses such as capital crimes are not bailable.

Authorities detained hundreds of persons without charge for supposed involvement with the OLF and the ONLF (see Section 1.d.). Such cases often reflect arbitrary actions on the part of local officials but also result from an overburdened and cumbersome judicial system marked by a shortage of trained and competent prosecutors and judges.

The SPO was established in 1992 to create a historical record of the abuses committed during the Mengistu Government and to bring to justice those criminally responsible for human rights violations. The SPO has the authority to arrest and interrogate anyone suspected of involvement in the Red Terror Campaign under Mengistu. The federal High Court has considered the cases of 2,658 defendants accused of genocide, war crimes, and aggravated homicide. Trials began in 1994 and continued during the year; however, the process is subject to frequent and lengthy adjournments. Court appointed attorneys, sometimes with inadequate skills and experience, represent many of the defendants, following claims that they could not afford an adequate defense. Of the 5,198 defendants, the Government is trying 2,952 in absentia, including former dictator colonel Mengistu Haile Mariam, who remained in exile in Zimbabwe. Cases were dealt with more quickly during the year; however, most cases still were in progress at year's end. No SPO defendant has been released on bail; however, at least 50 defendants were released for lack of evidence or acquitted. Several sentences were handed down during the year, including 5 death sentences, 1 life imprisonment, and at least 27 sentences of imprisonment of up to 15 years (see Sections 1.a. and 1.c.). In July the special prosecutor, Girma Wakjira, was jailed for contempt of court after accusing one of the judges of having participated in abuses under Mengistu; he was released after 2 weeks. The judge in question was transferred to a different (criminal) court, and the president of the federal High Court took his place.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law requires judicial search warrants; however, they seldom are obtained outside of Addis Ababa in practice. For example, in August Dr. Moga Frissa, vice president of an Oromo civic organization, was arrested without a warrant on charges of involvement with the OLF (see Section 1.d.).

There were credible but unconfirmed reports that in certain rural areas local officials used threats of land redistribution and withholding of food aid and fertilizer to enforce support for the ruling coalition (see Section 3). There also were credible reports that teachers and other government workers have had their employment terminated if they were not of the dominant ethnic group in their region (see Section 5). According to the SEPDC, some SEPDC supporters were suspended or dismissed from their jobs in retaliation for voting for the opposition in the May elections (see Section 3).

According to a few NGO's, there were reports that the Government had forcibly conscripted young men from eastern and southern states; however, repeated investigations by other international observers found no evidence to support these claims. Ethiopia maintains an all-volunteer military.

During the fighting in May and June, Ethiopian forces looted and caused extensive damage to a number of Eritrean towns and villages. Among the properties ransacked and looted were mosques and churches, factories, flour mills, health clinics, pharmacies, schools, warehouses, bridges, and the homes of government officials.

During the conflict with Eritrea, Eritrean and Ethiopians of Eritrean origin have lost their jobs, business licenses, and access to government services including health care facilities, and many were deported without due process (see Section 1.d. and 2.d.). Individuals often were taken without warning and at night, separated from their families, detained, and deported via overland routes within 48 hours. Remaining family members were given arbitrary deadlines to sell property and sometimes were subjected to departure taxes based on estimated annual income and unpaid balances on government bank loans (see Section 1.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and the 1992 Press Law provide for the freedom of speech and of the press; however, the Government used legal and other mechanisms to restrict these rights in practice. For example, the Government continued to prosecute journalists and editors for publishing articles that violated the Press Law. Some journalists practiced self-censorship. Nonetheless the private press was active and often published articles extremely critical of the Government.

The Government used provisions of the Press Law concerning publishing false information, inciting ethnic hatred, and libel to justify the arrest of journalists. Three journalists were arrested during the year, and at year's end, five journalists remained in detention. Five journalists were released from detention on bail pending court cases during the year.

Five journalists of the Oromo-oriented private weekly "Urjii," arrested in October and December 1997, are among the group of 65 Oromos indicted for involvement in OLF terrorist activities (see Section 1.d.). Three of these journalists remained in detention at year's end, and their trials for Press Law violations were ongoing. In February a journalist with the newspaper Zegabi was released after the International Federation of Journalists protested her continued detention despite having posted bail in December 1999. In July she was convicted of violating the Press Law for writing an article on OLF activities and was sentenced to 6 months in prison. Former Urjii publisher and president of the Human Rights League, Garoma Bekele, who was sentenced to 1-year's imprisonment in 1999, completed his term in May but was convicted on two more press charges. He remained in prison at year's end, and three other Press Law charges were pending against him. In August Solomon Nemera, deputy editor-in-chief of Urjii, was convicted on three charges of violating the Press Law and sentenced to 2 years" imprisonment and fined approximately $1,600 (13,000 birr). A fourth unspecified charge was pending against him at year's end.

In December journalist Zemedkur Mogus of the newspaper Atkurot, originally detained for violating the Press Law in 1998, was released on bail. Journalist Melasse Shine of the newspaper Ethop, arrested in November for violating the Press Law, reportedly was released on bail by year's end. Approximately 24 journalists, including Mogus and Shine, who obtained bail still were subject to trial for violations of the Press Law at year's end.

In December 1999, Aberra Wegi, deputy editor-in-chief of Maebel was sentenced to 1-year's imprisonment on charges of publishing false information in a story about the TPLF killing captured government soldiers during the fight against the Derg regime. He was released in February without completing his sentence. In January Tesehalene Mengesha, deputy editor-in-chief of Zegabi, was sentenced to 6-months" imprisonment on charges of violating the Press Law. She had been arrested and released in February on bail of approximately $250 (2000 birr).

In June Tewodros Kassa, editor-in-chief of Ethiopia, was sentenced to 1-year's imprisonment or a penalty fine of approximately $1,800 (15,000 birr) on charges of publishing fabricated news in a story about the disappearance of an OLF member.

In January Mekonnen Worku, deputy editor-in-chief of Maebel, committed suicide by hanging himself in his home. The Ethiopian Free Press Journalists Association (EFPJA) released a statement claiming that Worku killed himself because of depression and frustration due to police surveillance. Mekonnen had been detained several times, and new charges were brought against him 3 weeks before his death.

At year's end, 27 journalists remained abroad in self-imposed exile rather than face Press Law charges upon returning. In June Dawit Kebede, editor-in-chief of Fiameta (now defunct), who had 12 press charges pending in court, fled the country. In December Israel Seboka, the editor-in-chief of Seife Nebelbal newspaper, and Samson Seyoum Kebede, the former editor of GOH, fled the country. In 1999

Seyoum had been convicted on charges of incitement to war and attempting to spread Islamic fundamentalism; he was sentenced to 4° years" imprisonment but was released pending an appeal of his conviction. Six charges were pending against Seboka in court, and he had posted bail on two other charges.

Despite the constant threat of legal action, the private press remained active. Many private newspapers continued to publish inaccurate information, unsubstantiated stories, and harsh antigovernment articles without any official sanction. The Government has not banned any newspaper or publication. The office of the Government spokesperson was created in 1998 as a temporary entity responsible for distributing press releases on the border conflict with Eritrea to the Ethiopian news agency, foreign news agencies, foreign embassies, and international organizations. The Government continued to bar some private newspapers and news organizations from attending government briefings and press conferences, and most government officials still refuse to meet with private journalists.

On March 13, after a 7-year wait, EFPJA, which consists of about 80 members from the private press, was registered as a professional association with the Ministry of Justice (see Section 2.b.).

Although most independent newspapers have supported the Government's position on the conflict with Eritrea, the private press remained confrontational and continued to publish articles extremely critical of the Government and continued to report on human rights abuses.

According to the Constitution, citizens generally are free to discuss publicly any topic they choose; however, on occasion the Government restricted this right in practice. The Government opposed the activities and operations of groups critical of the Government such as the ETA and the HRL (see Sections 2.b. and 4). Nevertheless several groups critical of the Government held press conferences and public meetings without retribution. Prior to the national elections in May, a series of political debates conducted in Addis Ababa and in regional towns between the EPRDF and opposition political parties were broadcast over national television; opposition candidates and members of opposition parties voiced sharp criticism of the EPRDF and its policies during the debates.

There are approximately 30 independent political Amharic language weekly newspapers and 6 independent English language weekly newspapers with an estimated total circulation of approximately 160,000. There are 5 EPRDF coalition party newspapers, published in Amharic, Tigrigna, and Oromiffa languages, with a total circulation of 120,000. In September the English thrice-weekly The Monitor began publishing on a daily basis, and the first independent daily in Amharic, Addis Daily, began publishing.

Nearly all private newspapers as well as state newspapers are printed at one of the state-owned printing presses. In late July, the only two printing presses equipped to print tabloids, including the major state-run Berhanena Selam printing press, raised printing costs, because of an increase in the price of pulp and paper in the world market. The majority of private Amharic-language newspapers that are members of EFPJA temporarily stopped publication between September 11 and 18 to protest unsuccessfully against the rise in printing costs.

The Ministry of Information and Culture requires that newspapers show a bank balance of approximately $1,250 (10,000 birr) at the time of their annual registration for a license. Some of the newspapers that were shut down by the Government for failing to show sufficient bank assets began publishing again during the year under different names and with new licenses.

While much of the private press continues to lack professionalism in its reporting, some print media are developing into more responsible publications. Others actually are opposition newsletters that often purvey unsubstantiated criticism of the Government. Several are tied to distinct ethnic groups, especially the Amharas and Oromos, and severely criticize the Government for being ethnocentric. Newspapers critical of government leaders and their policies are available widely in the capital but scarce elsewhere.

Foreign journalists continued to operate freely and often wrote articles critical of government policies. They or their local affiliates were granted greater access to government officials than were local independent journalists. A number of foreign journalists were allowed to go to the war front under restricted circumstances. About 10 Ethiopian affiliates of foreign news agencies also were permitted to go to the war front in June and July to visit liberated areas and Eritrean POW's (see Section 1.c.). Local journalists representing privately-owned newspapers were denied access to the war front.

Radio remains the most influential medium for reaching citizens, especially those who live in rural areas. The Press Law allows for private radio stations, but there are no truly independent radio stations. Two nongovernmental stations, Radio Fana,

a station controlled by the ruling EPRDF coalition, and the Tigray People's Liberation Front (TPLF) radio, which broadcasts in the Tigrigna language from Mekele, have close ties to the Government. In June the state-run Radio Ethiopia began broadcasting news and music on a new 18-hour channel. Broadcasting time is sold to private groups and to individuals who want to buy spots for programs and commercials. The Government operates the sole television station, and news is controlled tightly. In September the state-run ETV started a new entertainment channel, "TV Africa," contracted from a South African company. However, there are no restrictions on access to international news broadcasts. Ownership of private satellite receiving dishes and the importation of facsimile machines and modems are permitted. Internet access is provided through the government-controlled telecommunications company, which maintained a waiting list for new accounts. At the beginning of the year, access was restricted to existing lines while the Government expanded capacity; however, by year's end, new accounts were being issued. The Government issued further regulations for licensing private Internet service providers; however, no private Internet service providers were operating at year's end. Private satellite transmission uplinks generally are not allowed.

In 1999 the Government issued a broadcast proclamation creating a broadcasting authority to review applications for private radio and television licenses; however, the authority had not been established by year's end. The broadcast proclamation prohibits political parties and religious organizations from owning stations; foreign ownership also is prohibited. Private entities that would like to be broadcasters claim that the delay in implementing the broadcast law is deliberate.

The official media, including broadcast, wire service, and print media, legally are autonomous and responsible for their own management and partial revenue generation, although they continue to receive government subsidies. Government reporters practice self-censorship. The Government's press and information department acts as an official spokesperson and implemented the 1996 information policy, which guides contacts among the Government, the press, and the public.

The Government generally respects academic freedom; however, in general, political activity is not encouraged on university campuses. In addition the Government requires that it appoint all deans and the Presidents at all eight public universities. The Ministry of Education has approved the charter for the country's first private university, Unity College, which began to offer a bachelor's degree program in September 1999. In May Unity College began offering a 2-year diploma course in journalism and communication.

In July SEPDC representatives alleged that some teachers in the southern region who served as SEPDC election observers were subject to retaliation by local authorities (see Section 3); teachers reported that they were not able to collect their salaries and that they were denied entry to summer update courses.

On a few occasions, police killed and injured some students during student demonstrations during the year (see Section 1.a., 1.c., 1.d. and 2.b.). For example, in December in Awassa, riot police shot and killed a student who was participating in a demonstration over inadequate school services (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly; however, on occasion the Government restricted this right in practice. Organizers of large public meetings or demonstrations must notify the Government in advance and obtain a permit. While there were no reports that any permits were denied, there were long unexplained delays in issuing permits, which hindered the ability of groups to organize events. EHRCO and some opposition political parties reported that they had difficulties renting halls from local government officials. The ETA was not permitted to organize seminars in the regions, despite Ministry of Education assurances in 1998 that it would be allowed to do so.

In March in Ambo, after a group of students demonstrated to protest the Government's refusal to fund and send them to fight forest fires in Bale zone, police killed a student, injured 6 students who were hospitalized, and detained over 1,000 other students and 3 teachers. Most of the students were released after questioning and all of the students and teachers were released by year's end. In April in Dembi Dolo, police killed a student during a student demonstration in support of detained Ambo students and teachers. In December in Awassa, riot police shot and killed a student who was participating in a demonstration over inadequate school services.

In November 1999, student demonstrations against the arrest of two teachers who criticized new textbooks in the Welayita speaking sections of the SNNPRS led to widespread demonstrations and riots during which police killed up to 10 persons, injured hundreds, and arrested and detained as many as 1,000 others (see Sections 1.d. and 5). Most of those arrested were released by year's end; however, approximately 50 elders, teachers, and civil servants were charged with subversion and remained in detention pending trials at year's end.

In November 1999, Nuer students in the Gambella region demonstrated for the use of the Nuer language in schools (see Section 5). In December 1999, the Government arrested up to 26 Nuer tribal political activists and leaders associated with the GPDC on charges of inciting the Nuer students to demonstrate (see Sections 1.d. and 5.). Twelve were released on bail in 1999, and 14 remained in detention at year's end.

The Constitution provides for freedom of association and the right to engage in unrestricted peaceful political activity; however, the Government limited this right in practice. The Government changed its procedures for registration of NGO's in 1996, which improved the NGO registration process significantly; however, a number of policy issues regarding NGO's remain unresolved, and the NGO registration process still was extremely slow. Primary registration rests with the Ministry of Justice. In March after a 7-year wait, the EFPJA, which consists of 80 members from the private press, obtained a certificate of legal recognition as a professional association in March from the Ministry of Justice. The Ministry of Justice recognizes the Ethiopia Journalists' Association, which represents journalists working for government-owned media.

Authorities closed the offices of the HRL in April 1998, on the grounds that some HRL board members wished to use the organization as a front for the OLF. Board members denied any connection to the OLF. The HRL had been operating without a license; however, it had fulfilled the prerequisites for licensing and has been waiting 3 years to get a license (see Section 4). The Government investigation of the HRL was ongoing at year's end, and the contents of its office, confiscated by the Government in 1998, have not been returned.

The Government requires political parties to register with the NEB. Parties that do not participate in two consecutive national elections are subject to deregistration. Registered political parties also must receive permission from regional governments to open local offices. The opposition AAPO complained that in 1999 the Oromiya region government refused its application to open branch offices in the region. There are 58 organized political parties; eight are national parties, and the remainder operate only in limited areas.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, on occasion local authorities infringed on this right.

The Government requires that religious groups be registered. Religious institutions, like NGO's, are registered with the Ministry of Justice and must renew their registration every year. Unlike NGO's, religious groups are not subject to a rigorous registration process. Two religious organizations reportedly have refused to comply with the Government requirement that they register, without consequence. Under current law, a religious organization that undertakes development activities must register its development wing separately as an NGO. The Government does not issue work visas to foreign religious workers unless they are attached to the development wing of a religious organization. Religious groups are not accorded duty-free status; however, with the exception of Jehovah's Witnesses, they are given free government land for churches, schools, hospitals, and cemeteries. Religious groups, like private individuals or businesses, must apply to regional and local governments for land allocation. An interfaith effort was underway at year's end to promote revision of the law in order for religious organizations to obtain duty-free status.

There are more than 6,000 members of Jehovah's Witnesses in the country. The Government continued its policy of not deporting members of Jehovah's Witnesses of Eritrean origin, who might face religious repression in Eritrea.

Evangelical leaders have complained of strict regulations on the importation of bibles, as well as heavy customs duty on bibles and other religious articles; however, bibles and religious articles are subject to the same customs duty as are all imported books and most imported items.

Unlike in the previous year, there were no complaints from Muslim leaders that public school authorities sometimes interfered with their free practice of Islam.

In December Samson Seyoum Kebede, the former editor of GOH, fled the country. In 1999 Seyoum was convicted on charges of incitement to war and attempting to spread Islamic fundamentalism; he was sentenced to 4° years" imprisonment, but was released pending an appeal of his conviction (see Section 2.a.). Under the Press Law, it is a crime to incite one religion against another.

The Government has interpreted the constitutional provision for the separation of church and state to mean that religious instruction is not permitted in schools, whether public or private. Catholic, Orthodox, evangelical and Muslim-owned and operated schools are not permitted to teach religion as a course of study. Most private schools teach a morals course as part of the school's curriculum, and the Government Education Bureau in Addis Ababa has complained that such courses are

not free of religious influence. Churches are permitted to have Sunday schools, the Koran is taught at mosques, and public schools permit the formation of clubs, including those of a religious nature.

Protestant groups occasionally complained that local officials discriminate against them when seeking land for churches and cemeteries. Evangelical leaders complain that, because they are perceived as "newcomers," they remain at a disadvantage compared with the Ethiopian Orthodox Church and the Supreme Islamic Council when it comes to the allocation of land.

While some Pentecostals and evangelicals complained in past years that the police failed to protect them adequately during instances of interreligious conflict (see Section 5), there were no complaints of inadequate police protection during the year. In most interreligious disputes, the Government maintains neutrality and tries to be an impartial arbitrator. Some religious leaders have requested the establishment of a federal institution to deal with religious groups. The Government considered the request but had taken no action to establish such a federal institution by year's end.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement, including the right of travel, emigration, and repatriation; however, the Government restricted these rights in practice. Some AAPO codefendants, convicted in 1998 on charges of treason, completed their prison sentences in 1998 and 1999 but have not been permitted to leave the country. In May the Government denied entry visas to a Norwegian human rights group that wanted to monitor the elections (see Section 3); they were granted visas when they changed the purpose of their trip to academic research.

In principle citizens can freely change their residence or workplace; however, since the outbreak of the border conflict with Eritrea in May 1998, Eritreans and Ethiopian citizens of Eritrean origin were subjected to detention and deportation to Eritrea. By year's end, as many as 75,000 persons had been compelled to leave Ethiopia for Eritrea or had left under adverse conditions since 1998; the vast majority were deported, although a small number left the country voluntarily to join family members who were deported without due process (see Section 1.d.). The Government stopped deporting Eritreans and Ethiopians of Eritrean origin after it signed the cessation of hostilities agreement with Eritrea in June. It is estimated that more than 200,000 Eritreans and Ethiopians of Eritrean origin remain in Ethiopia. In 1999 the Government decreed that all Eritreans 18 years of age and above residing in Ethiopia, who either had taken part in the 1993 referendum on the independence of Eritrea from Ethiopia or who had been granted Eritrean citizenship, had to register as aliens with the SIRAA. Those registering would be issued an identity card and given a 6-month residence permit, which was allowed to expire. However, the residence permits did not give individuals access to hospitals or other public services. The Ethiopian passports of residents of Eritrean origin routinely were confiscated or restricted in use for a single exit and no reentry.

Beginning in April 1999, the Government adopted a policy of releasing those Eritrean detainees from the Bilate and Dedesa internment camps who could obtain visas to a country other than Eritrea. Approximately 90 detainees took advantage of this opportunity, with most going to African countries, particularly Uganda and Malawi. However, following an incident in August 1999, in which 25 detainees obtained fraudulent Malawian visas, traveled to Malawi with government-issued laissez-passers and were returned forcibly to Ethiopia after a violent confrontation with Malawi police in which one former detainee was killed and at least six others were injured, the Government reportedly decided not to permit detainees to depart for other countries in Africa.

The law requires citizens and residents to obtain an exit visa before departing the country. Eritreans and Ethiopians of Eritrean origin have been able to obtain exit visas but often are not permitted to return to the country.

In Addis Ababa and western Gondar in the Amhara region there are very small concentrations of Ethiopian Jews (Falashas) and those who claim that their ancestors were forced to convert from Judaism to Ethiopian Orthodoxy (Feles Mora). Approximately 3,000 Feles Mora migrated voluntarily from the western Amhara region to Addis Ababa in 1991 at the time of "Operation Solomon," when a large number of Falashas were airlifted to Israel. The Feles Mora also seek to immigrate to Israel. The number of Feles Mora in the country is approximately 26,000. Israeli officials evaluate the Feles Mora immigration claims on a case-by-case basis and estimate that by year's end approximately 100 individuals were immigrating to Israel under the law of return each week. All of the eligible Falashas from Ethiopia had immigrated to Israel by December 1999.

During the year, more than 25,000 Ethiopians were deported or repatriated from Eritrea to Ethiopia. These deportees and returnees were initially housed in camps

in Adwa and possibly Adrigrat for a few days, before returning to their homes and families.

As a result of the conflict with Eritrea, approximately 343,000 persons have been displaced internally. The Government has presented relief and rehabilitation proposals for these internally displaced persons (IDP's) to bilateral donors and NGO's. By year's end, the Government, with international assistance, returned at least half of the IDP's to their homes and granted other assistance, including food and money, to the remaining IDP's.

The law includes provisions for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally treats asylum seekers fairly and cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and returning citizens.

Ethiopia hosts approximately 300,000 refugees; most are from Somalia and Sudan. The Government in cooperation with the UNHCR continues to provide first asylum to refugees from Sudan and Somalia. Along the border of northwest Somalia, 195,345 Somali refugees were resident in 8 camps at year's end, down from 600,000 Somali refugees in 1996. Along the Sudanese border approximately 60,000 Sudanese refugees were resident in 4 refugee camps around Gambella and Asossa at year's end. Approximately 80 percent of the Sudanese refugees are women and children. There are approximately 1,500 Djiboutian Afar asylum-seekers remaining in the country, down from a high of 18,000 when Djiboutian Afars first entered the country in 1993. By year's end, the UNHCR was able to register most Djiboutian Afars in the country, including 1,503 Djiboutian Afars in the area of Assaita, and 57 in other parts of the country. The Afar claim that the Government arbitrarily reduced the estimated number of Afar refugees in the country without evidence that any refugees had actually left the country. These asylum seekers have requested, but never have been granted, formal registration by the Ethiopian Agency for Refugee and Resettlement Affairs (ARRA). Negotiations began in 1997 between the Government and the UNHCR concerning their status and were ongoing at year's end. ARRA conducted an informal registration of Djiboutian Afars in May 1999 without UNHCR involvement.

In November the Governments of Ethiopia and Kenya, with UNHCR facilitation, began a second effort to repatriate approximately 4,800 Kenyan refugees from the Moyale area. By year's end, all of the Kenyan refugees had been repatriated. During the year, the UNHCR facilitated the return of 44,000 Somalis to Somaliland. An additional 8,000 Somalis were resettled from camps in the east in the northern Ogaden region.

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

Citizens exercised the right to vote for a national government in May, during elections for the House of People's Representatives (HPR). According to observers organized by the Ethiopian Human Rights Council (EHRCO), local U.N. staff, diplomatic missions, political parties, and domestic NGO's, the elections were generally free and fair in most areas; however, serious election irregularities occurred in the SNNPRS region, particularly in Hadiya zone. As a result, the NEB, acting on its constitutional authority, investigated complaints of the irregularities and determined that many of them had merit. These included incidents of election officials instructing voters for whom to vote, candidates campaigning at polling stations, and candidates being pressured into quitting. There were also credible reports of ballot stuffing, vote count fraud, voter intimidation or bribery, dismissals from work, withholding of salaries, detentions, abductions, and killings (see Sections 1.a., 1.c., and 1.d.). The NEB ordered new elections in some areas of SNNPRS that were held in June; they were declared generally free and fair by international observers. The NEB agreed to bring charges against those suspected of the worst election abuses in the SNNPRS; however, no action had been taken by year's end. Elections in the Somali region took place in August, after delays due to a food emergency and voter registration irregularities.

Seventeen opposition political parties contested the May election, including the AAPO, the SEPDC, and the Oromo National Congress. The better-funded and better-organized incumbent party, the EPRDF, generally dominated over candidates of the relatively weaker and less-organized opposition parties and independent candidates, except in the SNNPRS, where the opposition made significant inroads. EPRDF candidates won 481 seats in the HPR, EPRDF affiliate candidates won 37 seats, opposition party candidates won 16 seats, and independent candidates won 13 seats.

The Government made efforts to level the playing field for non-EPRDF political parties, by establishing a donor supported fund for opposition party candidates, providing opposition candidates access to state-owned electronic media, and changing the law to permit civil servants to run for office without first resigning their positions. The Government was willing to engage opponents in open debate at candidate and party forums. Many of these debates were broadcast live on national radio and television and reported on in both government and private newspapers (see Section 2.a.). Free radio broadcast time was set aside for the elections, and 225 independent candidates and 33 political parties made use of it.

By the end of 1999, the NEB had begun investigating abuses of election laws related to candidate registration for the May election in the SNNPRS and the Gambella region. There were credible reports that local officials throughout the country ignored NEB instructions on the acceptance of candidate endorsement signatures from opposition party candidates. There were instances in which the NEB had to force local authorities to accept nominations. There were credible reports that during candidate registration in January, many kebele offices were closed for holidays or were otherwise unstaffed, hindering the registration process of opposition candidates. In the Somalia region prior to the August elections, thousands of ballots were reprinted to rectify the fact that a female opposition candidate had not been listed despite having met NEB requirements for candidate registration.

There were credible reports that citizens who tried to register to vote were told by government personnel that they had to prove their citizenship in order to register; under the law only citizens can vote. Reportedly Ethiopians of Eritrean origin were not allowed to register or to vote. In May local officials denied three HNDO observers in possession of valid election authorization letters admission to a Wachara polling station when the ballot box was unsealed. A review of the polling station registration book by a diplomatic election observer indicated that no more than 20 individuals had voted, although the canvas ballot box was filled with ballots. In the Soro zone, there were credible reports of many NEB polling station officials being dismissed shortly before the election and being replaced by local government officials.

In May the Government denied entry visas to a Norwegian human rights group that wanted to monitor the elections; they were granted visas when they changed the purpose of their trip to academic research (see Section 2.d.).

There were credible reports that local authorities in the Oromiya, Amhara, and southern regions periodically arrested and detained supporters of opposition parties in the period prior to and following the May elections. Most of these individuals were eventually released without being charged formally. For example, in February and March, 16 HNDO candidates were arrested. All were released on bail in April; however, while the charges against them have not been dropped, trials are not expected to be held. Three of the candidates were charged with treason for allegedly staging a coup d'etat and for publicly accusing the ruling party of directing most development money to projects in the Tigray region. The coup d'etat charges originated from instances in which HDNO personnel legally voted to replace ruling party personnel in their local peasant association. In addition approximately 500 HNDO supporters were detained by the police in April on charges of non-payment of taxes and fertilizer loans (see Section 1.d.); all were released by the end of that month.

There were a number of killings as a result of preelection and postelection violence (see Section 1.a.). In February in Soro, police tortured and killed two farmers—who supported the opposition—while they were in police custody; the farmers allegedly were arrested for the non-payment of taxes (see Section 1.d.). No action was taken against the police by year's end. The deaths led to clashes between the villagers and the police, during which three police officers were injured. In May in the SNNPRS region, Hadiya zone, security forces killed two women while they were voting, allegedly because they refused to mark their ballots for an EPRDF candidate. An election observer who saw the bodies stated that the women were shot in the face. A government investigation into the killings was conducted during the year; however, no results were released nor further action taken in the matter by year's end. Also in May, according to Beyene Petros, the chairman of the SEPDC, police killed seven SEPDC supporters who were protesting electoral fraud outside of two polling stations in the south. On election day, three persons were killed when an EPRDF member threw a grenade into the home of an opposition party election observer while the observer was in his residence. The observer's son retaliated by killing a polling station official. In May there were reports of at least two other killings in the SNNPRS, in particular in the Gurage Zone. In August in the Somali region, nine people, including five election observers, one opposition candidate, and three other passengers, were killed when the cars they were riding in were struck by either rockets or landmines (see Section 1.a.). The identity of the perpetrators

remained unknown at year's end. In the fall, police reportedly beat a man who was detained allegedly in retaliation for election activities; he was beaten so severely that he sustained permanent damage. In December police reportedly beat another man to death who was detained for similar reasons (see Section 1.a. and 1.c.).

Following the May elections, the SEPDC filed a complaint with the NEB detailing election irregularities in various constituencies of the region. The NEB sent investigators to the region and later ordered that new elections be held in the Hadiya zone on June 25. According to the NEB, problems in other areas were not serious enough to warrant a new election. The NEB agreed to bring charges against those suspected of the worst election abuses in the SNNPRS; however, no action had been taken by year's end.

In July there were credible reports that ruling party personnel withheld fertilizer and food aid in the SNNPRS region as retaliation for voters electing opposition candidates. The amount of government-supplied fertilizer available in the area was reported to have dropped from 100,000 quintals in 1999 to 10,000 quintals during the year, while the price was reported to have increased. Representatives of the SEPDC alleged in July that authorities in the southern region detained hundreds of SEPDC supporters in retaliation for voting for the opposition in the May elections (see Section 1.d.). According to the SEPDC, some SEPDC supporters were suspended or dismissed from their jobs in retaliation for voting for the opposition in the May elections. SEPDC representatives also alleged that some teachers in the southern region who served as SEPDC election observers were subject to retaliation by local authorities; teachers reported that they were not able to collect their salaries and that they were denied entry to summer update courses.

In December 1999, the Government arrested 26 Nuer tribal political activists associated with the Gambella People's Democratic Congress (GPDC) on charges of inciting Nuer students in November 1999 to demonstrate for the use of the Nuer language in schools (see Sections 1.d. and 5). The GPDC claimed that the charges were without merit and that the Government was attempting to interfere with the political process for the May elections. The NEB sent investigators to the region. Just prior to the May elections, 12 of the 26 Nuer tribal political activists associated with the GPDC were released. The remaining 14 still were in detention at year's end.

Political participation remains closed to a number of organizations that have not renounced violence and do not accept the Government as a legitimate authority. These groups include MEDHIN, the Coalition of Ethiopian Democratic Forces, the Ethiopian People's Revolutionary Party, the OLF, some elements of the ONLF, and several smaller Somali groups. The AAPO complained that in 1999 the Oromiya regional government refused its application to open branch offices in some areas of the region (see Section 2.b.).

Neither law nor practice restricts the participation of women in politics; however, women are underrepresented in government and politics. One of the 15 members of the Council of Ministers is a woman; 2 other women hold Ministerial positions; and a number of other women hold senior positions. There are 42 women among the 547 members of the HPR, and 10 of 113 members in the House of Federation are female, including the Speaker of the House. There are three women on the Supreme Court.

The government policy of ethnic federalism led to the creation of individual constituencies to help ensure representation in the HPR of all major ethnic groups; however, small ethnic groups were not represented in the legislature. There are 23 nationality groups in 6 of the regional states that do not have a sufficient population to qualify for constituency seats; however, individuals from these nationality groups competed for 23 special seats in the 547-seat HPR in the May elections.

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

Human rights organizations include EHRCO, the HRL, the Ethiopian Women's Lawyers Association, the Inter-Africa Group, the National Committee on Traditional Practices, the Peace and Development Committee, the Society for the Advancement of Human Rights Education, Enwayay, the Center for Local Capacity Building and Studies, African Initiatives for a Democratic World Order, and Hundee. These and numerous other groups primarily are engaged in civic and human rights education, legal assistance, and trial monitoring. The HRL, founded by prominent Oromo civic leaders in 1997, still was being investigated by the Government at year's end for its alleged ties to the OLF. Authorities closed the offices of the HRL in April 1998 and confiscated the contents of its offices, which have not been returned (see Section 2.b.). In October 1999, the Ministry of Justice decertified the Ethiopian Congress for Democracy, reportedly for financial irregularities.

In March 1999, 160 domestic and international NGO's signed a code of conduct and formed a code observance committee. The code details standards of conduct for numerous areas including moral and ethical integrity, transparency and accountability, good governance, gender equity, and environmental consciousness. The code observance committee, composed of five members elected by the NGO general assembly and two representatives from civil society at large, hears and decides matters in all instances involving a violation or breach of the code.

The ICRC was able to carry out more of its normal program of registration and intervention than in the previous year. The ICRC conducted regular visits to detention centers and prisons throughout the country and in May was permitted access to the CID detention facility in Addis Ababa, which holds upwards of 200 persons whose cases are under investigation (see Section 1.c.). The ICRC was granted access to the Tatek military detention facilities but not to other military detention facilities where suspected OLF fighters are held. The ICRC visited the Dedesa POW internment camp and police stations in Addis Ababa once in June (see Sections 1.c. and 1.d.). The ICRC registered 1,700 new Eritrean POW's in the Tigray region following the May offensive. In September Ethiopia and Eritrea agreed that the ICRC would be the supervisory organization for the exchange of expellees or deportees. In December following the signing of the peace agreement, Ethiopia and Eritrea agreed that the ICRC would facilitate all POW exchanges. In May and June, the ICRC suspended emergency relief flights to Dire Dawa and Gode because Ethiopian Airlines demanded a high "handling fee" for each flight.

The chairman of the African Commission on Human and Peoples' Rights (ACHPR) visited in February and March to investigate Eritrean complaints regarding government deportations of Eritreans and Ethiopians of Eritrean origin. His program included meetings with senior officials of the executive, legislative and judicial branches. The ACHPR did not release a report by year's end.

A delegation from the international NGO Education International received visas to visit Dr. Woldesemayat in prison, but were turned back upon arrival at Addis Ababa airport in June. A second delegation from Education International attempted to visit Dr. Woldesemayat in December; however, all but one of the delegation members were denied visas (see Section 6.a.).

The Government is required under the Constitution to establish a human rights commission and office of the ombudsman. The office of the ombudsman is expected to have the authority to receive and investigate complaints with respect to misadministration by executive branch offices. Parliament completed legislative action to create both entities in July; however, neither entity was operational by year's end.

The Government continues to encourage international human rights groups and foreign diplomats to observe the war crimes trials that began in 1994. Officials of the Federal Security Authority generally have been responsive to requests for information from the diplomatic community. Several international human rights groups visited the country during the year.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution states that all persons are equal before the law. The law provides that all persons should have equal and effective protection without discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, wealth, birth, or other status. However, the Government has not yet fully put into place mechanisms for the effective enforcement of these protections.

Women.—Culturally based abuses including wife beating and marital rape are pervasive social problems. While women have recourse to the police and the courts, societal norms and limited infrastructure inhibit many women from seeking legal redress, especially in rural areas. Social practices obstruct investigations into rape and the prosecution of the rapist, and many women are not aware of their rights under the law. It is estimated that there are more than 1,000 rapes a year in Addis Ababa alone; however, only 168 rape convictions were handed down nationwide from September 1999 to September. Rape sentences have increased incrementally to 10 to 13 years, in line with the 10 to 15 years prescribed by law. There was a report in September that a guard raped a female prisoner; he was arrested in September and was awaiting trial at year's end (see Section 1.c.).

The Constitution provides for the equality of women; however, these provisions often are not applied in practice. Furthermore, these provisions often are in conflict with the 1960 Civil Code and the 1957 Penal Code, both of which still are in force but under review by the Ministry of Justice. The 1960 Civil Code is based on a monarchical constitution that treated women as if they were children or disabled. Dis-

criminatory regulations in the civil code include recognizing the husband as the legal head of the family and designating him as the sole guardian of children over 5 years old. Family arbitration councils, which in the past had the power to dissolve marriages, engaged only in arbitration and reconciliation counseling, and only the courts have the legal power to dissolve marriages. Domestic violence is not considered a serious justification under the law to obtain a divorce. There is only limited juridical recognition of common-law marriage. Irrespective of the number of years the marriage has existed, the number of children raised, and the joint property, the woman is entitled to only 3 months' financial support should the relationship end. However, a husband has no obligation to provide financial assistance to his family and, as a result, women and children sometimes are abandoned when there is a problem in the marriage. All land belongs to the state; however, land reforms enacted in March 1997 stipulate that women may obtain government leases to land, and the Government has an explicit policy implemented in 1995 to provide equal access to land for women. Discrimination is most acute in rural areas, where 85 percent of the population lives. In urban areas, women have fewer employment opportunities than do men, and the jobs available do not provide equal pay for equal work.

As a result of changes in the Labor Law in 1998, thousands of women traveled to the Middle East as industrial and domestic workers. There were credible reports that female workers were abused in these positions (see Section 6.f.).

Although illegal, the abduction of women and girls as a form of marriage still is widely practiced in the Oromiya region and the SNNPRS. Forced sexual relationships often accompany most marriages by abduction, and women often are abused physically during the abduction. Abductions have led to conflicts between families, communities, and ethnic groups.

To enhance the status of women, the Government formally adopted a national program of action in 1997. The program seeks to expand educational and work opportunities for women, improve women's access to health care, and educate women about certain unhealthy traditional practices such as early marriage. There have been few improvements in the status of women since the inception of this program; however, according to a study published by the National Committee on Traditional Practices of Ethiopia (NCTPE) in 1998, certain harmful traditional practices such as early marriage and marriage by abduction appeared to be on the decline. During the year, proclamations were passed that established the Human Rights Commission (HRC) and the office of the ombudsman. The proclamations make special provision for a commissioner, in the case of the HRC, and an ombudsman to be particularly responsible for the rights of women and children.

On July 29, Parliament adopted a new family law, drafted by Ministry of Justice in 1998; the family law was backdated and took effect on July 4. As a result, the revised civil code raises the legal age for marriage for girls from 15 to 18, the same as for boys; puts civil law above customary and religious law; allows for the legal sharing of property for unmarried couples who have lived together for at least 5 years (previously, there was no property sharing for couples separating, even if they had lived together their entire adult lives); eliminates family arbitrators as a means of settling marital disputes in lieu of the court system (historically women have fared poorly under the family arbitration system); allows for the joint administration of common marital property (previously a man could sell joint property without the consent or knowledge of his wife); and requires the courts to take into account the situation of children or the weakest member of the family in the event of a divorce or separation (previously women and children were often forced out of the family home in such cases).

In 1999 the Ministry of Justice completed a revision of the 1957 Penal Code and a national debate on the revisions continued during the year. Critical issues affecting women and children include the penalties for rape, domestic violence, and child molestation. However, regardless of changes to the Penal Code, tradition and culture often prevail over civil and criminal law, and in practice women do not enjoy equal status with men. For example, the harmful traditional practice of abduction as a form of marriage already is illegal under the Penal Code but still is practiced widely in many rural areas.

Children.—The Government has encouraged efforts by domestic and international NGO's that focus on children's social, health, and legal issues. For example, local officials provided transportation and free facilities to NGO activities. During the year, proclamations were passed that established the HRC and the ombudsman. The proclamations make special provision for a commissioner, in the case of the HRC, and an ombudsman to be particularly responsible for the rights of women and children. However, the Government has limited ability to provide improved health care and basic education. By law primary education is compulsory, free and uni-

versal; however, despite efforts by the Government to increase the number of schools, there are not enough schools to accommodate the country's youth. In 1977 the Government adopted a three-shift system in all primary and secondary schools to maximize the utilization of classrooms and to provide an opportunity for working children to attend school. Nationwide only 61 percent of male primary age children and 41 percent of female primary age children attend school, and many do so in shifts; girls reportedly attended school in greater numbers in some regions. However, government reports show that approximately 30 percent of the children who attend school leave the system before they reach grade two of primary school. The chance of their relapsing to illiteracy is high. Only about 18 percent of children reach grade five. The overall literacy rate is approximately 20 to 30 percent, and only 17 percent of women are literate compared with 26 percent of men; however, it is difficult to estimate literacy rates accurately due to a lack of government statistics. Only 12 percent of males and 8.5 percent of females attend secondary school. During the year, 46,140 males and 27,418 females earned a school-leaving certificate, a prerequisite to attend college. There is space in institutions of higher education for only a small percentage of these graduates.

In Addis Ababa's police stations, there are 10 Child Protection Units, which are staffed by members of an NGO and protect the rights of children by assisting them when they become victims of crime. Some police officers underwent training in 1997 on procedures for handling cases of child abuse and juvenile delinquency. Nevertheless there is a clear need for reform of the juvenile justice system. Three federal judges sit on one bench to hear all cases of juvenile offenses. There is a large backlog of juvenile cases and accused children often remain in detention with adults until their cases are heard. There is only one juvenile remand home with a capacity of 150 for children under age 15, and the juveniles who cannot be accommodated at the juvenile remand home are incarcerated with adults (see Section 1.c.).

Societal abuse of young girls continues to be a problem. The majority of girls undergo some form of female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health. The NCTPE conducted a survey that was published in 1998, which indicated that 72.7 percent of the female population had undergone FGM, down from an estimated 90 percent of the female population in 1990. Clitoridectomies typically are performed 7 days after birth and consist of an excision of the labia. Infibulation—the most extreme and dangerous form of FGM—is performed at any time between the age of 8 and the onset of puberty. The law does not specifically prohibit FGM, although it is discouraged officially, and the Government has been very supportive of the NCTPE. The Government also is working to discourage the practice of FGM through education in public schools.

Other harmful traditional practices surveyed by the NCTPE included uvulectomy, milk-teeth extraction, early marriage, marriage by abduction, and food and work prohibitions. A new family law adopted in July defines the age of consent as 18 for both females and males; however, early childhood marriage is common in rural areas where girls as young as age 9 are subjected to arranged marriages. In the Afar region of the east, young girls continue to be married to much older men, but this traditional practice is coming under greater scrutiny and criticism. There was a report that a girl was sold by her father to a local man in exchange for cattle; the girl's mother brought the case to the Ethiopian Women Lawyer's Association, and, at year's end, the case was being prosecuted in the courts (see Sections 6.c. and 6.f.). The Tigray Women's Association also has had an impact in changing societal attitudes toward early marriage. Pregnancy at an early age often leads to obstetric fistulae resulting in lifelong misery due to total and permanent incontinence. Treatment is available at only one hospital in Addis Ababa that performs over 1,000 fistula operations a year. It estimates that for every successful operation performed, 10 other young women need the treatment. The maternal mortality rate is extremely high due, in part, to food taboos for pregnant women, poverty, early marriage, and birth complications related to FGM, especially infibulation.

There are approximately 200,000 street children in urban areas, of which 150,000 reside in Addis Ababa; however, the figures are difficult to estimate, and observers believe the problem is growing. These children beg, sometimes as part of a gang, or work in the informal sector in order to survive (see Section 6.d.). Government and privately run orphanages are unable to handle the number of street children, and older children often abuse younger children. Due to severe resource constraints, abandoned infants often are overlooked or neglected at hospitals and orphanages. There are a few credible reports that children are maimed or blinded by their "handlers" in order to raise their earnings from begging.

Child prostitution continues to be a problem and is perceived widely to be growing. There are no laws that criminalize child prostitution or prostitution in general.

In 1996 the National Steering Committee Against Sexual Exploitation of Children was formed and is chaired by the Children, Youth, and Family Affairs Department of the Ministry of Labor and Social Affairs. In October 1999, the committee reported that child prostitution is on the increase especially in major urban centers; however, there are no statistics available. NGO's report that girls as young as age 11 are recruited to work in houses of prostitution where they are kept ignorant of the risks of HIV/AIDS infection. There have been many press reports of the large-scale employment of children, especially underage girls, as hotel workers, barmaids, and prostitutes in resort towns and rural truck stops. There were continued reports that poor rural families sold their young teenage daughters to hotel and bar owners on the main truck routes; however, these reports were difficult to confirm (see Sections 6.c. and 6.f.). Social workers note that young girls are prized because their clients believe that they are free of sexually transmitted diseases. The unwanted babies of these young girls usually are abandoned at hospitals, police stations, welfare clinics, and adoption agencies. There were numerous anecdotal accounts of young girls going to the Middle East to work as house servants and nannies, some of whom were abused, including sexually. (see Sections 6.c., 6.d., and 6.f.). Factors aggravating the problem of child prostitution are pervasive poverty, migration to urban centers, early marriage, HIV/AIDS, and limited educational and job opportunities. There are several NGO's which work with child prostitutes, including the Forum on Street Children-Ethiopia, which provides shelter and protection for child prostitutes trying to get off the streets.

In September 1999, a forum on child labor was launched by over 80 government, NGO and foreign entities, including the International Labor Organization (ILO), to combat such problems as child prostitution. The forum held a series of meetings during the year.

Child labor is pervasive, especially in the informal sector, and child laborers sometimes are subjected to abuse, including neglect, and, among children working as domestic servants, sexual abuse and rape (see Section 6.d.).

It is the policy of the Ministry of Defense not to permit persons under the age of 18 to join the armed forces, and the Government made efforts to enforce this policy. While there were reports that some children under the age of 18 were recruited into the military in 1999, and military officers have admitted that underage applicants sometimes were enlisted, there were no such reports during the year. Ethiopia has an all-volunteer military; however, scarce birth certificates, poor educational opportunities, patriotism, and pervasive poverty conspired to entice underage applicants to try to circumvent restrictions on underage soldiers. If young boys are found be under the age of 18, they are prohibited from doing military service; however, in rural areas children often do not have birth certificates. If a unit commander suspects but cannot prove that a soldier is underage, he can transfer the soldier from a front-line combat unit to a rear-area command. There is evidence that children as young as age 14 were permitted to join local militia units in an effort to keep them close to home and prevent them from attempting to join the regular army.

People with Disabilities.—The Constitution stipulates that the state shall allocate resources to provide rehabilitation and assistance to the physically and mentally disabled; however, the Government devoted few resources for these purposes. At year's end, the Government had not yet put into place mechanisms to enforce a 1994 law mandating equal rights for the disabled. The Government does not mandate access to buildings or government services for the disabled, and persons with minor disabilities sometimes complain of job discrimination. The conflict with Eritrea resulted in numerous soldiers losing limbs, many from landmine explosions; however, wheelchairs are rare in the country. According to an NGO report in 1998, only 500 of the approximately 700,000 visually impaired persons in the country have access to employment opportunities. Although there are approximately 800,000 mentally ill persons estimated in the country, there is only 1 mental hospital and only 10 psychiatrists. In the past several years, the mental hospital trained 117 psychiatric nurses to work in 33 rural clinics; however, half of these nurses subsequently left their jobs.

There are numerous domestic NGO's that work with the disabled. For example, the Amhara Development Association operates a project to provide vocational training to disabled war veterans in Bahir Dar. The Tigray Development Association operates a center in Mekele that provides prostheses and seed money for business development, training, and counseling for disabled persons. The international NGO Landmine Survivors commenced operating in the country during the year; Landmine Survivors provides a number of services to victims of landmine explosions including counseling, and referrals to rehabilitation services. A 1994 census determined that there were 989,000 disabled persons in the country; however, observers believe that number has grown and is significantly higher.

Religious Minorities.—Despite the generally broad level of societal tolerance for established faiths, there were instances of open conflict among religious groups before 1998, most noticeably between Ethiopian Orthodox Christians on the one hand, and Pentecostals and evangelicals on the other, and there continued to be pockets of interreligious tension and criticism during the year. Newer faiths such as Jehovah's Witnesses and Pentecostals encountered overt opposition from the public. Muslims and Orthodox Christians complained about proselytization by Pentecostals and Jehovah's Witnesses. Ethiopian Orthodox leaders complained that at times Protestants fail to respect Orthodox holy days and Orthodox customs. Muslims complained that some Pentecostal preachers disparage Islam in their services. There were complaints by Muslim leaders that the Ethiopian Orthodox church's desire to "show supremacy" sometimes caused irritation in the country's various regions. Protestant and Pentecostal leaders complained that, on occasion, Orthodox or evangelical adherents interrupted Protestant and Pentecostal religious meetings and attempted to prevent the construction of Protestant churches in predominately Orthodox or evangelical areas.

In April 1999, two Muslim communities in the Dire Dawa and north Welo areas attempted to construct new mosques but abandoned the construction when local Orthodox church members caused damage to the construction sites and beat one Muslim who tried to prevent their actions. The Government intervened, and the mosques were being built at year's end.

Nevertheless in most sections of the country Orthodox Christians and Muslims participated in each other's religious observances, and there is tolerance for intermarriage and conversion in certain areas, most notably in Welo, as well as in urban areas throughout the country. In Addis Ababa, persons of different faiths often live side-by-side. Most urban areas reflect a mixture of all religious denominations. Longstanding evangelical Protestant denominations, particularly the Mekane Yesus church and Kale Heywet churches, provide social services such as health care and education to nonmembers as well as to members.

National/Racial/Ethnic Minorities.—There are more than 80 ethnic groups. Although many of these groups influenced the political and cultural life of the country, Amharas and Tigrayans from the northern highlands played a dominant role. Some ethnic groups such as the Oromos, the largest single group, were subjugated during the 19th century. In an attempt to address ethnic concerns, the Government has established a federal system with political boundaries drawn roughly along major ethnic lines. With federalism regional states have much greater control over their affairs. For example, in Oromiya in 1999, the regional government required that all primary schools adopt Oromiffa as the language of instruction. This drew protests from groups that reside in Oromiya whose mother tongue is not Oromiffa and who believe that their children are now at a disadvantage. There are credible reports that teachers and other government workers have had their employment terminated if they are not of the dominant ethnic group in the region.

Ethnic clashes during the year resulted in a number of deaths and injuries. In July there were reports of clashes between the Oromo Borena community and ethnic-Somali Garre pastoralists in the southeast, which reportedly resulted in the deaths of approximately 40 persons and the theft of hundreds of livestock. In October there were reports of a clash over grazing and watering rights between the two communities, which reportedly resulted in the killing of at least 150 people and injuries to many others.

In December ethnic tensions between Oromo and Tigrayan students at Addis Ababa University were exacerbated when a Tigrayan student presented a paper which allegedly included a derogatory statement about Oromos. The students engaged in some fighting and vandalism, and authorities arrested some Oromo students (see Section 1.d.).

In May 1999, local administrators in the SNNPRS informed elementary and high school teachers that new textbooks would be used in the North Omo zone, which merged four closely related languages spoken in the zone: Welayita, Gamo, Goffa, and Dawro. Neither local communities nor teachers had been consulted before the decision was made to introduce the new textbooks. In November 1999, police arrested two teachers for objecting to the new language (see Section 1.d.). The arrests led to widespread demonstrations and rioting in the city of Sodo during which police killed up to 10 persons, injured hundreds, and arrested and detained as many as 1,000 others (see Sections 1.a., 1.c. and 1.d.). Most of those arrested were released, but approximately 20 elders, teachers, and civil servants were charged with subversion and remained in prison at year's end because they could not make bail of between $6,000 and $12,500 (50,000 and 100,000 birr—see Section 1.d.). As a result of the conflict, Welayita was used as the language of instruction in schools during the year, and Welayita became its own zone in November.

There has been a long history of tension between the Nuer and Anuak tribal groups. In November 1999, Nuer students in the Gambella region demonstrated for the use of the Nuer language in schools instead of the Amharic language. In December 1999, the Government arrested 26 Nuer tribal political activists associated with the GPDC on charges of inciting the Nuer students to demonstrate (see Section 1.d.). The GPDC accused the Anuak tribe, whose political organization—the Gambella people's democratic party—is an EPRDF affiliate, of interfering with their political activities prior to the May elections. Twelve of those arrested were released prior to the May elections; 14 remained in custody at year's end (see Section 1.d.).

The expansion of the military from a low of 60,000 personnel in April 1998 to approximately 285,000 to 300,000 personnel during the year aided greatly in the goal of bringing more ethnic groups into the military. By most accounts, the military is an ethnically diverse organization with very little friction between the various groups represented, at least in the lower ranks. At the higher ranks the officer personnel is much less ethnically diverse. Promotions awarded in November and December were disproportionately high among the Tigrayan ethnic group, although promotions were given to officers from a range of ethnic groups; Oromos were represented among those promoted in higher numbers than the previous year.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides most workers with the right to form and join unions, but the 1993 Labor Proclamation specifically excluded teachers and civil servants, including judges, prosecutors, and security services, from organizing unions. Only 300,000 workers are unionized. The 1993 Labor Proclamation also decreed that workers who provide essential services are not allowed to strike. Essential services are defined broadly to include air transport services, railways, bus service, postal, police and fire services, banking, telecommunications, and medical services.

Only a small percentage of the population is involved in wage labor employment, which is concentrated largely in urban areas. Approximately 85 percent of the work force live in the countryside and are engaged in subsistence farming.

The ETA formerly had a membership of 120,000; however, that number has decreased significantly due to government intimidation and restrictions on ETA activities. In 1995 the leadership of the ETA filed with the ILO a freedom of association complaint against the Government based upon credible reports that the Government has harassed the ETA leadership at all levels since 1993. Security forces harassed members of the ETA and closed their offices; however, the ETA still is registered. In November the ILO Committee on Freedom of Association issued a strong criticism of the Government for its restrictions on freedom of association. The president of the ETA, Dr. Woldesemayat, was sentenced to 15 years in prison in 1999 for inciting violence. In 1994 the Government encouraged and publicly supported the organization and registration of a second teachers" association. A delegation from the international NGO Education International received visas to visit Dr. Woldesemayat in prison, but were turned back upon arrival at Addis Ababa airport in June. A second delegation from Education International attempted to visit Dr. Woldesemayat in December; however, all but one of the delegation members were denied visas (see Section 1.c.).

There is no requirement that unions belong to the Confederation of Ethiopian Trade Unions (CETU), which was established in 1993, decertified in December 1994 because of internal management and political disputes, and officially reestablished and recertified in April 1997. CETU includes all nine federations organized by industrial and service sectors rather than by region.

The Labor Law stipulates that a trade organization may not act in an overtly political manner. The Labor Law explicitly gives workers the right to strike to protect their interests, but it also sets forth restrictive procedures that apply before a legal strike may take place. These apply equally to an employer's right to lock out workers. Strikes must be supported by a majority of the workers affected. The Labor Law prohibits retribution against strikers, but labor leaders state that most workers are not convinced that the Government would enforce this protection. Both sides must make efforts at reconciliation, provide at least 10 days' notice to the Government, include the reasons for the action, and in cases already before a court or labor board, the party must provide at least a 30-day warning. If an agreement between unions and management cannot be reached, the Minister of Labor may refer the case to arbitration by a Labor Relations Board (LRB). The Government has established LRB's at the national level and in some regions. The Minister of Labor and Social Affairs appoints each LRB chairman, and the four board members include two each from trade unions and employer groups. Some efforts to enforce labor regulations are made within the formal industrial sector. Some private sector workers,

including construction workers and Ethiopian Airlines mechanics, went on strike during the year over salary issues. Labor officials have stated that in view of high unemployment and the inattention courts have given to labor cases, some workers are afraid to participate in strikes or other labor actions.

Independent unions and those belonging to CETU are free to affiliate with and participate in international labor bodies. Some unions have affiliated with international organizations.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is protected under the Labor Law and under the Constitution for most workers and is practiced freely throughout the country. Collective bargaining agreements concluded between 1975 and the promulgation of the 1993 Labor Law remain in force. Labor experts estimate that more than 90 percent of unionized workers are covered by collective bargaining agreements. Wages are negotiated at the plant level. The law prohibits antiunion discrimination by employers against union members and organizers. There are grievance procedures for hearings on allegations of discrimination brought by individuals or unions. Employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities. Labor leaders point to a number of court cases that are 4 or 5 years old in which workers have been terminated for union activities as examples of inattention by the courts to worker rights. Seasonal and part-time agricultural workers are not organized even on state-owned plantations. Seasonal workers" compensation, benefits, and working conditions are far below those of unionized permanent plantation employees.

In December a private company dissolved its labor union after a disagreement between management and workers. A total of 586 workers were expelled from the company, including union leaders. The Government attempted to mediate the dispute, but the employer did not cooperate; the case is expected to be referred to the Ministry of Labor and Social Affairs in 2001.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Criminal Code, which applies to persons over the age of 15, specifically prohibits forced labor; however, forced labor can be used by court order as a punitive measure. Forced or compulsory labor by children is illegal; however, young girls reportedly were sold or forced into prostitution by family members (see Sections 5 and 6.f.). There were continued reports that poor rural families sold their young teenage daughters to hotel and bar owners on the main truck routes; however, these reports were difficult to confirm. There was a report that a girl was sold by her father to a local man in exchange for cattle; the girl's mother brought the case to the Ethiopian Women Lawyer's Association, and the case was being prosecuted in the courts at year's end (see Sections 5 and 6.f.). There also were numerous anecdotal accounts of young persons, especially girls, traveling to the Middle East to work as house servants and nannies, some of whom were abused, including sexually (see Section 6.f.). The Constitution proscribes slavery, which was abolished officially in 1942, and involuntary servitude. There were no reports of slavery within the country.

d. Status of Child Labor Practices and Minimum Age for Employment.—Under the Labor Law, the minimum age for wage or salary employment is 14 years; special provisions cover children between the ages of 14 and 18, including the prohibition of night work or hazardous work. The Government defines hazardous work as work in factories or involving machinery with moving parts, or any work that could jeopardize children's health.

Children may not work more than 7 hours per day; work between the hours of 10 p.m. and 6 a.m.; work on public holidays or rest days; or perform overtime work. While the Government has made some effort to enforce these regulations within the formal industrial sector, social welfare activists, civic organizers, government officials, and entrepreneurs agree that child labor is pervasive throughout the country, especially in the informal sector. In urban areas, children in large numbers can be seen working in a variety of jobs, including shining shoes, hustling passengers into cabs, working as porters, selling lottery tickets, and herding animals. Child domestic workers are common.

Child laborers often are abused. A research study published in 1999 reported that the prevalence of child abuse among urban child laborers is 70 percent, compared with 24.5 percent among non-economically active children from the same urban district. The study concluded that physical and emotional abuse were twice as common among child workers compared with nonworkers, sexual abuse was five times as common, and neglect was eight times as common. Among child workers surveyed, rapes occurred exclusively among child domestics.

A second research study of child labor sponsored by CETU's National Federation of Farm, Plantation, Fishery, and Agro-industry Trade Unions and published in 1999 focused on rural locations. The study reported that 30 percent of the workers

on state farms surveyed were between the ages of 7 and 14. Child workers, who worked alongside parents hired by the state, typically worked 6 days a week, received no benefits, and earned less than $10 (80 birr) a month. At one plantation, 75 percent of the children worked 12-hour days. There also is evidence that children as young as age 14 are permitted to join local militias with the consent of village leaders. This reportedly is part of an effort to keep children in local areas despite limited educational or employment opportunities (see Section 5). The Government maintains that most economically active children are engaged in family-based, nonexploitative child work that is part of the socialization process and maintains that there is not a child labor problem.

In September 1999, a forum on child labor was launched by over 80 governments, NGO and foreign entities, including the ILO, to combat such problems as child prostitution, which is widely perceived to be growing (see Section 5). The forum concluded that the worst forms of child labor have increased in recent years, particularly child prostitution and the use of children in agricultural work where they are exposed to pesticides and insecticides.

The Ministry of Labor and Social Affairs is the authority designated to enforce child labor laws. The Government's definition of worst forms of child labor includes prostitution and bonded labor. The Government is not a signatory to the Worst Forms of Child Labor Convention.

Forced or compulsory labor by children is illegal; however, there are reports that it occurs (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—In 1995 the Government established a minimum wage of approximately $15 (120 birr) per month for all wage earners in both the private and public sectors. In addition each industry and service sector has established its own minimum wage. For example, public sector employees, the largest group of wage earners, earn a minimum wage of approximately $22 (175 birr) per month; employees in the banking and insurance sector have a minimum wage of $25 (200 birr) per month. According to the Office of the Study of Wages and Other Remuneration, these wages are insufficient to provide a decent standard of living for a worker and family. Consequently most families must have at least two wage earners to survive, which is one of the reasons children leave school early.

The legal workweek, as stipulated in the Labor Law, is 48 hours, consisting of 6 days of 8 hours each, with a 24-hour rest period. However, in practice, most employees work a 40-hour workweek consisting of 5 8-hour days.

The Government, industry, and unions negotiate to set occupational health and safety standards; however, the inspection department of the Ministry of Labor and Social Affairs enforces these standards ineffectively, due to a lack of human and financial resources. Workers have the right to remove themselves from dangerous situations without jeopardy to continued employment; however, most workers fear losing their jobs if they were to do so.

f. Trafficking in Persons.—The law and the Constitution prohibit trafficking in persons; however, there were continued reports that poor rural families sold their young teenage daughters to hotel and bar owners on the main truck routes (see Sections 5 and 6.c.). There was a report that a girl was sold by her father to a local man in exchange for cattle; the girl's mother brought the case to the Ethiopian Women Lawyer's Association. At year's end, the case was being prosecuted in the courts; it is the first case of this kind (see Sections 5 and 6.c.). There were numerous anecdotal accounts of young girls traveling to the Middle East to work as house servants and nannies, some of whom are abused, including sexually. There reportedly is a network of persons based in the tourism and import-export sectors who are involved heavily in soliciting potential clients, recruiting young girls, arranging travel, and fabricating counterfeit work permits, travel documents, and birth certificates (see Sections 5 and 6.c.).

Although illegal, the abduction of women and girls as a form of marriage still is widely practiced in Oromiya regions and the SNNPRS (see Section 5).

As a result of a change in the Labor Law, the Government no longer acts as an employment agency for workers going abroad. Private entities now arrange for overseas work and, as a result, the number of women being sent to Middle Eastern countries, particularly Lebanon and Saudi Arabia, as domestic or industrial workers increased significantly. There continued to be credible reports that some domestic workers abroad were subjected to abusive conditions, including sexual exploitation (see Section 5); however, such reports decreased after the Ministry of Labor and Social Affairs established an office in 1998 to review the contracts of prospective domestic workers and deny exit visas if the contracts did not appear satisfactory.

The Government continued work on revising the federal Civil and Penal Codes to increase the penalties for traffickers. Training programs were implemented for police officers on the criminal aspects of trafficking. There are several NGO's that work on the issue of trafficking, some of which provide protection for trafficking victims.

GABON

Gabon is a republic dominated by a strong presidency. Although opposition parties have been legal since 1990, a single party, the Gabonese Democratic Party (PDG), has remained in power since 1968 and has circumscribed political choice. Elections for the presidency and the National Assembly generally have not been free and fair but have varied widely in quality; some suffered chiefly from poor organization, while others were fraudulent. PDG leader El Hadj Omar Bongo has been President since 1967 and was reelected for another 7-year term in a December 1998 election marred by irregularities that generally favored the incumbent, including incomplete and inaccurate electoral lists and the use of false documents to cast votes. In July 1998, following opposition victories in 1996 elections for local government offices that recently had been made elective, the Government transferred key electoral functions to the Interior Ministry from an independent National Electoral Commission that had been established pursuant to a 1995 constitutional referendum. Members of the PDG and allied parties hold large majorities of seats in both chambers of the national legislature: The directly elected National Assembly, for which the most recent elections, held in December 1996, were poorly run and fraudulent; and the Senate, members of which are chosen by municipal and regional government officials. The judiciary is independent but remains vulnerable to government manipulation.

The national police, which is subordinate to the Interior Ministry, and the gendarmerie, which is subordinate to the Defense Ministry, are primarily responsible for domestic law enforcement and public security. In addition elements of the armed forces and the "Republican Guard," an elite, heavily armed unit that protects the President, sometimes have performed internal security functions; both the armed forces and the Republican Guard are subordinate to the Defense Ministry. Members of the security forces occasionally committed human rights abuses.

The country's economy is underdiversified and heavily dependent upon external trade. The State dominates much of the economy through telecommunications, timber export, and oil refinery parastatals; however, the production of wood, oil, and minerals is largely private, and the water, electric, railroad, and sugar parastatals have been privatized. Government financial mismanagement and corruption have contributed to significant arrears in domestic and external debt payments. Since the discovery of offshore oil in the late 1970's, the oil industry has generated nearly half of recorded gross national product; oil export earnings have allowed the country's approximately 1 million citizens to enjoy a relatively high material standard of living based on imports of consumer goods and have drawn to the country's capital, Libreville, a third of the country's citizens and many immigrants from poor African countries who work chiefly in the informal and service sectors. Average annual per capita gross domestic product was approximately $4,700, although income distribution remained badly skewed in favor of urban dwellers and a small economic elite, while the rural population continued to receive relatively few social services. The depletion of proven reserves of oil and timber contributed to declining export earnings and state revenues during the year.

The Government's human rights record was generally poor in some areas, and some longstanding human rights abuses continued. The ability of citizens to change their government remained limited. Outstanding cases of killings by security forces remain unresolved. The security forces beat and tortured prisoners and detainees, prison conditions remained harsh and life threatening, arbitary arrest and detention were problems, the judiciary remained subject to government influence, and authorities routinely infringed on citizens' privacy rights. Despite some improvements, the Government continued to restrict freedom of the press. Violence and societal discrimination against women were problems. Forced labor by foreign children as domestic and agricultural workers remained a problem, and there were reports of trafficking in children.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of politically motivated extrajudicial killings; and there were no confirmed cases in which members of the security forces committed other extrajudicial killings. Outstanding cases of extrajudicial killings committed by the security forces remained unresolved.

In April 1999, an off-duty member of the Republican Guard shot and killed a taxi driver who had refused to lend his taxi to the soldier. Despite demands from the media to prosecute the alleged assailant, the suspect never was charged. In the July 1999 case of a group of off-duty police officers who reportedly killed 2 persons and wounded 11 in a vendetta attack in a Libreville discotheque, the police officers initially were cleared of wrongdoing by their superiors, then later subjected to minor disciplinary measures. No arrests were made in either case.

Although there were no confirmed reports of attempted killings that appeared to be politically motivated, an opposition candidate Pierre Mamboundou, who contested the December 1998 presidential election stated in December 1998 that armed commandos attempted to kill him on December 12, 1998. Mamboundou stated that he believed that the Government was responsible for the alleged attack, but no evidence supporting this allegation developed.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture or cruel and inhuman punishment; however, security forces sometimes beat or physically mistreated prisoners and detainees as punishment and to exact confessions. There were unconfirmed reports in the African immigrant community that police and soldiers occasionally beat and raped non-Gabonese Africans during operations to round up and deport illegal immigrants (see Section 2.d.).

In August a police officer raped a Cameroonian woman in custody. The case received wide media coverage, and shortly after the incident, the officer was dismissed from the police force. The national police leadership asserted that the police officer would be disciplined formally and then tried for rape; however, at year's end, the case had not been tried, and no further action had been taken against the officer.

There were occasional incidents of violence in which practitioners of some traditional indigenous religions inflicted bodily harm on other persons (see Section 5). However, the details of these incidents are uncertain. The Ministry of the Interior maintained that violence and bodily harm to others in the practice of a traditional religion is a criminal offense and is prosecuted vigorously. Media reports suggested that this was true; however, little information about such prosecutions or their results was available.

Conditions in most prisons are harsh and life threatening. Sanitation and ventilation are poor, and medical care is almost nonexistent. Prisons provide inadequate food for inmates. There were no known visits by human rights monitors to prisons during the year, although the Government was not known to have impeded such visits in past years.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are problems. The law provides for up to 48 hours of initial preventive detention, during which period police must charge a detainee before a judge. However, in practice police rarely respect this provision. Charges often are not filed expeditiously, and persons often are detained arbitrarily for long periods. Bail may be set if there is to be a further investigation. Pretrial detainees have the right to free access to their attorneys, and this right is respected in practice. Detainees have the right to an expeditious trial, as defined by the law. Pretrial detention is limited to 6 months for a misdemeanor and to 1 year for a felony charge. These periods may be extended for 6 months by the examining magistrate. Prolonged pretrial detention is common. The Attorney General's Office estimates that roughly 40 percent of persons in custody are pretrial detainees.

Authorities in Makokou arrested and detained Gabonese Confederation of Free Unions (CGSL) representative Jean-Remy Nguelany for over 3 months in 1998 (see Section 6.b.).

Members of the security forces frequently detained individuals at roadblocks. Although sometimes designed to locate illegal immigrants, most such operations were used by the security forces to extort money.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, while the judiciary is generally independent in principle, it remains vulnerable to government manipulation.

The judicial system includes the regular courts, a military tribunal, and a civilian State Security Court. The regular court system includes trial courts, appellate courts, and the Supreme Court. The Constitutional Court is a separate body charged with examining constitutional questions, including the certification of elections. There are no traditional or customary courts. In some areas, minor disputes may be taken to a local chief, but the State does not recognize such decisions. The State Security Court, last convened in 1990, is constituted by the Government as required to consider matters of state security.

There were systemic resource and personnel shortages in the judiciary, which often contributed to prolonged pretrial detention (see Section 1.d.).

The Constitution provides for the right to a public trial and the right to legal counsel. These rights generally are respected in criminal cases. Nevertheless, procedural safeguards are lacking, particularly in state security trials. A judge may thus deliver an immediate verdict of guilty at the initial hearing if sufficient evidence is presented by the State.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for protection from surveillance, from searches without warrant, and from interference with private telecommunications or correspondence; however, the Government restricts these rights in practice. As part of criminal investigations, police may request search warrants from judges, which they obtain easily, sometimes after the fact. The Government has used them in the past to gain access to the homes of opposition figures and their families.

Government authorities also routinely monitor private telephone conversations, personal mail, and the movements of citizens.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, although citizens generally continued to speak freely and criticize the Government, the Government continued to restrict press freedom. Legislators in the National Assembly openly criticize government policies, ministers, and other officials.

The only daily newspaper was the state-affiliated L'Union. Approximately 10 privately owned weekly or monthly publications in newspaper format, which represent independent views and those of various political parties, appeared during the year; however, most appeared irregularly due to financial constraints and, in some instances, to government suspensions of their publication licenses. All newspapers—including L'Union—actively criticized the Government and political leaders of all parties. Most also criticized the President.

Journalists are subject to the Communication Code, a law that specifies their rights and responsibilities. Libel can be either a criminal offense or a civil matter. The law authorizes the State to initiate criminal libel prosecution against persons for libeling elected government officials; it also authorizes the State to criminalize civil libel suits.

In April 1999, the National Communication Council (CNC), a government agency subordinate to the Communications Ministry, released its draft of a proposed new Communications Code that would further restrict press freedom by expanding the scope of criminal libel laws in the name of protecting "dignity of the person;" however, it would shift the penalties for libel away from imprisonment and toward monetary fines; it also would reduce prison sentences for journalists convicted of criminal libel while increasing fines that could be imposed on such journalists and on the newspaper firms that employ them. In April the National Assembly passed the new Communications Code, but it stalled in the Senate because of concerns about its constitutionality. In November the Senate passed a different version of the code, and the two bills were referred to a conference committee for reconciliation; no further action had been taken by year's end.

In April 1999, the CNC suspended the publication license of La Griffe, a Libreville-based satirical weekly newspaper, on the grounds that it was publishing anonymous editorials in contravention of a legal requirement, necessary for the enforcement of criminal libel laws, that publications name the authors of everything that they publish. The Ministry of Communications previously suspended the same newspaper's license from August 1998 through March 1999 after the Government successfully prosecuted members of the newspaper's staff for criminal libel. The suspension of La Griffe's publication license ended in August, and the newspaper resumed publication shortly thereafter.

The Government continued to use prosecutions for civil and criminal libel against journalists to restrict freedom of expression, especially criticism of the Government. In December 1999, Germain Lendoye, publisher of the satirical weekly Cigale

Enchantee, was jailed for 2 months after the newspaper failed to pay a fine of about $290 (200,000 FCFA) that was awarded in 1999 to the Minister of Equipment and Construction for defamation. Cigale Enchantee remained closed for financial reasons. In July Lendoye launched a new satirical weekly, Le Scribouillard.

In March and again in June, employees of Sogadel, a parastatal agribusiness firm, went on strike to protest the failure to pay back wages; police did not intervene. In August journalists at the national television station struck for back wages (see Section 6.a.).

In May journalists Kare Black, Guy Mvelle, and publisher Noel Ngwa Nguema of the bimonthly Misamu were fined the equivalent of $14,500 (10,000,000 FCFA) in a defamation suit brought by the Director General of Public Works at the Ministry of Equipment and Construction over a January article that alleged a diversion of public funds from a road project. The court ruled in favor of the director general despite the publication by Misamu of a lengthy rebuttal written by the director general.

In May President Bongo pardoned La Griffe editor in chief Michel Ongoundou Loundah and journalist Raphael Ntoume Nkoghe (writing under the name of Pulcherie Beaumiel), who were convicted of criminal libel in August 1998. The two left the country in 1998 after a court sentenced them to 8 months in prison for reporting that the director general of the state airline had used the company to smuggle ivory internationally; both returned to the country during the year. Dorothee Ngouoni, an editor at La Griffe, left the country in July 1999 as a result of the same defamation case and was convicted of defamation shortly thereafter. She was not pardoned and remained abroad.

The Government owns and operates two radio stations, which broadcast to all areas of the country. Much of their news coverage concerns the activities of government officials; however, their editorials are sometimes critical of specific government policies and even of specific government ministers. The CNC issues and, in the past, at times sometimes has suspended the broadcasting licenses of private radio and television stations. During the year, all existing suspensions were lifted, and no new suspensions were imposed. Financial considerations resulted in fluctuations in the number of radio stations operating. At year's end, approximately a dozen privately owned radio stations operated in the country; most were apolitical. The Government owns and operates two television stations, RTG-1 and RTG-2. At year's end, four apolitical, privately owned stations were broadcasting.

In October 1999, the Government suspended the broadcasting license of two privately owned radio stations. One resumed broadcasting in November 1999; the other, a station affiliated with the Catholic Church, resolved its conflict with the Government without interrupting its broadcasts (see Section 2.a.).

The Government did not interfere with domestic reception of broadcasts of international radio stations, including the Voice of America. Radio France International broadcast locally, and British Broadcasting Corporation radio sought and received a license to begin local broadcasts; but at year's end, they had not begun to broadcast. Foreign newspapers and magazines were widely available.

The Government did not restrict access to or use of the Internet. At year's end, there were two Internet service providers in the country, one state owned and the other privately owned. In urban areas, there were public facilities that provided relatively affordable access to the Internet.

There are no restrictions on academic freedom, including research.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice for citizens and recognized organizations. The law requires that groups obtain permits for public gatherings in advance, and the Government usually granted them.

The Constitution provides for freedom of association, and the Government respected this right in practice.

c. Freedom of Religion.—The Constitution provides for religious freedom, and the Government generally respected this right in practice. There is no state religion, and authorities do not engage in religious persecution. A 1983 decree banning Jehovah's Witnesses, which the Government promulgated on the grounds that Jehovah's Witnesses allegedly do not protect individuals who might dissent from the group's views adequately, remained in effect throughout the year; however, the Government did not enforce the ban.

Some Protestants alleged that the government television station accorded free transmission time to the Catholic Church but not to minority religious groups. Others alleged that the armed forces favor Roman Catholics and Muslims in hiring and promotions. Some Protestant congregations had difficulty obtaining building permits.

The Ministry of the Interior maintains an official registry of some religious groups; however, it does not register traditional indigenous religious groups. The Government does not require religious groups to register but recommends that they do so in order to assemble with full constitutional protection. No financial or tax benefit is conferred by registration. The Government has refused to register about 10 religious groups, including Jehovah's Witnesses. In practice the Government allows Jehovah's Witnesses to assemble and practice their religion. In addition the Government has made uncorroborated claims that it permited Jehovah's Witnesses to proselytize.

In October 1999, the Government suspended the broadcasting license of a privately owned radio station affiliated with the Catholic Church. The station resolved its conflict with the Government without interrupting its broadcasts. Its license was restored in November 1999 (see Section 2.a.).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights. There are no legally mandated restrictions on internal movement. Police and gendarmes continued to stop travelers frequently to check identity, residence, or registration documents, and members of the security forces regularly harassed expatriate Africans working legally as merchants, service sector employees, and manual laborers. They extorted bribes and demanded services with the threat of confiscation of residency documents or imprisonment. Residency permits cost up to $145 (100,000 FCFA), and first time applicants also must provide the cost of a one-way air ticket to their country of origin. In theory, but usually not in practice, the Government refunds the cost of the air ticket.

The government agency that controls immigration intermittently enforced an internal regulation requiring married women to have their husbands' permission to travel abroad, although a specific law to this effect was eliminated in 1990. An exit visa no longer is required for citizens to travel abroad; however, aliens resident in the country must obtain a visa in order to leave and return.

There were unconfirmed reports that police occasionally beat and raped non-Gabonese Africans during operations to assemble and deport illegal immigrants. In November the Government used soldiers to conduct an official "sweep" operation. According to the Government, the sweep was intended to detain bandits, but the Government did not disclose if any persons were arrested. The sweep consisted of soldiers stopping and searching vehicles at roadblocks, as well as house-to-house searches conducted by soldiers and police in impoverished neighborhoods. The police conducted the same activity informally on a regular basis and frequently stopped vehicles to extort bribes.

The law contains provisions for granting refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government strictly controls the process of refugee adjudication. Coordination with the U.N. High Commissioner for Refugees (UNHCR) generally is adequate. During the year, an estimated 17,000 refugees,

14,000 from the Republic of Congo (Brazzaville), remained in the country to avoid fighting between Congolese rebels and forces supporting the Congolese Government. The Government cooperated with the UNHCR and international nongovernmental organizations (NGO's) that provided assistance to these refugees.

There were no reports that the Government forcibly returned persons to a country where they feared persecution.

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

The 1991 Constitution explicitly provides this right, but mismanagement and serious irregularities in both the 1990 and 1996 legislative elections and the 1993 and 1998 presidential elections called into serious doubt the extent to which this right exists in practice. A single party, the PDG, has remained in power since its creation by President Bongo in 1968, and political choice has remained limited in practice despite the legalization of opposition parties since 1990.

In a July 1995 constitutional referendum, citizens approved by a 96 percent majority reforms, that included most significantly the establishment of an independent National Electoral Commission (NEC). The referendum was carried out under arrangements that assured that all political parties could monitor voting and vote counting.

The Republic is dominated by a strong Presidency. The President can veto legislation, dissolve the national legislature, call new elections, and issue decrees that have the force of law while the legislature is not in session. The legislature generally has approved legislation presented to it by the President but occasionally has not done so. The President appoints and can dismiss judges through the Ministry

of Justice, to which the judiciary is responsible. The President appoints ministers of government, provincial governors, prefects and subprefects, and the heads of parastatal firms.

PDG leader El Hadj Omar Bongo has been President since 1967, when the former President died while Bongo was Vice President. He was reelected for another 7-year term in a December 1998 election marred by irregularities that generally favored his incumbency, including incomplete and inaccurate electoral lists and the use of false documents to cast multiple votes. In July 1998, the Government transferred key electoral functions, including the maintenance of voter registration lists, from the NEC to the Interior Ministry. In October 1998, the representatives of three major opposition parties withdrew from the NEC to protest their inability to verify the accuracy of voter registration lists. Official results showed Bongo winning approximately two-thirds of the votes cast.

The most recent elections for the National Assembly, the lower house of the bicameral national legislature, held in 1996, were run poorly and fraudulent. National Assembly elections are held every 5 years; the next elections are scheduled for late 2001. Candidates belonging to the PDG and other parties supporting President Bongo won more than 80 of the 120 seats, including 8 of 10 seats in the capital, where the opposition recently had won fairer local government elections. The military and NEC magistrates fraudulently ensured victory for parties supporting the President by altering vote counts arbitrarily, particularly in the capital.

The ability of citizens to choose their subnational governments remains limited in practice. Among subnational officials, provincial governors, prefects, and subprefects are officers of the central Government, responsible to the President. Mayors and municipal councils are elected; however, municipal governments have limited financial autonomy and depend heavily on funding from the central Government.

Local elections for mayors and municipal councils held in 1996 were organized poorly and later were repeated in key districts. In both sets of elections, opposition parties won most of the municipal council seats in the capital, Libreville, where the RNB candidate was elected mayor.

The Senate, the upper house of the bicameral national legislature, was created in 1996. The first elections for Senators were held in 1997. Municipal and regional government officials elect all 91 senators.

Major opposition parties include the RNB and the Gabonese Progressive Party (PGP). The RNB's political base is in the northern province of Woleu-Ntem, which is inhabited chiefly by members of the Fang ethnic group, and in Libreville neighborhoods with many Fang residents, although the party attracts some support from other regions and ethnic groups. Before the 1998 presidential election, the RNB split into two factions. In December it changed its name to the Rassemblement pour les Peuples Gabonais (RPG). The PGP enjoys strong support in Port Gentil, the center of the country's petroleum industry, and among the Myene ethnic group. Ideological splits and rivalries between Libreville and Port Gentil have reduced the effectiveness of the PGP.

There are no restrictions on the participation of women and minorities in politics; however, women and minorities are underrepresented in government and politics. At year's end,

7 of the 120 National Assembly representatives, 12 of the 91 senators, and 5 of the 41 cabinet members were women. Indigenous Pygmies rarely participate in the political process, and the Government has made only limited efforts to include them (see Section 5).

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

The Government officially allows the existence of independent human rights groups, although few are active. These organizations advocate mostly on behalf of women, children, the disabled, and the homeless. The largest and best-financed domestic NGO's are government associated and financed; the president of one such NGO, GERDDES-Gabon, is a senior official of the ruling party. Despite an October 1999 announcement that it would establish a National Human Rights Commission, the Government had taken no action to establish one by year's end.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution forbids discrimination based on national origin, race, gender, or opinion. The Government does not uniformly enforce these constitutional provisions and tolerates a substantial degree of discrimination against women, especially in domestic affairs. It has also provided a lower level of health care and educational services to children of families of other African nationalities than it provided to citizens.

Women.—Violence against women is common and is especially prevalent in rural areas. While medical authorities have not specifically identified rape to be a chronic problem, religious workers and hospital staff reported that evidence of beatings of women is common. Police rarely intervene in such cases, and women virtually never file complaints with civil authorities. Only limited medical and legal assistance is available.

The law provides that women have rights to equal access in education, business, and investment. Women own businesses and property, participate in politics, and work throughout the government and the private sector. Women nevertheless continued to face considerable societal and legal discrimination, especially in rural areas. According to a U.N. agency, 52 percent of women were literate in 1994, compared with 74 percent of men.

By law couples must stipulate at the time of marriage whether they intend to adhere to a monogynous or a polygynous relationship; according to one local NGO, polygynous marriages are more common. For monogynous married couples, a common property law provides for the equal distribution of assets after divorce. In a polygynous marriage, husbands are obligated to give all wives the same level of financial support; however, he may marry additional wives without permission from his existing wives. Wives who leave polygynous husbands receive half of their existing support as a one-time payment. In inheritance cases, the husband's family must issue a written authorization before his widow can inherit property. Common law marriage, which is accepted socially and widely practiced, affords a woman no property rights.

An internal regulation still requires that a woman obtain her husband's permission to travel abroad; however, this requirement is not enforced consistently.

Children.—The Government has used oil revenue to build schools, pay teachers" salaries, and promote education, even in rural areas. However, with the decline in such revenues in the late 1990's, the upkeep of schools and payment of teachers has suffered. Education is compulsory until age 16 and is generally available, through sixth grade. However, there is evidence that fewer than half of secondary-school-age children attended school as of 1996; secondary school attendance rates for immigrant children appear likely to be lower, although public schools accept immigrant children, and the Government encouraged them to attend. Education is free except for miscellaneous expenses such as books and school supplies.

The country has a relatively high infant mortality rate, and not all children have access to vaccinations, although the Government worked with international donors to improve the situation. Traditional beliefs and practices provide numerous safeguards for children, but children remain the responsibility of the extended family—including aunts, grandmothers, and older siblings. There is little evidence of physical abuse of children, although there were some reports that girls were sexually abused by family members after reaching puberty. Protection for children's rights is not codified in law. Forced child labor and trafficking in children are problems (see Sections 6.c. and 6.f.).

There is concern about the problems facing the large community of children of African noncitizens. Almost all enjoy far less access to education and health care than do children of citizens and are sometimes victims of child labor abuses (see Section 6.d.). Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, occurs among the resident population of expatriate Africans. There are no laws against FGM, but according to local women's groups, it is not practiced on Gabonese children.

People with Disabilities.—There are no laws that prohibit discrimination against persons with disabilities or that provide for access to buildings or services; however, there were no reports of discrimination against the disabled.

Indigenous People.—The Baka people (Pygmies) are the earliest known human inhabitants of the country. Several thousand indigenous Pygmies live in the country, most in large tracts of still-intact rain forest in the northeast. Domestic law grants them the same civil rights as other citizens. Pygmies largely are independent of formal authority, keeping their own traditions, independent communities, and local decisionmaking structures. Pygmies did not participate in government-instituted programs that integrated many small rural villages into larger ones along major roads. As a result, their access to government-funded health and sanitation facilities was limited. There are no specific government programs or policies to assist or hinder Pygmies.

National/Racial/Ethnic Minorities.—The country's citizen population includes several ethnic groups, each of which generally speaks a distinct primary language and is concentrated in an identifiable area of the country. There is no majority ethnic group; the largest ethnic group is the Fang, which makes up over 30 percent of the population and is concentrated in the north. Other major ethnic groups in-

clude the Myene, the Bapunu, the Bateke, the Obamba, and the Nzebi. Urban neighborhoods are not segregated ethnically; interethnic marriage is common.

There was some correlation between ethnic and political divisions. Support for the ruling party is stronger among persons from southern ethnic groups, including President Bongo's Bateke ethnic group, than among the northern Fang group or the coastal Myene group (see Section 3).

The Government generally fostered ethnic balance in the public sector, throughout which persons from all major ethnic groups continued to occupy prominent positions. However, there was evidence that members of President's Bateke ethnic group and other ethnic southerners held a disproportionately large number of key positions throughout the military and security forces (see Section 3).

Section 6. Worker Rights

a. The Right of Association.—The Constitution places no restrictions on the right of association and recognizes the right of citizens to form trade and labor unions. Virtually the entire formal private sector work force is unionized. Unions must register with the Government in order to be recognized officially. Public sector employees may unionize although their right to strike is limited if it could jeopardize public safety. Until 1990 there was only one recognized labor organization, the Gabonese Labor Confederation (COSYGA), to which all unionized workers contributed a mandatory percentage of their salaries. In 1992 the Government accepted the establishment of independent unions and abolished the mandatory contribution to COSYGA. Since 1993 many independent unions have emerged, including powerful unions of teachers, civil servants, transport workers, and communications workers. Some independent unions have associated to form the Gabonese Confederation of Free Unions (CGSL). COSYGA has continued to be affiliated with the Government but has criticized publicly some government policies it perceived as contrary to labor interests.

In 1994 the National Assembly passed an extensively revised version of the Labor Code, which was published and implemented in early 1995. The code provides extensive protection of worker rights.

Strikes are legal if they are held after an 8-day notice advising that outside arbitration has failed. The Labor Code prohibits direct government action against individual strikers who abide by the arbitration and notification provisions. It also provides that the Government cannot press charges against a group for criminal activities committed by individuals.

In March and again in June, employees of Sogadel, a parastatal agribusiness firm, went on strike to protest the failure to pay back wages. In both cases, although strikers burned tires and barricaded Libreville's main thoroughfare, police did not intervene. In August journalists at the national television station, RTG-1, also struck for back wages. The failure to pay salaries in both instances was attributed widely to a combination of managerial malfeasance and failure to receive adequate funds from the Government (see Section 2.a.).

Unions and confederations are free to affiliate with international labor bodies and participate in their activities. COSYGA is affiliated with the Organization of African Trade Union Unity, while the CGSL is affiliated with the International Confederation of Free Trade Unions. Both COSYGA and CGSL have ties with numerous other international labor organizations.

b. The Right to Organize and Bargain Collectively.—The Labor Code provides for collective bargaining by industry, not by firm; collectively bargained agreements set wages for whole industries. Labor and management meet to negotiate differences, and the Ministry of Labor provides an observer. This observer does not take an active part in negotiations over pay scales, working conditions, or benefits. Agreements also apply to nonunion workers. While no laws specifically prohibit antiunion discrimination, the court may require employers who are found guilty by civil courts of having engaged in such discrimination to compensate employees.

On October 16, 1998, authorities arrested and detained for more than 3 months the CGSL representative Jean-Remy Nguelany (see Section 1.d.). Nguelany was denied bail initially but was released due to lack of evidence in January 1999.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced labor, and there are no reports that it exists in the adult community. The Government also specifically prohibits forced and bonded labor by children; however it does not enforce this prohibition effectively. Children—in particular immigrant children—are forced to work as domestic or agricultural help (see Sections 6.d. and 6.f.). The U.N. Children's Emergency Fund (UNICEF) and other concerned organizations reported that government officials might be involved in the trafficking of foreign children, mainly for use as domestic or agricultural workers.

The Government cooperated actively with the UNICEF and the International Labor Organization (ILO) to combat forced child labor. The Government cohosted a regional conference on the problem in February and subsequently created an interministerial committee to work with UNICEF and the ILO to address the issue. However, critics maintained that government efforts were ineffective.

d. Status of Child Labor Practices and Minimum Age for Employment.—Children below the age of 16 may not work without the express consent of the Ministries of Labor, Education, and Public Health. These ministries rigorously enforce this law with respect to Gabonese children, and there are few citizens under the age of 18 working in the modern wage sector. A significant number of children work in marketplaces or perform domestic duties. These children do not go to school, receive only limited medical attention, and often are the victims of exploitation by employers or foster families. Laws forbidding child labor theoretically extend protection to foreign children as well, but abuses often are not reported. Estimates of the number of child laborers range between 5,000 and 10,000, but the problem is difficult to quantify since most children work in the informal sector.

The Government has not ratified ILO Convention 182. It made a public commitment in February to eliminate the worst forms of child labor; however, the law does not define the worst forms of child labor or hazardous work, although the Legal Code stipulates fines and prison sentences for violations of the minimum age for working. The Ministry of Justice is responsible for implementing and enforcing child labor laws and regulations. Inspectors from the Ministry of Labor are responsible for receiving, investigating, and addressing child labor complaints; however, the inspection force is inadequate, complaints are not investigated routinely, and violations are not addressed adequately. There are no legal remedies available to private persons victimized by the worst forms of child labor.

From February 22 to 24, the Government cohosted a conference on child trafficking and exploitative labor in Central and West Africa as a cooperative effort between the Government, UNICEF, and the ILO; the Ministry of Labor chaired an interministerial committee to follow up on the recommendations of the regional conference. The Government also participated in a conference in Libreville from April 12 to 14 to address the problem of abandoned street children.

Education is compulsory until age 16 and is generally available, through sixth grade. However, there is evidence that fewer than half of all secondary-school-age children attended school as of 1996; secondary school attendance rates for immigrant children appear likely to be lower, although public schools accept immigrant children, and the Government encourages them to attend.

The Government prohibits forced and bonded labor by children but does not enforce this prohibition effectively (see Section 6.c.). UNICEF and other concerned organizations reported that government officials might be involved in the trafficking of foreign children, mainly for use as domestic or agricultural help (see Section 6.f.).

e. Acceptable Conditions of Work.—The Labor Code governs working conditions and benefits for all sectors and provides a broad range of protection to workers. The code stipulates a 40-hour workweek with a minimum rest period of 48 consecutive hours. Employers must compensate workers for overtime work. All companies in the modern wage sector pay competitive wages and grant generous fringe benefits required by law, including maternity leave and 6 weeks of annual paid vacation.

Traditionally, representatives of labor, management, and the Government met annually to examine economic and labor conditions and to recommend a minimum wage rate within government guidelines to the President, who then issued an annual decree. This procedure has not been followed since 1994, in part because the Government was pursuing a policy of wage austerity recommended by international financial institutions. The monthly minimum wage, excluding benefits provided only to some workers, was approximately $93 (64,000 FCFA). Government workers receive transportation, housing, and family benefits; however, the law does not mandate housing or family benefits for private sector workers. Given the high cost of living, the minimum wage does not provide a decent standard of living for a worker and family.

The Ministry of Health has established occupational health and safety standards, but it does not enforce or regulate them effectively. The application of labor standards varies greatly from company to company and between industries. The Government reportedly does not enforce Labor Code provisions in sectors where the bulk of the labor force is foreign. Foreigners, both documented and undocumented, may be obliged to work under substandard conditions; may be dismissed without notice or recourse; or may be mistreated physically, especially in the case of illegal aliens. Employers frequently require longer hours of work from noncitizen Africans and pay them less, often hiring on a short-term, casual basis in order to avoid paying taxes,

social security contributions, and other benefits. In the formal sector, workers may remove themselves from dangerous work situations without fear of retribution.

f. Trafficking in Persons.—No law specifically prohibits trafficking in persons, (although authorities have indicated that a provision of the Constitution that prohibits endangering the physical well-being of a person authorizes the State to prosecute persons who commit this abuse), and there were reports of trafficking in children.

Children (especially girls) reportedly were trafficked into the country, primarily from West Africa, for use as domestic or agricultural labor (see Sections 6.c. and 6.d.). Some of the children reportedly suffered sexual abuse. UNICEF and other concerned organizations reported that government officials might be involved in the trafficking of foreign children, mainly for use as domestic or agricultural workers (see Section 6.c.). There were no reports that adults were trafficked to, from, through, or within the country during the year.

THE GAMBIA

The Gambia is ruled by President Yahya A.J.J. Jammeh, the former chairman of the Armed Forces Provisional Ruling Council (AFPRC) that seized power in a military coup in 1994, deposing a democratically elected government. Jammeh resigned his military commission and was elected president in controversial elections in September 1996, which observers considered neither free nor fair. Two of the 13 members of the current Cabinet are retired army officers who were Jammeh's allies during or immediately following the coup, and security forces continue to exert strong influence in the Government. In January 1997, the Constitution of the Second Republic came into effect, restoring formal constitutional government, and citizens chose a National Assembly in elections, the results of which generally were accepted by the opposition. Jammeh's party, the Alliance for Patriotic Reorientation and Construction (APRC), won 33 of the 45 assembly seats filled by election. The Constitution provides for an independent judiciary; however, the judiciary, especially at lower levels, reportedly is subject at times to executive branch pressure, although the courts have demonstrated their independence on occasion.

The Gambian National Army (GNA) reports to the Secretary of State for Defense (who is now the President). The police report to the Secretary of State for the Interior. The National Intelligence Agency (NIA), established in 1995 by government decree, reports directly to the President but is otherwise autonomous. Members of the security forces committed serious human rights abuses.

The rapidly growing population of 1.384 million is divided between a rural majority and a growing urban minority. Much of the population is engaged in subsistence farming. The country's farmers, a majority of whom are women, grow rice, millet, corn, and groundnuts (the country's primary export crop). The private sector is led by tourism, trading, and fisheries. The high population growth rate has diluted the positive effects of modest economic expansion. Per capita gross domestic product is estimated to be $240, a decline from recent levels partly due to currency depreciation.

The Government's poor human rights record worsened, and it continued to commit serious abuses. President Jammeh's dominance and restrictions on opposition parties continued. In practice citizens do not have an effective right to change their government. Security forces committed some extrajudicial killings and beat or otherwise mistreated detainees and prisoners. Prison conditions remained very poor. Security forces arbitrarily arrested and detained citizens, particularly opposition politicians and journalists; some of the detainees alleged harsh treatment while being arrested and detained. The courts reportedly are subject to executive branch pressure, particularly at lower levels, although magistrates occasionally demonstrated some independence by ruling against the Government. There were reports of political prisoners. The Government at times infringed on citizens' privacy rights. The Government significantly limited freedom of speech and of the press through intimidation and fear. Journalists practice self-censorship. The Government restricted freedom of assembly and association. The opposition United Democratic Party (UDP) was repeatedly attacked at political rallies by agents of the allegedly disbanded progovernment July 22 youth movement. The Government denied the UDP party permits to hold rallies at several times throughout the year. The Government at times limited freedom of movement. Violence and discrimination against women persisted. The practice of female genital mutilation (FGM) is widespread and entrenched. Child labor was a problem, and there were some instances of child prostitution.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of politically motivated killings; however, on occasion, security forces committed extrajudicial killings.

On March 9, Ebrima Barry, a student, died after being taken into custody and reportedly beaten by fire department personnel. Security forces killed at least 14 persons during student riots on April 10 and 11 to protest the death of the student (see Section 2.b.). Security forces shot and killed Omar Barrow, a journalist and Red Cross volunteer, while he was working at the Red Cross facility to assist wounded demonstrators. Despite the Government's initial insistence that security forces did not use live ammunition to suppress the riot, student victims and other witnesses alleged otherwise. A government commission of inquiry reportedly concluded that the Police Intervention Unit (PIU) officers were "largely responsible" for many of the deaths and other injuries. The inquiry also revealed that five soldiers of the 2nd Infantry Battalion were responsible for the deaths of two students at Brikama. The Government stated that the report implicated several PIU officers in the students" deaths and injuries. The official coroner's report and commission of inquiry report were not publicized widely by the Government. Three police officers at Brikama were found to have unlawfully searched, arrested, and detained people there. At year's end, no action had been taken against those responsible for the shootings (see Section 1.d.).

On January 15, soldiers shot and killed two military personnel whom they were trying to arrest for allegedly attempting to overthrow the Government (see Section 1.d.).

In January 1999, rebels allegedly belonging to the Movement of Democratic Forces for the Casamance (MFDC) in Senegal crossed the border and attacked the village of Gambissara, killing two persons. On January 16, police arrested three alleged members of the MFDC; however, at year's end, the Government had taken no further action in the case.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution forbids torture or inhuman or degrading punishment; however, security forces sometimes beat or otherwise mistreated detainees and prisoners. There also were reports that security forces beat military and security detainees, and that security prisoners sometimes are threatened with summary execution.

Security forces beat several dozen persons including school children during the April 10 and 11 student demonstrations (see Sections 1.a., 1.d., and 2.a.). Many detained students claimed that armed soldiers beat them with gun butts and iron cables. One student detained at the army barracks claimed that he and other students were abused and harassed while in detention. Credible witnesses reported seeing elementary-school age children released from custody with severe bruises, bleeding cuts, and shaved heads, and stripped of their clothes. Other witnesses reported that a mother, attempting to see her child at the Kairaba police station, was beaten severely with a rifle butt. The students were protesting the death of a student on March 9 while in custody of fire department personnel and the alleged early April rape of a girl by an unidentified man in uniform, whom many believed to be a member of the Government's security forces.

On January 15, Ousman Ceesay, a freelance reporter, claimed to have suffered rough treatment and threats by soldiers in Banjul for interviewing a soldier at the site of an exchange of gunfire between soldiers and units of the State House Guards.

In May a journalist from the Democratic Republic of the Congo (DRC) reported that he was arrested, detained, beaten, and denied medical treatment by immigration authorities (see Section 1.d.).

Armed soldiers at times harassed and detained citizens and foreigners at gunpoint, particularly at the Denton Bridge checkpoint outside of Banjul (see Section 2.d.).

No action was taken in the 1999 case when police allegedly severely beat and tortured an opposition politician who was arrested and detained for 2 days. There were no developments in the promised investigation of the detention and torture of eight UDP officials in 1997. At the time of the incident, the Government promised a full investigation and appropriate action by the Attorney General. Since the incident, police investigators have interviewed some witnesses, but some victims have said that they have not been contacted. No one has been arrested, and no results of the investigation have been made public.

Conditions at Mile 2, Janjanbureh, and Jeshwang prisons remained very poor. Mile 2 prison was reported to be grim, overcrowded, and lacking in medical facili-

ties. Prisoners were locked in their cells for over 20 hours each day. There were credible reports of beatings, malnourishment, and other harsh treatment of political, military, and security detainees. Women are housed separately; juveniles are housed with adults.

Conditions in one representative local jail reportedly were unsanitary and overcrowded. Inmates slept on cement benches or on the floor without blankets. There was one water tap in the cell area but often no water. Police are reluctant to terminate fistfights between prisoners until the dispute is settled, and many of the prisoners are injured.

Local nongovernmental organizations (NGO's) generally are permitted to visit prisons upon request. A member of the African Commission on Human and Peoples' Rights and the U.N. Special Rapporteur on Prisons and Conditions of Detention in Africa visited the three prisons during the year. The International Committee of the Red Cross visited local prisons several times during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution includes provisions to protect against arbitrary arrest and detention; however, on occasion, security forces arbitrarily arrested and detained citizens. Periods of detention ranged from a few hours to several days.

The Government has not revoked formally military decrees enacted prior to the current Constitution that give the NIA and the Secretary of State for Interior broad power to detain individuals indefinitely without charge if "in the interest of national security." The Constitution provides that decrees remain in effect unless inconsistent with constitutional provisions. These detention decrees appear to be inconsistent with the Constitution, but they have not yet been subject to judicial challenge. The Government has stated that it no longer enforces these decrees; however, in some instances, the Government did not respect the constitutional requirement that detainees be brought before a court within 72 hours.

In January military officials arrested and detained Lieutenant Landing Sanneh and at least 10 other military personnel accused of attempting to overthrow the Government on January 15. Lieutenant Almamo Manneh and Corporal Momodou Dumbuya, also implicated in the alleged plot, were shot and killed by soldiers who were trying to apprehend them. The treason hearing of Lieutenant Sanneh opened on May 12 at the High Court, but the other detained soldiers were not brought before a military or civilian court by year's end. In September the army announced that some of the soldiers who had been detained at the Yundum Barracks in connection with the January 15 alleged coup were released and returned to active duty. At year's end, at least one soldier, the alleged coup leader, was still detained without charge.

On February 4, police arrested Momodou Wallom Jallow, an independent National Assembly member, in his constituency in Niamina district and detained him at the NIA headquarters in Banjul for 4 days without charge. Jallow's political opponents allegedly reported him to the police for making favorable comments regarding the alleged coup attempt.

In April police arrested five UDP activists of Tambakoto village, North Bank Division and detained them at the Janjanburay prison for several days following a fight with the village head, who subsequently seized their farm lands (see Section 1.f.). The five claimed wrongful arrest and detention, and complained about poor prison conditions and inadequate food (see Section 1.c.).

Following a demonstration on April 10 (see Sections 1.a., 1.c., and 2.b.), security forces arrested hundreds of students and detained them at police stations, military barracks, and the NIA headquarters between April 10 and 15. Some students were held incommunicado for over 72 hours, often with little food or water. Student leaders were held for longer periods; some were held over 2 weeks. Parents were denied access to their children. On May 18 the Supreme Court ordered the release of all students. One student detained at the army barracks claimed that he and other students were abused and harassed while in detention. Credible witnesses report seeing elementary-school age children released from custody with severe bruises, bleeding cuts, and shaved heads, and stripped of their clothes.

On April 12, police arrested a UDP National Assembly member, Buba Samura, in Brikama while he was traveling to Banjul. He was detained incommunicado at the Brikama Police station for several days without charge. Allegedly Samura was arrested after he was overheard commending the students for their actions during the April 10 and 11 demonstrations and stating that President Jammeh's misrule caused the riots.

In May Mohamad Mboyo, a visiting journalist from the DRC, reported that he was arrested unlawfully and detained for more than 24 hours by the police. Mboyo was arrested by an immigration officer at the Banjul ferry terminal and accused of

"being a Nigerian" despite his identification papers to the contrary. He allegedly was beaten, detained, and denied medical treatment.

On June 17, during a country-wide political campaign, UDP leader Ousainou Darboe, 80 UDP supporters, and journalist Madi Ceesay were detained at the Basse police station for 3 days following a clash between supporters of the ruling APRC and the UDP in which an APRC supporter allegedly was killed. Police denied the UDP party permits to hold rallies in Upper River Division after the incident. Darboe, 24 UDP supporters, and Ceesay were charged with the murder of the APRC supporter Alieu Njie. The Supreme Court dismissed the charges against 19 UDP members and journalist Madi Ceesay in October; however, the murder charge against UDP leader Darboe and 4 of his closest associates remained in effect, and Darboe's trial began on November 1. No decision had been made on the case by year's end.

Between June 22 and 23, security agents arrested and detained four civilians (Ebrima Yabo, Ebrima Barrow, Momodou Marenah, Modou Saho) and two security officers (lieutenants Lalo Jaiteh and Omar Darboe) on suspicion of attempting to violate state security. Persons claiming to be security forces abducted the civilians from their homes; initially, both the NIA and police denied knowledge of their arrests and detentions. After 3 weeks of complaints by their families, the Inspector General of Police revealed that the four civilians and two security officers had been arraigned before a Magistrates" Court on July 14 on charges of treason. According to their attorneys, the accused were not charged within the constitutionally required 72 hours. At year's end, some of the individuals were released, but others continued to be detained pending a trial.

In June army and NIA officers arrested, detained, and held incommunicado a local employee of a foreign embassy. He was questioned for 2 days in regard to his official duties and ultimately released without charge.

On July 25, the police arrested the editor in chief and a journalist from the Independent newspaper and detained them at the Banjul police station for reporting on a hunger strike at Mile 2 Prison (see Sections 1.c. and 2.a.).

On September 2, police arrested Omar Kebba Mass, a UDP National Assembly member, and 16 UDP supporters and detained them at the Mansaknoko police station for approximately 13 hours without charge. The UDP officials allegedly were detained because of a fight with APRC supporters at a football match; the APRC supporters were not detained.

In January charges of "libel against the President" were dropped for three journalists from The Independent newspaper.

Police arrested and detained several opposition militants. Three opposition National Assembly members and supporters were arrested and detained during the year, some for more than 72 hours, without charge.

The Government did not use forced exile; however, former President Jawara remains outside the country under threat of arrest and detention on corruption charges if he returns. Other senior officials of the former government, for example, Vice President Saihou Sabally and Secretary General Abdou Sara Janha, also remained outside the country, but do not face official charges.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary reportedly is subject at times to executive branch pressure, especially at the lower levels. The courts nevertheless have demonstrated their independence on several occasions, at times in significant cases. For example, following the April riots, the Supreme Court ruled that the continued detention of Gambia Student Union leaders was illegal. Also the Supreme Court required that chieftaincy elections be held in the Saami district in November, ruling that a presidentially appointed chief was installed unconstitutionally following the President's dismissal of the previous chief.

In 1997 the Court of Appeal, the country's highest court, overturned the treason convictions and death sentences of four men who led an abortive coup in November 1996. The Government has appealed this decision to the Privy Council in London, but at year's end, the case was pending before the Supreme Court.

The judicial system comprises the Court of Appeal, high courts, eight magistrate's courts and a Supreme Court, which began operations in 1999. Village chiefs preside over local courts at the village level.

The judicial system recognizes customary, Shari'a, and general law. Customary law covers marriage and divorce for non-Muslims, inheritance, land tenure, tribal and clan leadership, and all other traditional and social relations. Shari'a law is observed primarily in Muslim marriage and divorce matters. General law, following the English model, applies to felonies, misdemeanors in urban areas, and the formal business sector. Trials are public, and defendants have the right to an attorney at their own cost.

Persons have been held extended periods without trial. For example, Suwandi Camara was arrested in Senegal in March 1997 and extradited to the Gambia in July 1997. Subsequently, he was interrogated by the NIA and taken to Mile 2 prison; no charge was brought against him, and in December the Government objected to his request for bail. However, on December 14, the High Court ruled that Camara's arrest and continued detention was unlawful and unconstitutional, and it ordered his immediate and unconditional release.

The 1998 trial of three men accused of complicity in a July 1997 coup attempt concluded in October 1998 with the conviction of treason of the three; they were sentenced to death. Their appeals of the convictions were pending at year's end.

The junta that took power in 1994 appointed four commissions to investigate individuals and organizations suspected of corruption during the First Republic. These commissions had powers similar to a grand jury, with additional authority to recommend the seizure of assets, to imprison and fine for contempt, and to imprison or demand bond from individuals considered likely to abscond. The commissions were closed in December 1999; however, no findings were made public by year's end.

There are reports of a small number of political prisoners, including the former AFPRC vice chairman, Lieutenant Sana Sabally, held at Mile 2 prison in Banjul. International and domestic human rights organizations were not permitted access to these individuals.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such abuses; however, although the Government generally respects these prohibitions, in practice there were some exceptions. The Government has not canceled Decree 45, which abrogates Constitutional safeguards against arbitrary search and permits search and seizure of property without due process. This decree remains formally in effect, pending a judicial finding that the decree is inconsistent with the Constitution. In practice the Government appears not to enforce it, but no court case has been brought to test the decree's constitutionality.

Observers assume that the Government monitors citizens possibly engaged in activity that it deems objectionable. In the past, surveillance included monitoring of telephones and mail. In previous years, investigating commissions made findings resulting in the forfeiture of private property, principally that property held by former government and parastatal officials. The work of these commissions, which began under the AFPRC regime, is sanctioned under the Constitution with provisions for due process; however, it is not clear that the full rights of due process were accorded to officials investigated by the commissions before the Constitution took effect. The evidentiary standards applied by the commissions in ordering the forfeiture of money and property are not clear, and orders by the commissions have not yet been subject to effective judicial review.

Following the student demonstrations, security forces undertook a search to arrest students suspected of participating in the demonstrations (see Sections 1.d. and 2.b.).

The Government restricted the right to transfer funds or assets of most senior officials of the former Jawara government accused of corruption.

In April the Tambakoto village head illegally seized the land of five UDP activists; by year's end, the lands had not been returned.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press; however, in practice, the Government significantly limited the full exercise of these freedoms by using intimidation, police pressure, regulatory scrutiny, and laws that inhibit the media. The Government also employed arrest, detention, and interrogation to intimidate journalists and newspapers that published articles that it considered inaccurate or sensitive (see Section 1.d.). As a result, journalists practice a significant degree of self-censorship.

In January President Jammeh dropped the libel charges against the Independent Newspaper's editor in chief Baba Galleh Jallow, managing editor Alhagie Yoro Jallow, and a journalist. The Independent staff were arrested and charged for "libel against the President" following an article they wrote in December 1999 that questioned the stability of Jammeh's marriage. However, the editors of The Independent claimed that the Government continued to harass and intimidate their staff and families after the charges were dropped. On June 20, immigration officers questioned Baba Galleh Jallow and Alhagie Yoro Jallow regarding their citizenship. On July 25, Baba Galleh Jallow and reporter Alhagie Mbye were taken to Banjul Police headquarters and detained for 7 hours because of an article that they published regarding a hunger strike at Mile 2 prison (see Section 1.c.).

In July President Jammeh threatened to discharge the staff of the state-owned Gambia Radio because he suspected them of being opposition sympathizers.

Jammeh made the threat during a meeting with APRC youth wing members on the anniversary of the July 22 coup that brought him to power. He claimed that members of the Radio Gambia staff misrepresented his speeches in their news bulletins, and he warned that anybody "bent on disturbing the peace and stability of the nation will be buried 6 feet deep". Private journalists and the general public condemned Jammeh's threat and accused him of intimidating journalists of the public radio and television.

Decrees 70 and 71, enacted in 1996, remained in effect and continued to inhibit free reporting. The decrees require all newspapers to post a $6,500 (100,000 Dalasis) bond or cease publication. The bond is required to ensure payment of any penalties imposed by a court for the publication of blasphemous or seditious articles or other libel. State-owned publications are not subject to these decrees. The possession and distribution of documents deemed to be "political literature" also is barred by decree. These decrees and the fear of reprisals and government action have had a chilling effect on the press. Although still independent, the nongovernment press practices a significant degree of self-censorship. However, strong criticism of the Government was frequent, and opposition views appeared in the independent press. English, French, and other foreign newspapers and magazines were available.

Radio broadcasts from the government station and private stations normally reach listeners in the eastern part of the country. Private radio stations simulcast news provided by Radio Gambia, the government station. Only one private radio station produced independent news broadcasts throughout the year. In 1998 the Kanifing Magistrates Court seized the independent Citizen FM radio station and its equipment for failure to pay licensing fees. On July 3, the High Court ruled that the Government had seized Citizen FM radio station wrongly and ordered that the station's assets be returned to the station's proprietor. The station resumed broadcasting in October. Occasionally there were public affairs broadcasts on at least two independent radio stations. The British Broadcasting Corporation, Radio France International, and other foreign news reports sometimes are rebroadcast by local stations, and all are available via shortwave radio. Senegalese television and radio are available in many parts of the country. Wealthy residents also used television satellite systems for independent news coverage.

On August 10, a group of unidentified arsonists attempted to burn the private radio station, Radio 1 FM. Owner George Christensen, a radio announcer, and a watchman were injured while trying to extinguish the fire. Christensen reported that he had been alerted 2 days earlier that some persons were planning to attack the radio station, and he had informed a senior army officer about the matter. On August 14, a group of unidentified persons again attempted to burn the house of a Radio 1 announcer.

Government radio and television gave very limited coverage to opposition activities, including statements by opposition parliamentarians in the National Assembly. In most other respects, the state media served as propaganda instruments for the Government and its supporters.

There was convenient, inexpensive Internet access through Internet cafes and private accounts. The Government did not restrict Internet access or operation.

There were no reports of any government restrictions on academic freedom. There is one national college, a university extension program, and several smaller, private, postsecondary educational institutions.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. The authorities interfered with efforts by the principal opposition party, the UDP, to organize public meetings.

On April 10, Gambia Student Union members attempted to hold a peaceful demonstration to protest the alleged mishandling of the investigation into the death of a student while in the custody of fire officers (see Section 1.a.). The students also were protesting the alleged rape of a 13-year old school girl by an unidentified man in uniform (see Section 1.c.). When police attempted to stop the demonstration, the student demonstrators burned tires and threw stones. In response security forces used live ammunition against the students, killing and injuring many students and arrested hundreds of students (see Sections 1.a., 1.c., and 1.d.).

In June and July, the Government denied the UDP permits to hold rallies following a clash between a group of former-July 22 APRC Movement members and UDP supporters on June 17. The UDP was blamed for violating conditions of the Public Order Act by using abusive words against government authorities and individuals at public rallies. However, after July the UDP held several rallies in the greater Banjul area without government intervention.

The Constitution provides for freedom of association; however, the Government restricts this right in practice. Decree 89 banned from political activity three major

opposition political parties, and all former presidents, vice presidents, and ministers until 2024. The decree's penalty of life imprisonment for an individual or a $65,000 (1 million Dalasis) fine for an organization considerably restricts political activity (see Section 3). Despite the fact that the decree apparently conflicts with provisions of the Constitution, it has not been challenged in court. The severe penalties for violating the decree have inhibited political challenge, since most cases would have to be brought by a person who violated the decree. The three banned major parties have not resumed activity nor have the various political figures covered under the ban done so.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

In May 1998, the imam of the largest mosque in Brikama was arrested together with a leading opposition party politician and eight others in a dispute over minor construction work at a mosque that reportedly was financed by supporters of the ruling party. In February 1999, the High Court acquitted all of the defendants of destruction of property and discharged the case. However, the Government filed an appeal in the High Court for the imam and three others to be retried. The imam's lawyer filed a writ of summons in the High Court, which ruled that it had no jurisdiction over the matter and referred the case to a district tribunal. Subsequently, the case was filed at the Court of Appeal, but the case was adjourned until April. At year's end, it had not been heard. In November the imam was reinstated at the Brikama mosque and was leading prayers.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement but allows for "reasonable restrictions," and there were instances in which the Government restricted this right. Following the alleged January 15 coup attempt, armed soldiers harassed and detained citizens and foreigners at the Denton Bridge checkpoint for not carrying their identification cards. However, the Army Chief of Staff, at a press conference on January 19, apologized to the victims and called on the public to understand that the soldiers only were conducting their duties for security reasons. There were no reported harassments and detentions thereafter.

The authorities prohibited those under investigation for corruption or security matters from leaving the country. A few politicians associated with the opposition UDP also were denied passports, although they were not facing corruption or security charges. The leader of the opposition UDP and other opposition figures have traveled outside the country without incident.

The law does not provide for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Although there was no available estimate of the numbers involved, the Government provides first asylum and provided it to persons from Senegal and Guinea-Bissau during the year. The Government works with the UNHCR and local NGO's in processing refugee claims. The country hosts approximately 8,000 refugees from Sierra Leone, Senegal, Guinea-Bissau, Liberia, and other countries. The Government continued to host approximately 3,500 Senegalese refugees from the troubled Casamance region. There were no further UNHCR repatriations to the Casamance as in previous years.

There were no reports of the forced return of persons with a valid claim to refugee status to a country where they feared persecution.

There were reports that on occasion, immigration authorities harassed and detained immigrants and others (see Sections 1.c., 1.d., and 2.a.).

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

Despite a new Constitution and legislative elections in 1997, citizens still do not have an effective right to change their government in practice. Citizens attempted to exercise this right in presidential elections in 1996; however, the few international observers who were present noted serious problems in the electoral process. Foreign governments criticized the election as not being free and fair, primarily because of government intimidation, restrictions imposed by the Government on opposition campaign efforts, and limited access to the government-owned media prior to the election.

Government-owned media continued to deny news coverage and other access to opposition politicians and engaged in a number of other practices that restricted political activity (see Section 2.a.). The Government frequently refused to authorize opposition meetings (see Section 2.b.). Decree 89 bans three former political parties and all persons who held the offices of president, vice president, and minister since

1965 from involvement in politics until 2024 (see Section 2.b.). Although Decree 89 apparently is unconstitutional, it has not been challenged in the courts and remained in effect. The severe penalties for violating the decree have inhibited challenge, since most cases would have to be brought by a person who violated the decree.

In January 1997, the Constitution of the Second Republic came into effect, and citizens chose a new National Assembly in elections whose results were accepted by the opposition. President Jammeh's party, the Alliance for Patriotic Reorientation and Construction (APRC) won 33 of 45 assembly seats filled by election; 4 members are appointed by the President. Procedural methods are used to restrict debate within the National Assembly.

The Constitution provides for the democratic election of the President every 5 years. National Assembly elections are held 3 months after the presidential elections. Presidential elections are scheduled for 2001. Local elections originally scheduled for 1998 were postponed; no new date has been fixed yet.

There are no legal obstacles to the participation of women in government; however, they are underrepresented in government and politics. One of the 45 members of the National Assembly is a woman. The Vice President (who is also Minister of Women's Affairs) is a woman, and there are two female ministers in the Cabinet.

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

There are several organizations whose mandates provide for human rights monitoring. The AFPRC's Decree 81 of 1996 requires NGO's to register with the National Advisory Council, which has the authority to deny, suspend, or cancel the right of any NGO to operate (including that of international NGO's). However, the Government did not take action against any NGO's during the year.

There are three major organizations whose primary mandate is the promotion of human rights—the International Society for Human Rights (ISHRA), the African Center for Democracy and Human Rights Studies (ACDHRS), and the Institute for Human Rights and Development (IHRD). Both the ISHRA and the ACDHRS have conducted training in democratic rights and civic education. The IHRD focuses principally on the operations of the African Commission on Human and Peoples' Rights, an organ of the Organization of African Unity based in Banjul. Other human rights groups included the African Society of International and Comparative Law with two-full time staff members and the Foundation for Research on Women's Health, Productivity, and the Environment organized in 1991 to work on issues pertaining to woman's health and productivity with two full-time staff working on FGM.

In May 1999, President Jammeh appointed the first government ombudsman as required in the Constitution. On May 3, 1999, the National Assembly approved the appointment. During the year, the office of the ombudsman began operations and was charged with investigating allegations of maladministration, mismanagement, or discrimination; however, it did not take significant action in these areas.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status, and the Government generally respects these prohibitions.

Women.—Domestic violence, including abuse, is a problem; it is reported occasionally, and its occurrence is believed to be common. Police tend to consider these incidents to be domestic issues outside of their ordinary jurisdiction. Rape and assault are crimes under the law; rape is not common. The law does not differentiate between married and unmarried women in this regard. Sexual harassment is not believed to be widespread, although individual instances have been noted.

Traditional views of women's roles result in extensive societal discrimination in education and employment. Employment in the formal sector is open to women at the same salary rates as men. No statutory discrimination exists in other kinds of employment; however, women generally are employed in endeavors such as food vending or subsistence farming.

Shari'a law usually is applied in divorce and inheritance matters for Muslims, who make up approximately 90 percent of the population. Women normally receive a lower proportion of assets distributed through inheritance than do male relatives.

Marriages often are arranged and, depending on the ethnic group, polygyny is practiced. Women in polygynous unions have property and other rights arising from the marriage. They have the option to divorce, but not a legal right to approve or be notified in advance of subsequent marriages.

Active women's rights groups exist; they are focused primarily on economic issues and the elimination of female genital mutilation (FGM).

Children.—The Government is committed to children's welfare. The Department of Education and the Department of Health, Social Welfare, and Women's Affairs are the two most generously funded departments. However, the lack of resources limits state provision of both education and health services.

The Constitution mandates free compulsory primary education, but the state of the educational infrastructure prevents effective compulsory education. However, in February 1998, the President announced an end to fees for the first 6 years of schooling, and the Government has implemented the decision. Opportunities for secondary education are more limited. The participation of girls in education is very low. Females constitute about 40 percent of primary school students and roughly one-third of high school students. The enrollment of girls is particularly low in rural areas where a combination of poverty and socio-cultural factors influence parents' decisions not to send girls to school.

The care and welfare of children in distress is considered primarily a family responsibility. In cases of divorce, the Department of Social Welfare attempts to require periodic financial support by fathers; however, there is no criminal prosecution when fathers fail to provide financial support.

Authorities generally intervene when cases of child abuse or mistreatment are brought to their attention; however, there is no societal pattern of abuse against children. Any person who has carnal knowledge of a girl under the age of 16 is guilty of a felony (except in the case of marriage, which can be as early as 12 years of age; incest is also illegal. These laws generally are enforced. Serious cases of abuse and violence against children are subject to criminal penalties.

There are a few instances of child street begging. The tourist industry has stimulated a low level of child prostitution, which is prosecuted vigorously. In rural areas, most children assist their families in farm and housework. In urban areas, many children work as street vendors or taxi and bus assistants (see Section 6.d.).

The practice of female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, is widespread and entrenched. Reports place the number of women having been subjected to FGM at between 60 and 90 percent. Seven of the nine major ethnic groups practice FGM at ages varying from shortly after birth until 16 years old. In recent years, the Government publicly has supported efforts to eradicate FGM and discourages FGM through health education; however, the Government has not passed legislation against FGM, and FGM is not considered a criminal act. In February 1999, President Jammeh stated publicly that the Government would not ban FGM, and that FGM is a part of the country's culture.

People with Disabilities.—There are no statutes or regulations requiring accessibility for the disabled. No legal discrimination against the physically disabled exists in employment, education, or other state services. Severely disabled individuals subsist primarily through private charity. Less severely disabled individuals are accepted fully in society, and they encounter no discrimination in employment for which they are physically capable.

Section 6. Worker Rights

a. The Right of Association.—The 1990 Labor Act, which applies to all workers except civil servants, specifies that workers are free to form associations, including trade unions, and provides for their registration with the Government. It specifically prohibits police officers and military personnel, as well as other civil service employees, from forming unions or striking. About 20 percent of the work force is employed in the modern wage sector, where unions are most active. Approximately 30,000 workers are union members, constituting about 10 percent of the work force. The country became a full member of the International Labor Organization (ILO) in 1995; however, it has not ratified any ILO conventions.

The Gambian Worker's Confederation and the Gambian Workers' Union (GWU) are the two main independent and competing umbrella organizations. The Government recognizes both organizations.

The Labor Act authorizes strikes but requires that unions give the Commissioner of Labor 14 days' written notice before beginning an industrial action (28 days for essential services). It prohibits retribution against strikers who comply with the law regulating strikes. Upon application by an employer to a court, the court may prohibit industrial action that is ruled to be in pursuit of a political objective. The court also may forbid action judged to be in breach of a collectively agreed procedure for settlement of industrial disputes. Because of these provisions and the weakness of unions, few strikes occur.

In July there was a brief strike for higher wages at a Banjul soft-drink factory; the strike was resolved, but details of the settlement were not disclosed.

Unions and union confederations may affiliate internationally, and there were no restrictions on union members' participation in international labor activities. The GWU is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The 1990 Labor Act allows workers to organize and bargain collectively. Although trade unions are small and fragmented, collective bargaining takes place. Each recognized union has guidelines for its activities specified by the appropriate industrial council established and empowered by the Labor Act. Union members' wages exceeded legal minimums and are determined by collective bargaining, arbitration, or agreements reached between unions and management after insuring that the agreements are in compliance with labor law. No denial of registration has been reported. The act also sets minimum contract standards for hiring, training, terms of employment, and provides that contracts may not prohibit union membership. Employers may not fire or discriminate against members of registered unions for engaging in legal union activities.

The Government established an export processing zone (EPZ) at the port of Banjul and the adjacent bonded warehouses. Several companies, including peanut oil exporters, began operation in the EPZ in August.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, and it is not known to occur. The law does not prohibit specifically forced or bonded labor by children; however, it is not known to occur. Most children performing customary chores or who are engaged in petty trading do so as a part of an extended family (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The statutory minimum age for employment is 18 years. There is no effective compulsory education, and because of limited secondary school openings, most children complete formal education by age 14 and then begin work. Employee labor cards, which include a person's age, are registered with the Labor Commissioner, but enforcement inspections rarely take place. Child labor protection does not extend to youth performing customary chores on family farms or engaged in petty trading. In rural areas, most children assisted their families in farming and housework. In urban areas, many children worked as street vendors or taxi and bus assistants. The tourist industry has stimulated a low level of child prostitution (see Section 5).

On November 8, the National Assembly approved ILO Convention 182 on the worst forms of child labor; however, as of year's end, the Government had not completed formal ratification procedures. The Department of State for Labor is responsible for implementing the terms of the convention.

The law does not prohibit specifically forced or bonded labor by children; however, such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—Minimum wages and working hours are established by law through six joint industrial councils: Commerce; Artisans; Transport; Port Operations; Agriculture; and Fisheries. Labor, management, and the Government are represented on these councils. The lowest minimum wage is about $0.80 (12 Dalasis) per day for unskilled labor. This minimum wage is not sufficient to provide a decent standard of living for a worker and family. Only 20 percent of the labor force, essentially those workers in the formal economic sector, are covered by the minimum wage law. The majority of workers are employed privately or are self-employed, often in agriculture. Most citizens do not live on a single worker's earnings, but they share resources within extended families.

The basic legal workweek is 48 hours within a period not to exceed 6 consecutive days. A 30-minute lunch break is mandated. Nationwide, the workweek includes 4 8-hour workdays and 2 4-hour workdays (Friday and Saturday). Government employees are entitled to 1 month of paid annual leave after 1 year of service. Private sector employees receive between 14 and 30 days of paid annual leave, depending on length of service.

The Labor Act specifies safety equipment that an employer must provide to employees working in designated occupations. The Factory Act authorizes the Ministry of Labor to regulate factory health and safety, accident prevention, and dangerous trades, and the Ministry is authorized to appoint inspectors to ensure compliance with safety standards. Enforcement was inconsistent due to insufficient and inadequately trained staff. Workers may demand protective equipment and clothing for hazardous workplaces and have recourse to the Labor Department. Workers may refuse to work in dangerous situations without risking loss of employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, through, or within the country.

GHANA

Ghana is a constitutional republic dominated by a strong presidency. Flight Lieutenant (ret.) Jerry John Rawlings ruled the country for 19 years after taking power in 1981. He became the first President of the Fourth Republic following controversial elections in 1992. These elections ended 11 years of authoritarian rule under Rawlings and his Provisional National Defense Council (PNDC), which had seized power from an elected government in 1981. Six opposition parties and the ruling National Democratic Congress (NDC) contested the presidential and parliamentary elections in December which, despite a few incidents of intimidation and election fraud, domestic and international observers judged generally free and fair. The largest opposition party, the New Patriotic Party (NPP), won 100 seats out of the 200 seats in Parliament. The NDC, President Rawlings" party, won 92 seats; independents and 2 smaller opposition parties won 8 seats. On December 28, the NPP candidate John Agyekum Kufuor became president-elect with 56.7 percent of the vote. He was scheduled to assume office on January 7, 2001. The Constitution calls for a system of checks and balances, with an executive branch headed by the President, a unicameral parliament, an independent judiciary, and several autonomous commissions, such as the Commission for Human Rights and Administrative Justice (CHRAJ). In reality this system of checks and balances under President Rawlings has been circumscribed by a parliament dominated by the President's party, a hesitant judicial service, and a system-wide lack of resources that hobbled the effectiveness of all three branches. The presence of a significant number of opposition parliamentarians has led to increased scrutiny of the Government's activities. In 1998 in peaceful elections, voters elected new district assembly representatives and, for the first time, unit committee members to complete the local government structure outlined in the Constitution. The judiciary appears subject to executive influence on occasion and lacks adequate resources.

Several security organizations report to various government departments. The police, under the jurisdiction of an eightmember Police Council, are responsible for maintaining law and order. A separate department, the Bureau of National Investigations (BNI), handles cases considered critical to state security and answers directly to the executive branch. Although the security apparatus is controlled by and responsive to the Government, the monitoring, supervision, and education of the police in particular remain poor. Police and other security forces committed some serious human rights abuses.

The economy remains dependent on agriculture, with about 41 percent of gross domestic product (GDP) and 59 percent of employment derived from this sector, according to government statistics. Gold, cocoa, and timber are the traditional sources of export earnings, although cocoa and gold revenues fell due to the drop in the prices of these commodities on the world market. Tourism is the third largest foreign exchange earner. Service sector growth outpaced both agriculture and industry, according to an International Labor Organization (ILO) study released in September 1999. The economy grew at a rate of 3.0 percent, down from 4.4 percent in 1999, due to the fall in the world price of gold and cocoa and the increase in the price of crude oil. Inflation increased from 14 percent to 40 percent. Per capita GDP remained at approximately $400.

The Government's human rights record was poor in a number of areas; although there were significant improvements in several areas, some serious problems remained. Police use of excessive force resulted in some extrajudicial killings and injuries, although fewer than in previous years. There continued to be credible reports that members of the police beat prisoners and other citizens, and that police and some elements of the military arbitrarily arrested and detained persons. Police corruption was a problem. Prison conditions remained extremely harsh, and prolonged pretrial detention remained a problem. Inadequate resources and a system vulnerable to political and economic influence compromised the integrity of the overburdened judicial system. At times the Government infringed on citizens" privacy rights. The Government continued to prosecute two criminal libel cases. The Government continued to pressure the media, and some journalists practiced self-censorship; however, the nongovernment media continued its vigorous and outspoken criticism of various government policies. At times the Government restricted freedom of assembly. Police used force to disperse demonstrations. Violence against women is a serious problem. Traditional practices, including a localized form of ritual servitude (Trokosi) practiced in some rural areas, still result in considerable abuse and discrimination against women and children. Female genital mutilation (FGM) still is practiced. Religious differences led to tension and occasional clashes between different groups. There were some incidents of ethnically motivated vio-

lence, and some ethnic groups complain of discrimination. Child labor is a problem in the informal sector, and forced child labor and trafficking in women and children also are problems. Vigilante justice also is a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Security forces committed a number of extrajudicial killings. The number of deaths reportedly caused by members of the security services decreased from nine in 1999 to five during the year; the continued use of rubber bullets and water cannons gave the police the ability to manage crowd control situations without killings or serious injuries. In recent years, the police service in particular has come under severe criticism following incidents of police brutality, corruption, and negligence. Public confidence in the police remains low but was improving over the previous year; however, mobs attacked several police stations due to perceived police inaction, a delay in prosecuting suspects, rumors of collaboration with criminals, and the desire to deal with suspects through instant justice. In 1999 the presidential Archer Commission issued a white paper critiquing police operations and providing specific directives as to how to address police manpower, training, and logistical needs. The Inspector General of Police (IGP) publicly acknowledged these problems and attempted to address them through training in human rights and riot control.

On January 2, a policeman shot a 23-year-old man who was sitting with friends in a cemetery in Madina (Greater Accra Region). Police investigations into the killing were ongoing at year's end.

On April 20, police killed a miner during a conflict between 120 military and police personnel and over 100 men attempting to steal ore from a gold mine in Bibiani, a Western Region town. As a result of the shooting, the illegal miners rioted, burning and stealing over $1.6 million (8 billion cedis) worth of property. A joint police and military team arrested 94 suspects for involvement in the riot. Forty-eight were remanded to prison custody pending trial.

On July 8, police killed a young man who had a history of mental illness in Akropong in the Eastern Region. The man reportedly resisted arrest and was beaten by police, necessitating a hospital trip for treatment. The police reportedly approached him again at the hospital and shot him. Police statements alleged that the man had become violent during the scuffle at the hospital, and that the policeman's gun fired accidentally, killing the man.

On August 12, one person was killed and another injured during a dispute between off-duty junior military officers and the bartender at an Accra nightclub. President Rawlings, the Minister of Defense, and the acting army commander attended the person's funeral. Rawlings assured those at the funeral that the military would cooperate in the police investigation. Five officers were accused of involvement in the incident and remained in detention at year's end pending the results of the investigation, which was transferred from the police to the military. A sixth officer present at the nightclub that evening, a member of the 64th Infantry Regiment, was identified as the person who fired his weapon. He reportedly committed suicide within 2 weeks of the incident.

On November 26, police shot and killed an alleged fuel smuggler in the Afedido in the Volta Region. The police were in pursuit of a reported fuel smuggling group, which ignored police calls to halt. The alleged smuggler died of gunshot wounds to the back and stomach. Police investigations were ongoing at year's end.

A driver who on October 29 allegedly caused an accident involving the President and his wife and in which 4 of Rawlings" bodyguards were killed, died of unexplained causes on December 8 while hospitalized. On December 5, the suspect had appeared before the Accra Circuit Tribunal charged with 2 counts of manslaughter and negligently causing harm. The chairman of the tribunal ordered the police to take the suspect to the Police Hospital because he appeared ill, which they did on December 6. The Bar Association condemned the circumstances of the driver's arrest and called for the autopsy report to be released to the public. The report had not been released by year's end.

Many persons died in prisons due to extremely harsh conditions and lack of medical treatment (see Section 1.c.)

A former chief and more than 60 residents of a town who were arrested in connection with the January 1999 case in which police shot and killed a farmer during a riot at Juaso in the Ashanti Region, were released on bail. The case was still under investigation at year's end.

The IGP recommended an inquiry into the February 1999 case of police who fired into a crowd at the Konkomba market in Accra and ordered that those liable be prosecuted. The police have yet to announce the findings of the investigation.

The employee of the National Security Council who allegedly shot and killed an agricultural officer in June 1999 received a death sentence in July. His lawyers filed an appeal.

In February the Commissioner of the Police Criminal Investigations Division (CID) forwarded the 1999 case of a police shooting of a vendor who later died at Soe, near Bolgatanga in the Upper East Region, to the Attorney General's office for prosecution. The committal proceedings, when an alleged offender is brought before a district court to hear summary of the evidence against him, were ongoing at year's end.

A police officer accused of killing a passenger in a truck in August 1999, after the driver refused to stop when signaled to do so in Winneba in the Central Region, was arraigned before a community tribunal and granted bail pending further investigation. The police have received the ballistic examination report and forwarded the case to the Attorney General for prosecution.

An investigation into the November 1999 police killing of the driver of a timber truck at a police barricade in the Ashanti region town of Barekese was ongoing at year's end.

There were no further developments in the September 1999 case in which police shot and killed a driver at his residence in Korpeyia, near the border with Togo. The police maintained that the deceased was a notorious criminal who threatened to kill a policeman who had gone into his house to arrest him, and that the policeman shot him in self-defense.

In the December 1999 case of a police and military patrol team's killing of two taxi passengers in Tema (Greater Accra Region), the regional police commander in Tema submitted his reports to the commissioner of the CID in June. The report maintains that the two passengers were suspected armed robbers. The case is with the Attorney General's office for advice.

In 1999 the committee investigating the police officer implicated in the May 31, 1998 killing of a bystander in Sekondi indicted the officer in charge. The police had not compensated the family of the victim by year's end, nor was there a trial; however, the leader of the police team was facing a departmental service inquiry for unprofessional conduct during the operation.

In June 1999, the family of a man who died on November 9, 1998 in a Western Region police cell reasserted that the deceased was brutalized by police and detained in handcuffs for 5 days. In response to a family petition filed a week after the death, the regional police command denied that police mistreated the deceased. No independent inquiry or investigation has been conducted.

The Government continued to refuse to investigate extrajudicial killings in the early years of PNDC rule (1981 to 1992), despite the July 1999 publication of the names of 199 alleged victims in an independent newspaper.

During the year, chieftancy disputes led to several deaths and a number of injuries (see Sections 1.c. and 5).

The press reported numerous cases of vigilante style "instant justice" conducted by angry citizens and mobs on suspected criminals and suspected witches that led to a number of deaths and injuries.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture or other cruel, inhuman, or degrading treatment or punishment; however, there were continued credible reports that members of the police and customs officials beat prisoners and other citizens. It generally is believed that severe beatings of suspects in police custody occur throughout the country but largely go unreported.

On January 15, following a November 1999 traffic accident, a young man, whose 2-year relationship with the President's oldest daughter had ended, reportedly was abducted by members of the presidential guard and detained at the Castle (the President's office and residence). Reportedly the guards beat and threatened him. He claimed that members of the presidential guard shaved his head with a broken bottle. The man was released without charges on January 17. During his detention, the man's parents protested outside the Castle gates without receiving any information regarding their son's whereabouts and were detained and later convicted of offensive conduct and assault on a public officer (see Section 1.e.). On September 1, the First Lady stated that the man was arrested for a traffic offense, not abducted, and that his head was shaved for routine identification purposes. In July the young man left the country.

In January after reports were made regarding a series of disturbances, including arson and looting due to a conflict between two chiefs, 20 police officers arrived in Asankranguaaa (Western Region) to maintain order. Upon their arrival unknown persons shot at the officers, killing one and injuring another. A civilian also was shot by another civilian. The police detained 70 persons during their investigation of the incident. Four persons accused of murdering the police officer were granted bail of $6,000 (30 million cedis) pending further police investigation. The regional minister set up a committee of inquiry to look into the alleged looting and arson and submit recommendations to the minister. In addition the Member of Parliament (M.P.) for the area requested that the police inspector further investigate allegations of police misconduct during the incident. Police burned houses, slaughtered animals, stole property, and assaulted civilians during the course of the incident.

In January a 65-year-old cocoa farmer from Dadieso in the Western Region alleged that a police inspector detained him for 2 days without bail and beat him after allegations that he owed the Government money. The inspector denied the charges and refused to pay the farmer's hospital bills. The IGP was investigating the case at year's end.

In January and June, police dispelled student demonstrations in Kumasi and caused some minor injuries (see Sections 2.a. and 2.b.).

On March 25, police used tear gas and rubber bullets to disperse a crowd that gathered as a result of a dispute between two assemblymen in the Eastern Region town of Asutsuare. Sixtyeight civilians were arrested 3 days after the conflict, including one of the assemblymen. Some of those arrested claimed that police brutalized them during the arrest. On July 23, the other assemblyman involved in the dispute and some other civilians allegedly attacked farms and residents in Asutsuare, burning and looting homes. Members of the 64th Infantry Regiment were dispatched to control the situation. Two soldiers later were arrested and charged with gross misconduct and unprofessional behavior for taking sides in the dispute. On August 14, five policemen sent to arrest some of the offenders were attacked by those involved in the July 23 incident, and one policeman was injured badly. Thirty men eventually were arrested, and 22 were remanded into custody on a charge of attempted murder. The military set up a committee to investigate the incidents and stated that those involved would be punished severely. The District Chief Executive, the M.P., and the chief for the area exhorted citizens to resolve their differences. The M.P. also denied allegations that he had hired policemen to harass the inhabitants. The district assembly agreed to help resettle those whose houses were burnt.

On June 8, 25 off-duty soldiers attacked and injured over 20 civilians, including a taxi driver who allegedly insulted a group of intoxicated soldiers the previous evening in the Asylum Down area of Accra. The soldiers chased the taxi driver and other witnesses, and allegedly beat them. One soldier was wounded in the counterattack. The first victim reported the incident to the police, and the police investigation continues. The armed forces stated that it was investigating the incidents independently.

Police used tear gas to disperse a group of civilians who attacked the Navrongo police station (Upper East Region) on July 15, in an attempt to release suspects in the cells.

On July 8, police beat a man who resisted arrest and then shot him at the hospital where he was being treated for his injuries (see Section 1.a.)

On July 25, thousands of trade union members demonstrated nationwide to demand an increase in the minimum wage (see Section 6.b.). Police used water cannons in Accra to prevent blocking of traffic at a major circle; however, no injuries were reported in Accra or elsewhere.

In August a businessman reported that he was detained and abused by members of the elite 64th Infantry Regiment. He said that his former wife hired the soldiers to force him to repay a debt that she claimed that he owed her from a failed business transaction. He alleged that military personnel picked him up at his home on July 11, and held and beat him for 12 days. He was never charged formally but was released on July 24, only to be detained and beaten again from July 28 to July 31. He claimed that the soldiers confiscated his car and approximately $2,400 (16,320,000 cedis). Military authorities stated that the 64th Infantry Regiment, since it contains a detachment of police officers, has the authority to investigate civil cases and arrest suspects. They confirmed that the man was arrested and held, but denied that he was beaten or his property confiscated. The Government stated that it would investigate the case but had provided no additional information by year's end. This case and the August shooting by the 64th Infantry Regiment (see Section 1.a.) fueled growing concerns that unit personnel engage in extrajudicial activity and human rights abuses. On July 26, military authorities appealed to the public to desist from involving the military in solving personal disputes. At a subsequent

graduation ceremony for new soldiers, an army official warned the soldiers not to let themselves be hired to resolve personal disputes. On September 23, the IGP warned police personnel not to involve themselves in land disputes, debt collection, and other forms of unauthorized duties that have no valid relationship to their official duties.

On August 5, police used tear gas and rubber bullets to disperse students of Yendi Junior Secondary School (Northern Region) who attacked the local police station to demand the release of one of their teachers, who was arrested for assaulting the District Director of Education in a teacher demonstration against the director. The students threw stones at the police.

On December 4, police used rubber bullets and tear gas to disperse a crowd gathered at the Supreme Court to hear a ruling on the use of thumbprint voter identification cards in the presidential and parliamentary elections scheduled for December 7. One man was injured by a rubber bullet (see Section 2.b.).

On December 7, a soldier in the Ashanti Region capital of Kumasi roughed up a journalist who was trying to take videos of alleged electoral malpractice. The M.P. for the area was also injured with the butt of the soldier's rifle when he stated that he had been the one who brought the video photographer.

On December 11, journalists from a private television station were assaulted by men wearing security uniforms (see Section 2.a.).

Police set up illegal barriers to demand bribes from motorists (see Section 2.d.). In 1999 the IGP dismissed a constable who had been found extorting money randomly from drivers; however, police continue to demand bribes. There were credible reports that police abused their authority by arresting citizens in exchange for bribes from detainees" disgruntled business associates and demanding money before granting bail (see Section 1.d.). In March 1999, the IGP banned police from firing warning shots and also warned the police against demanding money from suspects as a precondition of their release on bail; however, police continue to demand money to release persons on bail. A survey released in 1999 showed that only 50 percent of the population trusted the police.

There were no reports of progress in the investigations into the February and April 1999 beatings of two Kumasi men by off-duty soldiers and "machomen."

In February 1999, five Achimota police officers were suspended after detaining a woman in a cell with her husband and 15 other males. A local human rights group was instrumental in spurring the police administration to investigate. In July 1999, after a human rights activist alerted the CHRAJ, news media reported the story of a woman who had become pregnant by a suspected criminal also in police custody while she was held in remand for 16 months on an attempted murder charge in Anloga in the Volta Region. In August 1999, the police administration suspended the district officer and launched an investigation into the breach of the policy that female suspects not be detained in cells with male counterparts. Details of the investigation reveal that the two suspects were never kept in the same cell but shared a common corridor.

There were no new developments in the May 1999 case of a man shot by customs officers in Dodo-Ammanfrom (Volta Region), or the June 1999 case of six persons wounded by soldiers at Nkunkum (Eastern Region).

An August 1999 case in which off-duty soldiers clashed with civilians in Oshiye resulting in several injuries was pending before the courts at year's end.

No action was taken against police who beat student demonstrators in August 1999.

In March the December 1999 case of nine persons wounded in a conflict between soldiers, policemen, and demonstrators in the Western Region town of Abontiakoon was forwarded to the Attorney General for advice. At year's end, the Circuit Court had adjourned the case and released the defendants on bail.

There were no reports of progress in the investigation into the December 1999 confrontation between police and youths in Zabzugu, in the Northern Region, which resulted in the wounding of two youths. A number of cases from 1998 remained open, although the implicated police officers were suspended in most instances. The officers involved in the October 7, 1998 beating of a farmer in Pramkese were suspended pending investigation. At year's end, the case was still under investigation. The police officers involved in the November 2, 1998 shooting of two girls in an arrest attempt near Accra were dismissed from the police force. Police stated that the officers were performing an unauthorized action (which would not obligate the police to compensate the girls" families). Of the remaining detainees in the November 24, 1998 killing of 2 police officers in Ablekuma, 9 of the accused were awaiting trial at year's end, 14 had their charges dismissed for lack of evidence, and 7 were still in remand at year's end. Of the 9 suspects standing trial, 1 was free on bail and 8 were still remanded in police custody at year's end. In March police were in-

structed to arrest 13 additional suspects in the case before a trial date could be set. In January a woman who was struck by a stray police bullet in December 1998 was refused a waiver of the hospital bill she incurred as a result of her injuries. The M.P. for her district appealed to the IGP for a reversal of the decision.

In 1999 there were isolated incidents in which Accra Metropolitan Assembly (AMA) operatives known as the Chameleon Bombers, allegedly inflicted injury and destroyed property; however, the degree of violence decreased following media attention, and there were no such reports during the year. The AMA officially dissolved the group in late 1998 following repeated public criticism, but continued to "decongest" vendors from the streets and destroy unauthorized structures. The Chameleon Bombers changed their name to the AMA Task Force during the year and participated in beautification projects around the city. In 1999 Kumasi, the country's second largest city, reportedly deployed a force called the Sanitation and Decongestion Tigers to remove unlicensed street vendors from city streets.

"Machomen" and land guards, private security enforcers hired by citizens to settle private disputes and vendettas, caused injury and property damage during the year. The machomen are not legally constituted, but organized privately and operate outside the law. Unlike in 1999, there were no arrests of machomen during the year.

During the year, chieftancy disputes led to numerous injuries (see Section 5).

Prisons are in most cases very poorly maintained, and conditions are extremely harsh. In 1996 the CHRAJ published a report on prison conditions. It described prisons as unsanitary, overcrowded, and poorly ventilated. In October the commissioner of CHRAJ reported that conditions in prisons had not improved. Prisoners are malnourished. Reports of the daily food allowance per prisoner vary. In July 1999, the Minister of Interior informed Parliament that the country's prisons, with a total capacity of 5,000, housed some 9,783 inmates. The Minister also reported that there were about 90 mattresses and few beds for the approximately 700 prisoners at the Kumasi central prisons. Overcrowding contributes to a high prevalence of skin and other communicable diseases among prisoners. In April 1999, the prisoners' daily food allowance was raised from approximately $.28 (1,800 cedis) to about $.31 (2,000 cedis), bringing the total daily allowance to approximately $.50 (3,200 cedis), including housing, medical, and clothing costs; however, in practice this was a decline in real terms due to inflation and an unfavorable exchange rate. Families still supplement prisoners' food and bribe prison guards for visitation rights. Prisoners also suffer from lack of medicine unless paid for or provided by the inmates or their families, and many die of preventable diseases such as malaria because of a lack of medication. The report concluded that prison conditions were "a flagrant violation of the individual's fundamental human rights." While the Government concurred with the 1996 findings, it stated that lack of funding prevented further improvements. In April President Rawlings granted amnesty to some 1,000 prisoners based on recommendations of the Prisons Service Council. Many had served a third of their sentences, and none had been convicted for rape, robbery, or narcotics. However, a retired military officer from the PNDC era who had been sentenced to death after being convicted of killing an intruder on his farm also was released after serving 10 years in prison. The President also convened a medical board to consider early release for 156 seriously ill or aged prisoners. Juveniles were separated from the adult prison population more frequently; however, the commissioner of CHRAJ, in his October report, noted with concern the continuing sentencing and imprisonment of juveniles with adults. The Ghana Prisons Service Council has formed an assessment team to inspect facilities. In April the Minister of Interior stated that the prisons service would recruit 288 persons to increase staff at the prisons, and that work would begin during the year to upgrade prison and staff accommodations and construct 3 new prisons; however, no steps had been taken to implement these measures by year's end.

The Prison Service Council, established in 1998, visited Central and Volta Region prison facilities in early 1999. Following these inspections, the Council suggested that prison authorities adopt a more humane approach to dealing with prisoners. The Council identified the number of remand prisoners due to the courts' inability to hear cases promptly as the greatest problem facing the prison system. Some suspects allegedly plead guilty in order to be sent to prison and leave the unsanitary conditions in the police remand cells. The Council also criticized health hazards (including poor sanitation) and the state of prison structures. In a December 1999 speech at a prison officers" graduation ceremony, President Rawlings stated that the Government was considering the introduction of parole, suspended sentences, and community service as a way to alleviate the overcrowding in prisons; however, no steps were taken to implement these measures by year's end.

While the CHRAJ has access to the prisons, the Government resisted granting access to the press. Nongovernmental Organizations (NGO's) are not given access to prisons on a routine basis.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are problems. The Constitution provides for protection against arbitrary arrest, detention, or exile and states that an individual detained shall be informed immediately, in a language that the detained person understands, of the reasons for the detention, and of the right to a lawyer and to an interpreter, at state expense. It also requires judicial warrants for arrest and provides for arraignment within 48 hours. However, in practice many abuses occur, including detention without charge for longer than 48 hours and failure to obtain a warrant for arrest. Authorities do not routinely notify prisoners' families of their incarceration; such information is often obtained only by chance. Human rights activists criticized the common practice of arresting persons on Friday and keeping them in detention over the weekend until court was in session on Monday, which they described as a deliberate circumvention of the 48-hour detention rule.

The court has unlimited discretion to set bail, which can be prohibitively high. The court may refuse to release prisoners on bail and instead remand them without charge for an indefinite period, subject to weekly review by judicial authorities. The Constitution allows judicial authorities to hold citizens for up to 48 hours without filing charges against them. However, in practice it is common to remand a prisoner to investigative custody. The Constitution requires that a detainee who has not been tried within a "reasonable" time be released either unconditionally or subject to conditions necessary to ensure that he appears at a later date for court proceedings. In June 1999, the CHRAJ reported that there were a number of remand prisoners held for periods ranging from 1 week to 8 years. As of early July, about 20 percent, or approximately 2,000 of the 9,783 inmates nationwide, were remand prisoners. In October the acting Ashanti Regional Director of CHRAJ stated that over one third of the inmates of Kumasi Central Prison are remand prisoners. One-third remain in prison even after the warrants committing them to prison had expired. He criticized the judicial system for imposing prison sentences instead of levying fines, which could prevent further overcrowding of the prisons.

Despite the provisions of the law, abuses occur. At times persons are detained for trivial offenses or on unsubstantiated accusations.

On January 13, the editor of an independent newspaper, who is also the president of the West African Journalists' Association, was detained by military police acting on orders and taken to military headquarters overnight for questioning (see Section 2.a.).

On January 15, members of the presidential guard abducted, detained at the Castle, and allegedly beat a young man whose 2year relationship with the president's oldest daughter had ended (see Section 1.c.).

In January police detained 70 persons during an investigation into violence related to a chieftancy dispute in Asankranguaa (see Section 1.c.).

In June three European politicians were detained by Bureau of National Investigations (BNI) officers, prevented from leaving the country, and held overnight at police headquarters on allegations of illegal transfer of funds and breach of security. The politicians were visiting the country on business and to consult with opposition party leaders, who alleged that the politicians" detention arose from their association with the opposition.

In August members of the 64th Infantry Regiment allegedly abducted and illegally detained a man on two separate occasions. After his former wife allegedly hired the soldiers to collect a debt, he was detained for more than 2 weeks. He claims that the soldiers confiscated his car and approximately $2,400 (16,857,600 cedis). The military claims that the man was arrested and detained on charges of fraud, but not abused. The case is under investigation (see Section 1.c.).

In September military police, acting on the orders of the Deputy Minister of Defense, briefly detained the news editor of a newspaper in Accra (see Section 2.a.).

In November the BNI detained a television presenter and the editor-in-chief of a private newspaper (see Section 2.a.).

The Government has not implemented any meaningful policy to reduce the number of pretrial detainees, although the independent press has called for reduction of harsh bail conditions for suspects who do not pose a threat to society. The Attorney General drafted a bill that would provide alternative dispute resolution methods to clear the court backlog, including a time limit on pending cases and is scheduled to forward it to the Cabinet in 2001. Many credible sources report that private citizens pay the police to arrest business associates in deals gone awry. The 1996 CHRAJ report on prison conditions recommended improvement in the administration of criminal justice, which currently denies many citizens their constitutional

rights to be charged within 48 hours, to have bail posted within the same period, and to a speedy trial. Similarly, in March 1999, the CHRAJ discovered that 10 Nigerians, 2 Lebanese, and 4 Ghanaians were detained at the Osu police station for periods ranging from 1 to 5 weeks. The suspects had been convicted of various offenses and were awaiting deportation. A farmer in the Volta Region has been in remand for 9 years. He is suspected of poisoning and killing another farmer but has yet to be formally charged.

In December 1999, the IGP warned policemen not to refuse to grant bail to suspects in order to settle personal scores and reminded police that the law is there to protect citizens and not to harass them.

In November 1999, after a Muslim-Protestant conflict in the Central Region town of Agona Nyakrom, police arrested over 700 men and brought them to Accra for investigation (see Section 2.c.). Over 650 of them then signed bonds to be on good behavior. Thirty others, including a chief, were detained. The case still was pending at year's end.

In July 14 suspects in the November 1998 murder of two policemen in Ablekuma were released for lack of evidence after having been held in custody without charge or bail since December 1998 (see Section 1.c.). Nine other suspects were charged formally following the Attorney General's completion of a bill of indictment. Their trial had not begun by year's end.

Lawyers for a former army sergeant accused of involvement in an alleged 1994 plot to overthrow the Government continued their appeal of an Accra High Court decision to retry the sergeant for treason. His original trial ended in 1996, but judgment was postponed because of the illness and subsequent death of one of the trial judges. The defendant has been in custody since 1994. Government efforts to persuade the court to impanel a new judge were unsuccessful by year's end (see Section 1.e.).

Rural women can be punished with banishment by traditional village authorities for being pregnant out-of-wedlock or suspected witchcraft. The press reported that hundreds of women accused of witchcraft were sent to penal villages in the Northern Region by traditional authorities such as a shaman (see Section 5). The CHRAJ estimates that over 5,000 women are residents in witches" camps in the Northern Regions. Although the women face no formal legal sanction if they leave, most fear that they would be beaten to death if caught outside the penal villages (see Section 5).

In 1999 the Presbyterian Church sponsored a "go home" project to reintegrate into society women accused of witchcraft and forced to live at the Gambaga "witches" village. A total of 55 of 200 such women have reunited with their families. The project also provided for loans to enable the liberated women to become more financially independent and to contribute to the well being of their families.

The Government does not practice forced exile and encourages citizens, including dissidents living abroad, to return. Some former government and PNDC officials have returned and resumed careers and political activities.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary appears to be subject on occasion to executive influence. The Constitution allows the Government to nominate any number beyond a minimum of nine members to the Supreme Court; confirmation is the responsibility of Parliament. The Chief Justice is empowered to impanel the justices of his choice to hear cases. These provisions, along with a debilitating lack of resources, have called into question the court's role as a balance to the power of the executive branch and contributed to the perception that the judiciary is occasionally subject to executive influence.

This perception was furthered by the judiciary's crackdown on members of the privately owned press in 1998, when three journalists were jailed in separate instances for up to a month following contemptofcourt cases, and two other journalists had their passports seized under court order pending their criminal libel lawsuits. All the affected journalists were known to be avowed opponents of the Government and aggressive in their highly personal criticism of the President and his family. The journalists in the criminal libel cases still were awaiting sentencing at year's end. The journalists in the contempt of court cases served 1 month imprisonment in 1998 and were each fined approximately $4,350 (10 million cedis) (see Section 2.a.).

In January the editor of an independent newspaper that published an article critical of President Rawlings was sentenced to one day in jail and a fine for an unrelated article (see Section 2.a.).

The trial of five defendants for allegedly plotting to overthrow the Government in 1994 concluded in 1999. A special court sentenced four of the defendants to death after finding them guilty and acquitted the fifth defendant for lack of evidence. Attorneys for the four condemned defendants appealed the judgment. Four of the de-

fendants and a former officer who allegedly was part of the plot remained in prison; and the Government did not impanel a tribunal to try the officer by year's end. The officer's attorneys plan to contest the case on the grounds that he was abducted illegally from Sierra Leone to stand trial.

On August 16, the parents of a man abducted by presidential guards who protested his abduction outside the Castle gates were convicted of offensive conduct and assault on a public officer. They were granted bail but held in remand between the verdict and their August 30 sentencing. The parents were required to provide a bond of good behavior for 12 months or, if they defaulted, would serve a 6 month sentence (see Section 1.c.).

The integrity of the legal system is compromised by a severe lack of financial, human, and material resources. There were no official charges of corruption on the part of judges; however, in September 1999, a privately owned paper published an alleged report by the Serious Fraud Office that found evidence of malpractice in the awarding of contracts by the judicial service. The Government had not responded to the report by year's end. In August 1998, the BNI reportedly questioned a judge, the chairman of an Accra regional tribunal, about allegations that he and his staff accepted a $9,000 bribe to grant bail for a Nigerian woman arrested for drug smuggling. He has not been charged because the BNI has failed to find proof of the transaction; however, in August four judicial service employees were dismissed for complicity in the case. A 1997 survey revealed that 66 percent of citizens believe that money influences the judicial system.

The Constitution establishes two basic levels of courts: superior and lower. The superior courts include the Supreme Court, the Appeals Court, the High Court, and regional tribunals. Parliament may establish lower courts or tribunals by decree. The CHRAJ provides a forum to which citizens with grievances against government agencies or private companies can bring cases for mediation and settlement (see Section 4).

There are frequent reports that a large number of prisoners are held in detention for extended periods, sometimes years, without going to trial (see Section 1.d.). For example, a man was arrested in December 1995 on charges of robbing a taxi driver of $30 (60,000 cedis) and the contents of the driver's wallet. The accused appeared at the Accra High Court 17 times, only to have the case adjourned each time without proceeding to trial. In November 1999, an appeal for bail was filed on the defendant's behalf on the grounds of unreasonable delay in going to trial. In June after 4° years in custody, the High Court judge granted bail to the defendant on the basis that he could not guarantee when the case would finally come to trial given the number of cases pending before the court. The Attorney General has drafted a bill that would provide alternative dispute resolution methods to reduce the court backlog, including a time limit on pending cases.

The CHRAJ's charter provides for it to investigate alleged violations of human rights and take action to remedy proven violations. It continues to hold workshops to educate the public, traditional leaders, the police, and the military on human rights issues. It mediates and settles cases brought to it by individuals with grievances against government agencies or private companies.

The Chieftaincy Act of 1971 gives village and other traditional chiefs power to mediate local matters and enforce customary tribal laws dealing with such matters as divorce, child custody, and property disputes. However, a number of laws passed during the PNDC era (1981-92), as well as the 1992 Constitution, have eroded steadily the authority of traditional rulers and vested it in civil institutions, such as courts and district assemblies.

Legal safeguards are based on British legal procedures. Defendants are presumed innocent, trials are public, and defendants have a right to be present, to be represented by an attorney (at public expense if necessary), and to cross-examine witnesses. In practice the authorities generally respect these safeguards.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Constitution provides that a person shall be free from interference within the privacy of his home, property, correspondence, or communication; however, this provision has yet to be tested in court, and in practice the Government infringed on these rights at times. In April 1999, a combined municipal and military team without due process demolished a private hotel in Accra, which they claimed was blocking a drainage route. The owner of the hotel allegedly had fallen out with the ruling party prior to the demolition. Although the law requires judicial search warrants, police do not always obtain them in practice. On January 5, police forcibly entered the house of a freelance journalist and ransacked it (see Section 2.a.). Observers assumed that the Government continued surveillance of citizens engaged in activities that it deemed objectionable, including monitoring of telephones and mail. Several

opposition political activists reported being followed. Opposition parties, and some persons in private business, continued to allege that many government contracts are awarded on the basis of ruling party membership. There were credible reports that ruling party supporters who associated with opposition leaders also were subject to surveillance.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and in practice these provisions generally were respected; however, the Government continued to pressure the media. Opposition political parties and others frequently criticize the Government, and the Government has allowed more control of print and electronic media to be transferred to the private sector. In February the Supreme Court ruled in a 4year-old case that the President cannot appoint chief executives to the state-owned media. Nonetheless, the Government continued to pressure some journalists and media organizations, sometimes directly (e.g., through telephone calls), and by filing libel suits when it found coverage to be offensive. Consequently, some journalists exercised selfcensorship. The criminal libel laws provide for 10 years' maximum imprisonment for reporting intended to injure the reputation of the State. At year's end, there were still over 100 libel suits before the courts, some of which had been in progress for over 2 years. Two of the pending suits were criminal libel suits filed by the Government, and the rest were filed by government officials in their personal capacities or by private individuals. In March a civil libel case brought by the First Lady in 1999 was resolved successfully out of court by the National Media Commission (NMC), and the NMC settled out of court two pending libel cases brought by private citizens during the year. In November 1999, the editor of the Free Press was sentenced to 90 days in prison and a fine of approximately $460 (1.5 million cedis) in a criminal libel case involving allegations about the First Lady.

There are more than a dozen newspapers including three governmentowned dailies, two government-owned weeklies, and several privately owned newspapers published weekly, biweekly, or triweekly. One of the government-owned dailies has national circulation. However, most newspapers circulate only in regional capitals, and many of the smaller private newspapers are available only in the capital. Some independent newspapers claimed that they were unable to obtain advertising revenues due to government pressure on businesses.

The government-owned media occasionally reported charges of corruption or mismanagement in government ministries and government-owned enterprises, but they rarely criticized the Government's policies or President Rawlings' activities. In the past, the Government occasionally disciplined or dismissed journalists working in government-subsidized media for articles deemed unacceptable. The Government ended subsidies to the state-owned publishing companies, and the newspapers are published by profitmaking printing companies, but these have not been privatized.

Some privately owned newspapers were harshly critical of the Government's policies and of President Rawlings, his wife, and his regime generally, and some reporters and editors were alleged, at times, to have failed to abide by professional ethical guidelines. Parties affected by such lapses—most often Government officials—showed a tendency to go to court. The Government, government officials, and private individuals filed numerous civil libel suits (over 100 before the courts), and one criminal libel suit remained in progress at year's end. The Government continued to prosecute two independent journalists charged in 1996 under a rarely used sedition law for allegedly libeling President Rawlings and his wife, and, through them, the State. The trials, repeatedly postponed, were seen by many observers as a sign of press harassment. For example, in July 1998, after being found in contempt of court, two newspaper editors were sentenced to 1 month's imprisonment and each publisher was fined approximately $4,350 (10 million cedis) (see Section 1.e.). According to the Minister of Communications, the criminal libel law and other such laws simply check the excesses of journalists. The NMC is researching comparative freedom of information (FOI) legislation with the intent to propose draft FOI legislation for the Government's consideration. This draft legislation had not been presented to the Government by year's end.

On January 5, police forcibly entered the house of a freelance journalist to arrest him for involvement with an allegedly seditious article about President Rawlings. The police ransacked his house and removed some documents. On January 31, the editor of the independent newspaper that printed the article was sentenced to one day in jail and a $200 (1 million cedis) fine for publishing an unrelated story about a commercial case pending before the courts. The judge stated that the article "made comments and formed opinion" on the case, which could prejudice the decision in court (see Section 1.e.).

On January 13, the editor of an independent newspaper and president of the West African Journalists' Association was detained by military police acting on orders and taken to military headquarters overnight for questioning. The editor had printed a story regarding the refusal by soldiers to take part in a December 1999 route march; the military claimed that the article was "calculated to create disaffection and acrimony" among soldiers in the wake of the coup in Cote D'Ivoire. After public criticism by journalists and private citizens, the editor was released the next morning. Opposition parties, trade unions, journalists' associations, and foreign diplomats criticized the detention. The ruling party and the military justified the detention on the grounds that the journalist had endangered the country's peace and stability and stated that the military therefore had the right to intervene.

On September 19, military police acting under orders from the Deputy Minister of Defense detained the news editor of an Accra newspaper. Earlier that day the editor had attempted to contact the Deputy Minister after receiving an allegation that he had threatened a guard at a local security company. The editor was released later that day.

On November 7, BNI officials arrested and detained for questioning 2 journalists. One of the journalists, a presenter for a government-owned television station, was arrested on the charge of insulting behavior after he criticized, during a public broadcast, the President's behavior at a political rally. He was released that evening on bail of $7,350 (50 million cedis). Charges were never pressed. The second journalist, the editor-in-chief of a private newspaper, was held for nearly 12 hours for questioning on a charge of "dishonestly receiving" information. He allegedly had received computer diskettes, apparently stolen from NDC headquarters, which contained information on alleged plans for election fraud on the part of the NDC. The editor was released on bail $735 (5 million cedis). On December 21, he was charged with the equivalent of possession of stolen goods and ordered to report to BNI three times a week until the case is concluded. The Ghana Journalists Association and the Private Newspaper Publishers Association condemned the arrests and criticized the BNI's role in the incident, which they stated circumvented due process. On November 10, 2 computer technicians were arrested, charged with giving the journalist the diskettes, and remanded into BNI custody. On the same day, the Minister of Communications accused the journalists of misleading the public and defended the role of the BNI by noting that it may legitimately assist police in investigations as necessary.

On December 11, men wearing security uniforms assaulted journalists from a private television station who were covering a press conference at NDC headquarters in Accra. The journalists allege that the officers who assaulted them were not members of the security service, but rather "machomen" disguised in uniform. The Ghana Journalists" Association, the National Union of Ghana Students, and the New Patriotic Party condemned the assault. Police investigations were ongoing at year's end.

According to the National Communications Authority, Accra has 1 government-owned and 12 private FM radio stations, and there are about 40 private FM stations across the country. Most stations are independent and air a wide range of viewpoints. There are several private metropolitan television stations that broadcast in Accra and in Kumasi. One semi-private Accra station began broadcasting in Kumasi in November. There is one government-owned television station that broadcasts nationwide. There are also three private cable networks that serve Accra, Kumasi, and Takoradi.

The Government has yet to initiate a formal investigation into the substance of a tape publicized in October 1999 that appeared to implicate President Rawlings in several infamous extralegal actions of the predemocratic era. Neither did the Government pursue prosecution of the journalists and publisher involved in the broadcasting of the tapes.

The Government readily granted accreditation to foreign journalists. The British Broadcasting Corporation (BBC) and Radio France International have full-time FM rebroadcasting stations in Accra, and several foreign radio broadcasts, including Voice of America (VOA), have part-time affiliations with local stations in several cities. Foreign periodicals were sold in Accra and other major cities and circulated freely even when they contained articles critical of the Government. Most citizens obtain their news from the electronic media, the VOA, and the BBC radio service. Several companies have cable or satellite rebroadcasting stations that serve the country's three major cities.

In the period prior to the December presidential and parliamentary elections, the government-owned television and radio stations allotted the equal broadcasting time to each of the parties fielding presidential candidates, although news coverage of government activities such as the commissioning of projects favored the ruling

party. During the December presidential and parliamentary elections, FM radio stations acted as watchdogs, and called attention to irregularities in the voting process.

There are currently three Internet Service providers (ISP's) in the country. In July the National Communications Authority closed three other ISP's on the grounds that they were providing Internet telephone services, which violated a 5-year exclusivity agreement that the Government had given to two telephone companies. The companies replied that they were unable to monitor telephone use of their ISP and should not be held responsible for such use. The Government maintained that such use could be monitored. One company had its equipment confiscated without due process, and the owner was held in jail overnight but not charged (see Section 1.d.). That company stated that it would bring the matter to court; however, in November the Government restored the company's equipment, and it resumed operations.

There was no restriction of academic freedom. Academics are allowed to publish and pursue research. The National Union of Ghanaian Students, one of the more vocal critics of the Government, is allowed to organize and hold meetings. However, in late 1997, following a serious student brawl, the public university in Accra imposed a ban on campus demonstrations, which remained in effect at year's end. In January and June, police dispersed student demonstrations in Kumasi and caused some minor injuries (see Sections 1.c. and 2.b.). In August 1999 students demonstrated against increased university fees, and police forcibly broke up the demonstration (see Sections 1.c. and 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly, and the Government generally respects this right in practice; however, at times it restricted this right. The Government does not require permits for demonstrations. Parliament passed a public order law in late 1994 requiring that all organizers of "special events" or "processions" inform the police of their intentions at least 5 days in advance so that the police can institute precautionary measures. The law also provides for curfews and arrest without warrants in specified instances. In November 1999, a presidential aide called street demonstrations by registered political parties "a provocative attempt to destroy the democratic order" and "a declaration of war on the national democratic order and an act totally against the national interest." Other government and ruling party officials echoed this view, as did other organized bodies who were widely believed to have done so at the Government's behest.

On May 2, Accra textile traders were told that they could not hold a demonstration to protest a textile price hike because they lacked a police permit, although there is no legal requirement for a permit (see Section 6.a.).

On July 25, thousands of trade union members demonstrated nationwide to demand an increase in the minimum wage. Police allowed the demonstrations to take place; however, they used water cannons on the Accra demonstrators to prevent them from blocking traffic at a major traffic circle. No injuries were reported in Accra or elsewhere (see Section 6.a.).

In July the radio personality who was pressured not to hold a "million man march" in October 1999 held a poorly attended march on the same theme without any government interference.

In December police used rubber bullets and tear gas to disperse a crowd gathered at the Supreme Court to hear a ruling on the use of thumbprint voter identification cards in the presidential and parliamentary elections scheduled for December 7. One man was injured by a rubber bullet (see Section 1.c.).

The 1997 ban on campus demonstrations remained in effect, but generally was not enforced, at the public university in Accra; however, in January and again in June, police dispersed student demonstrations in Kumasi and caused some minor injuries (see Sections 1.c. and 2.a.). The students were demonstrating to demand disbursement of their student loans. Police reportedly beat the students who allegedly were throwing stones at the police, and some students were injured from police use of water cannons. In the June demonstration, 35 students were detained, but the police dropped the charges after the students apologized for their actions.

Political parties generally held rallies and national congresses without hindrance during the year; however, in February the police prevented the National Reform Party (NRP) from holding a rally in the Labadi district of Accra, although the NRP had given the police the required advance notice of the event. Allegedly the police stopped the rally to prevent potential conflict because the NDC had planned a rally for the same day. The NRP held its rally at a later date.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. NGO's are required to register with the Registrar General's office and the Department of Social Welfare, but this registration is routine.

The Electoral Commission (EC) must accredit political parties. The parties must show evidence of a "national character," such as official representation in all 10 of the country's regions. The EC evaluates whether the party has shown evidence of a viable national support base before granting accreditation and can annul the registration of a party that fails to meet the criteria for being a viable party. In July 1999, the EC certified a breakaway faction of the ruling party as a political party in its own right.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, on at least one occasion local government officials restricted this right. The Government does not always prosecute those responsible for religiously motivated attacks. For example, none of those who attacked churches during the 1999 annual ban on drumming (see Section 5) were arrested or charged with an offense. Police authorities said that pursuing the cases only would exacerbate tensions. No suspects were charged in the attacks on a Christian charismatic church in December 1996 and March 1998.

Religious institutions that wish formal recognition are required to register with the Registrar General's Department. This is a formality only. Most traditional religions, with the exception of the Afrikania Mission, do not register. Formally recognized religions receive some tax relief. However, beyond a certain point the institutions are required to pay tax.

There is no state-favored religion and no apparent advantage or disadvantage attached to membership in any particular sect or religion. Foreign missionary groups generally have operated throughout the country with a minimum of formal restrictions.

The Government requires that all students in public schools up to the equivalent of senior secondary school level attend a daily "assembly" or devotional service; however, in practice this regulation is not always enforced. This is a Christian service and includes the recital of The Lord's Prayer, a Bible reading, and a blessing. Students at the senior secondary school level are required to attend a similar assembly three times per week. Students attending boarding school are required to attend a nondenominational service on Sundays.

On February 20, the Ho (Volta Region) District Chief Executive (DCE) led a joint operation with police and health personnel to immunize the children at an Apostolic Faith of Kpalexose ("Wellrooted Faith" in the Ewe language) church against poliomyelitis. Church members consistently have refused immunizations on the grounds that their faith forbids the use of orthodox medicine. Police surrounded the church during worship services, and health personnel administered the vaccine. It was reported that 155 children up to age 5 received the vaccine. Community response supported the overriding of individual religious convictions as being in the greater national interest of eradicating polio. However, a prominent human rights NGO criticized the forced immunizations because it was not applied consistently. Other guardians who had refused to immunize their children were not compelled to do so, and only approximately half of the children countrywide were immunized. The NGO argued that the Government should enact legislation compelling all children to be immunized before it could legitimately force guardians to immunize their own children. On October 15, members of the Baptist church in the James Town area of Accra tried to prevent health workers from immunizing children against polio because they claimed that their faith forbade members" accepting medical treatment. Although the church members later apologized, the children were not immunized.

The Catholic Church in the Archdiocese of Accra officially suspended a priest in April for conducting unorthodox "healing" services. When he was conducting one of these services, the gates to the Cathedral were locked, and police personnel prevented worshipers from entering the church premises.

Although the Constitution prohibits slavery, religious servitude—Trokosi—exists on a limited scale. In June 1998, Parliament passed and the President signed legislation to ban the practice of Trokosi in comprehensive legislation to protect women and children's rights. Human rights activists believe that the goal of eradicating the Trokosi practice is attainable with the new law; however, the practice persists (see Section 5).

The Government took some steps to promote interfaith understanding. At government meetings or receptions usually there are multidenominational invocations. The Greater Accra Regional Coordinating Council conducted a workshop on managing religious conflicts in April, several weeks before the annual ban on drumming in the ethnic Ga traditional area (May 8 to June 8), which resulted in a workable compromise between religious and traditional leaders. This compromise helped avoid a repeat of the violence between traditionalists and Christians that occurred in 1999. However, on August 20, after the ban had been lifted, youth in Teshie besieged the

Open Heaven Mission International Church, seizing drums and injuring six worshippers (see Section 5).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights as an aspect of the provision for personal liberty, and the Government generally respects these provisions in practice.

Citizens and foreigners are free to move throughout the country. Police checkpoints exist nationwide to prevent smuggling, but most are unmanned during daylight hours. There were numerous reports that police used checkpoints to solicit bribes. Citizen complaints about police harassment caused the Government to reduce the number of checkpoints from 125 to 38 in 1997 and to 31 by the end of 1998. Police roadblocks and car searches are a normal part of nighttime travel in larger cities. In February and August 1999, taxi drivers struck in Koforidua to protest extortion by motor transport and traffic unit police, and in June in Accra, police established additional roadblocks in an effort to combat a series of local murders of women (see Sections 1.a. and 5). The police administration has admitted that the force has a problem with some members occasionally erecting illegal barriers to solicit bribes from motorists. In November and December, soldiers mounted checkpoints around the Brong Ahafo regional capital of Sunyanai and outside the Ashanti regional capital of Kumasi prior to national elections. Both towns were opposition strongholds. The Government stated that it was responding to reports of arms movements before the elections; however, many observers viewed these checkpoints as an attempt to intimidate voters or to discourage them from travelling to vote where they were registered. Citizens generally are free to travel internationally and to emigrate or to be repatriated from other countries.

The law includes provisions for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The country has a liberal policy of accepting refugees from other West African nations. The Government provides first asylum. The country continued to provide first asylum to approximately 9,454 Liberians, 1,058 Togolese and 2,103 Sierra Leoneans. It also provided first asylum to citizens of: Rwanda (30); Sudan (21); Ethiopia (6); Libya (6); Burundi (7); Congo Brazzaville (5); Cameroon (6); Burkina Faso (1); Somalia (1); Uganda (1); Nigeria (6); Bosnia (1); Angola (1); Chad (1); and the Democratic Republic of the Congo (12).

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

The Constitution provides citizens with the right to change their government, and citizens exercised this right through a democratic process in presidential and parliamentary elections held in December, which despite a few incidents of intimidation and election fraud, domestic and international observers judged be generally free and fair. The country continued its transition from a one-party state to a more established multiparty constitutional system. The political system includes recognized opposition parties, which express their views freely within Parliament and won a majority of the parliamentary seats in the December election.

In November and December soldiers mounted roadblocks outside opposition strongholds, in what many observers interpreted as attempts to intimidate voters (see Section 2.d.).

In the first round of the presidential elections, John Agyekum Kufuor of the NPP garnered 48.2 percent of the votes, followed by Vice President John Evans Atta Mills with 44.5 percent. On December 28, a presidential runoff was held in accordance with the constitutional requirement that the president be elected with at least 50 percent plus one of the votes. In the runoff Kufuor beat Mills with 56.7 percent of the vote. The new administration is scheduled to take office on January 7, 2001. The NPP won 100 seats and gained control of the 200-member Parliament, while the NDC took 92 seats. Other parties and independents won the remaining eight seats.

During the year, opposition members expressed frustration about impediments that the executive branch imposed by its refusal to support opposition amendments to proposed legislation. Parliament still is working to develop effective oversight of the workings of the executive branch. Although all M.P.'s can introduce bills, no one has ever done so; however, some have introduced motions.

In 1998 citizens elected representatives to the district assemblies and, for the first time, unit committees, which form the basis of the local government structure. Of the 16,000 units, elections still must be held in the 3,724 units that failed to produce a quorum of candidates in 1998. These elections were held on a nonpartisan

basis, as called for in the 1992 Constitution. However, opposition groups contend that the local government system is stacked in favor of the ruling party, which appoints approximately one-third of the district assembly and unit committee members, as well as the DCE's. DCE's must be confirmed by two-thirds of the district assembly members. In May 1999, police and military forces were highly visible in Kintampo in the Brong Ahafo Region the day the district assembly was to vote on a controversial nominee for the DCE. The presence of security forces may have influenced some district assembly members to vote in favor of the ruling party's nominee, despite an earlier petition by the chiefs and residents of Kintampo against the nomination.

There are no legal obstacles to the participation of women in government; however, they are underrepresented in government and politics. There were 19 female parliamentarians with 17 female M.P.'s elected to the new Parliament. Several ministers and Council of State members are women. In August a group of female parliamentarians and women's rights activists petitioned the Electoral Commission (EC) to waive registration fees for female candidates to encourage more women to run for office. The EC refused on the grounds that this would make competition for parliamentary seats unfair.

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

NGO's interested in human rights continued to grow in number and effectiveness, and there were 20 NGO's in the field at the end of the year. These NGO's operated without government interference (see Section 2.b.). The Government appears to cooperate with and to be responsive to human rights NGO's, with the exception of granting ready access to prisons (see Section 1.c.). Prominent NGO's include the Red Cross, Amnesty International (AI), the International Federation of Woman Lawyers (FIDA), Women in Law and Development in Africa, and Ghanalert. The Government cooperates with international humanitarian organizations, including the International Committee of the Red Cross (ICRC).

The CHRAJ, established by Parliament in 1993, is charged with investigating alleged violations of human rights and taking action to remedy proven violations. The CHRAJ continues to hold workshops to educate the public, traditional leaders, the police, and the military on human rights issues. It mediates and settles cases brought to it by individuals with grievances against government agencies or private companies. Parliament established the CHRAJ in 1993. By 1998 the CHRAJ had received a total of 23,744 petitions in its offices around the country and completed action on over 16,638 cases, (70.1 percent). Forty percent of the cases were resolved through mediation. On average the CHRAJ receives between 4,000 and 5,000 new petitions per year, with steady increases each year. The majority of the complaints lodged with the Commission were from those who believed that they suffered injustice as a result of public or private employers" abuse of power, unfairness, and high handedness.

In October 1996, the CHRAJ concluded a lengthy corruption probe of senior government officials. This probe launched an aggressive government rebuttal, which resulted in a 1998 Supreme Court decision that the CHRAJ could investigate matters predating the effective date of the 1992 Constitution. However, the Supreme Court ruled that the Commission did not have jurisdiction to investigate property confiscated by the special courts or tribunals during the rule of the Armed Forces Revolutionary Council (AFRC), the military group that staged President Rawlings' first coup, and during the PNDC period.

The CHRAJ continues to investigate corruption allegations filed against public officials. In 1997 it issued a report on its investigations at the "witches camps" on the Northern Region. The Commission also has provided periodic updates to various sections of its report on prison conditions.

The Commission operates with no overt interference from the Government. Its biggest obstacle is a lack of adequate funding. Low salaries and poor working conditions result in the loss of many CHRAJtrained personnel to other government agencies that are able to pay their employees more. In late 1998, the Commission submitted a petition on this matter to the Government and had not received a response by year's end.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, sex, religion, disability, language, or social status. The courts are empowered specifically to order enforcement of these prohibitions, although enforcement by the authorities is generally inadequate, in part due to limited financial resources.

Women.—Violence against women, including rape and domestic violence, remains a significant problem. A 1998 study revealed that particularly in low-income, high-density sections of greater Accra, at least 54 percent of women have been assaulted in recent years. A total of 95 percent of the victims of domestic violence are women, according to data gathered by the FIDA. These abuses usually go unreported and seldom come before the courts. The police tend not to intervene in domestic disputes. However, 1998 legislation doubled the mandatory sentence for rape. The media increasingly report cases of assault and rape. In late 1998, the police administration established a "women and juvenile unit" to handle cases involving domestic violence, child abuse, and juvenile offenses. Located in Accra and Kumasi, the unit works closely with the Department of Social Welfare, FIDA, and the Legal Aid Board. During the year, the Accra Branch of this unit recorded over 530 cases, including 181 defilement cases, 35 rapes, 6 cases of incest, 17 indecent assaults, 86 instances of assault and wife battery, 6 abductions, and 200 neglect cases.

In May FIDA held a seminar to coordinate government and NGO support of the country's first domestic violence bill. FIDA presented the draft bill to the Director of Legislative Drafting of the Parliament, who is responsible for converting proposed bills into proper legislative format for eventual consideration by Parliament. The bill was not taken up by Parliament by year's end.

In late 1998, a series of "mysterious" murders of women began to occur in the Mateheko area of Accra. Three of the 20 murders reportedly involved husbands' suspicion of their wives' infidelity. The men subsequently were arrested, but they were not convicted. There have been more than 30 murders in the past 2 years, and they are referred to as "serial murders." Police have had no success in solving any of the murders and have instituted evening roadblocks throughout Accra in an attempt to catch the murderers. In March the Ministry of Interior offered a $10,000 reward to any member of the public who provided information leading to the arrest of any of the murderers. In July a group of seven organizations, including FIDA, AI, The Ghana Employers Association, and The Association of Business and Professional Women, issued a joint statement reflecting their disappointment at the police's lack of success, and encouraging the Government to seek international help to solve the murders. On December 22, this group, known as Sisters Keepers, marched peacefully to the Castle and submitted a petition to the President calling for the Minister of Interior and the IGP to resign because of their failure to solve the murders.

On 3 occasions in 1999 and during the year, women in Accra demonstrated in a concerted effort to attract attention to violence against women.

In 1998 Parliament passed legislation that amended the 1960 Criminal Code to provide additional protection for women and children. The legislation added new definitions of sexual offenses and strengthened punishments for others. The provisions of the bill ban the practice of "customary servitude" (known as Trokosi), protect women accused of witchcraft, double the mandatory sentence for rape, raise the age of criminal responsibility from 7 years to 12, criminalize indecent assault and forced marriages, and raise punishments for defilement, incest, and prostitution involving children. There are no laws that specifically protect women from sexual harassment.

In January 1999, the CHRAJ announced its decision in the country's first sexual harassment case, involving a flight attendant for a private airline and her immediate supervisor. The CHRAJ determined that the 22-year-old attendant was terminated for her refusal to submit to her supervisor's sexual advances over a 10-month period. The CHRAJ awarded her compensation for legal costs. However, the company's chief executive did not comply with the terms of the decision, and in December 1999, the CHRAJ went back to court to seek enforcement of the judgment. The case was not settled by year's end, principally because the airline had gone out of business.

Rural women can be punished with banishment by traditional village authorities for pregnancy outside of wedlock or suspected witchcraft. The press reported that hundreds of women accused of witchcraft were sent to penal villages in the Northern Region by traditional authorities, such as a shaman. In 1998 a total of 815 persons (802 women and 13 men, from 35 to 90 years old) were found to be living in witches' villages in four districts in the Northern Region. The CHRAJ estimates that as many as 5,000 women are inhabitants of camps throughout northern Ghana. In some cases, the women were sentenced by village authorities who claimed to have the power to determine who were witches. In other cases, relatives, or the women themselves, came to the village believing that they were witches, and asking to be protected and/or cured of the affliction. Human rights NGO's estimate that the number of occupants of the witches' camp is growing. NGO's also have found that at the Gambaga witches camp, 99 percent of those there are illiterate. Although the women face no formal legal sanction if they leave, most fear that they would be

beaten to death or lynched if caught outside the penal villages (see Section 1.a.). Forced labor also occurs at the camps for women accused of witchcraft. Legislation passed in 1998 provides some additional protection to women banned from their communities for alleged witchcraft. The CHRAJ and human rights NGO's have mounted a campaign to end this traditional practice, which violates the victims' constitutional rights, but little concrete action has been taken. The challenge lies not only in persuading custodians of the witches' homes to abolish the practice, but also in educating the community so the women will be allowed to return safely to their homes. In 1998 FIDA had persuaded custodians to abolish the Gambaga witches home in the Northern Region, contingent on the performance of "exorcism" rites and payment of accommodation and discharge fees. However, a few months later, there was an increase in the number of alleged witches banished to the home, largely due to the communities' belief that these women were responsible for an outbreak of cerebrospinal meningitis which claimed many lives in the region.

Women continue to experience societal discrimination. Women in urban centers and those with skills and training encounter little overt bias, but resistance to women entering nontraditional fields persists. Only about one quarter of university students are women, although women's enrollment is increasing. Women, especially in rural areas, remain subject to burdensome labor conditions and traditional male dominance. Traditional practices and social norms often deny women their statutory entitlements to inheritances and property, a legally registered marriage (and with it, certain legal rights), and the maintenance and custody of children.

Women's rights groups are active in educational campaigns and in programs to provide vocational training, legal aid, and other support to women. The Government also is active in educational programs, and President Rawlings and his wife were among the most outspoken advocates of women's rights. In August the Government established a women's desk responsible for addressing the gender imbalance in the civil service.

Children.—Within the limits of its resources, the Government is committed to protecting the rights and welfare of children. Education is neither free nor compulsory, and costs associated with schooling, such as uniforms and school supplies, preclude some children from attending school. While the Government states that basic education is free, in practice schools impose fees of up to $50 (335,000 cedis) per term, and students also must purchase uniforms and books. In addition teachers often withhold material during their regular lessons and ask students to pay additional fees for after-hours 'tutoring' in those subjects as a way to supplement their incomes. Some children are unable to attend school because they must work to supplement their family's income (see Section 6.d.); they must travel long distances to reach the school; or there is a lack of teachers, especially in more rural areas. The Government has taken some concrete steps to support education, including support of "informal" schools (NGO-sponsored schools that are not regulated by the Government and provide nontraditional education), and increased emphasis on making sure students progress from one school grade to another. The dropout rate is decreasing, from 9.1 percent nationwide in 1998 to 8 percent in 1999; however, the school enrollment rate has also dropped slightly from 2.58 million in 1997 to 2.56 million in 1999. Overall enrollment probably is even lower, taking into account the country's almost 2.4 percent annual population growth.

There is little or no discrimination against female children in education, but girls and women frequently drop out of school due to societal or economic pressures. The Government actively campaigns for girls' education and in 1997 established a girls' education unit within the basic education division of the Ghana Educational Service. Although the percentages of girls enrolled in school increased from 1996, participation is still low. In September 1999, the Government estimated that girls" enrollment in primary school had increased from 75 percent in 1992 to 81 percent in 1997. Enrollment of women at the university level has increased by 5 percent from 1993 to 1998.

A 1997 country report by the Ghana National Commission on Children further substantiated the gap between enrollment of boys and girls, particularly at the high school level. In the 8 districts examined, there were 22,418 boys and 14,318 girls enrolled at the high school level. In the report, officials attribute the lower female enrollment to the fact that many girls marry early or become pregnant. In the 1998-99 academic year, the University of Ghana enrolled 852 women and 2,226 men. In May the First Lady launched an initiative to establish the country's first women's university.

The Ghana National Commission on Children (GNCC) is a policymaking and coordinating body established to improve the lives of children. The GNCC has provided the Women and Juvenile Unit of the police force with office equipment. The GNCC also has administered training programs for law enforcement and judicial of-

ficials around the country to familiarize them with the Children's Act and other pertinent child labor legislation.

The governments of Ghana and Canada hosted a conference on children affected by war in West Africa on April 27-28. The resulting plan of action focused on ways that Economic Community of West African States could integrate child protection into ECOWAS peacemaking and peacekeeping initiatives.

There are several traditional discriminatory practices that are injurious to the health and development of young females. In particular, female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is a serious problem. A 1998 study estimated that 9 to 12 percent of women have been mutilated, but some estimates are as high as 30 percent. A Ministry of Health survey conducted between 1995 and 1998 found that FGM is practiced among nearly all the northern sector ethnic groups, up to 86 percent in rural parts of the Upper West and Upper East Regions. A 1998 study reported that 51 percent of all women who had undergone FGM were excised before age 1, and 85 percent of total excisions were performed on girls under the age of 15. A 1999 survey indicated that more than 50 percent of the women who were mutilated indicated that they disapproved of the practice. Officials at all levels have spoken out against the practice, and local NGO's are making some inroads through their educational campaigns to encourage abandonment of FGM and to retrain practitioners. There were no reports of arrests in the year. There have been seven arrests for the practice of FGM since the 1994 law made FGM a crime. Of those arrested, two offenders have been prosecuted and convicted. In some cases in which FGM is performed, the victims actively seek out practitioners, sometimes without their parents" knowledge, in a quest to become ready for marriage.

Members of the legal community advocate legislation to close loopholes in the FGM law, including extending culpability to family members and others who aid in carrying out FGM and to citizens who commit the crime outside the country's borders. Any person who conceals information about an instance of FGM would be liable. In addition, FGM would be banned no matter how medically safe the procedure is made—dispelling a belief by some that FGM is acceptable as long as the girls' health is protected. Traditional chiefs became more outspoken in their opposition to the practice of FGM.

Although the Constitution prohibits slavery, it exists on a limited scale. Trokosi, a traditional practice found among the Ewe ethnic group and in part of the Volta Region, is an especially severe human rights abuse and an extremely serious violation of children's and women's rights. It is a system in which a young girl, sometimes under the age of 10, is made a slave to a fetish shrine for offenses allegedly committed by a member of the girl's family. In rare instances, boys are offered. The belief is that, if someone in that family has committed a crime, such as stealing, members of the family may begin to die in large numbers unless a young girl is given to the local fetish shrine to atone for the offense. The girl becomes the property of the fetish priest, must work on the priest's farm, and perform other labors for him. Because they are the sexual property of the priests, most Trokosi slaves have children by the priests. Although the girls' families must provide for their needs such as food, most are unable to do so. There are at least 2,200 girls and women bound to various shrines in the Trokosi system, a figure that does not include the slaves' children. Even when freed by her fetish priest from the more onerous aspects of her bondage, whether voluntarily or as a result of intervention by activists, a Trokosi woman generally has few marketable skills and little hope of marriage and typically remains bound to the shrine for life by psychological and social pressure arising from a traditional belief that misfortune may befall a Trokosi woman's family or village if she abandons her obligations to the shrine. When a fetish slave dies, her family is expected to replace her with another young girl, thus perpetuating the bondage to the fetish shrine from generation to generation.

In 1998 Parliament passed legislation that banned the practice of Trokosi in comprehensive legislation to protect women and children's rights. Human rights activists believe that the goal of eradicating the Trokosi practice is achievable with the new law. NGO's, such as International Needs, and government agencies, like the CHRAJ, have been campaigning against Trokosi for several years and are familiar with the locations of the fetish shrines and the numbers of women and children enslaved. Activists know the community leaders and fetish priests and, thus, know with whom to negotiate. The CHRAJ and International Needs have had some success in approaching village authorities and fetish priests at over 316 of the major and minor shrines, winning the release of 2,800 Trokosi slaves to date and retraining them for new professions. The organizations continue to work for additional releases. The Government has not prosecuted any practitioners of Trokosi, and in August 1999, a presidential aide criticized anti-Trokosi activists for being insensitive

to indigenous cultural and "religious" beliefs and practices. A local group, calling itself the "Troxovi Institutional Council" (Troxovi is alternate spelling for Trokosi), declared that Trokosi, as defined by CHRAJ and other human rights groups to be a form of ritual servitude, does not exist in the country. The group claimed that the practice of 'Troxovi' does exist but neither enslaves nor exploits anyone. The Council also listed 23 'genuine Troxovi shrines' in Ghana, describing them as educational institutions and as part of the "Afrikania religion." These claims were widely refuted by chiefs, the press, and NGO's.

There were reports that trafficking in children occurred, including children being sold into slavery either for forced labor or sexual exploitation (see Sections 6.c. and 6.f.). Child labor is also a problem (see Section 6.d.).

Another traditional practice that violates the rights of children is forced childhood marriage, which became illegal under the Children's Act. In February the Agona Swedru Circuit Court in the Central Region sentenced a man to 15 years" imprisonment and hard labor for defiling a 7-year-old girl. In May a teacher in Kyermasu in the Brong Ahafo Region was sentenced to 18 years" imprisonment and hard labor for defiling and impregnating a 15-year-old girl.

In October the GNCC stated that it was working with the CHRAJ to effect the prosecution of the chief of Mpeasem-Easuakyir, in the Central Region, who coerced a 14-year-old girl into marrying him after he abused and impregnated her. FIDA supported the efforts and emphasized that the marriage violated the Children's Act, which sets the marriageable age at 18, as well as the Criminal Code, which prohibits sex with a child under 16 years of age.

Child prostitution, although illegal, also exists. In March the Eastern regional branch of the Ghana Hairdressers and Beauticians Association announced that it would offer free apprenticeships to 150 street girls in the Eastern Region to equip them with marketable skills.

People with Disabilities.—The Constitution specifically provides for the rights of the disabled, including protection against exploitation and discrimination. In practice the disabled are not discriminated against in any systematic or overt manner. The Constitution also states that "as far as practicable, every place to which the public has access shall have appropriate facilities for disabled persons." However, in practice this provision has yet to be implemented. In late August, Government officials stated that companies should take the needs of disabled persons into account when building and designing buildings and reminded the public that the disabled have rights that should be protected.

Religious Minorities.—There was tension between ethnic Ga traditionalists and members of some Christian charismatic churches over the annual ban by Ga traditional leaders on drumming and noise-making prior to the Ga Homowo (harvest) festival; however, the level of such tension decreased compared with the previous year. Traditionalists believed that their time-honored customs should be accorded due respect, while some Christians resented the imposition of bans, which they believed infringed on their right to worship. The Government advocated mutual coexistence and understanding and alerted the population that police resources were insufficient to protect all churches during the several-week ban on drumming. There were attacks on churches in 1999 and in 1998. There were no reports of similar attacks during the year. No police action was taken in regard to attacks from previous years. Police are reluctant to prosecute any members of these groups due to an apparent fear of retaliation or counterattack.

On January 25, members of the Christo Asafo Christian Church clashed with members of the Boade Baaka traditional shrine at Taifa, Greater Accra Region. The dispute arose days earlier after shrine members accused a Christian woman of witchcraft. In the process, the woman was injured slightly, and a crowd formed. Christo Asafo members attacked the shrine in retaliation. There were some minor injuries. Police did not arrest or prosecute any of the participants, but continue to investigate the incident.

In March a dispute between five Pentecostal churches and landowners (tendaabas) led to tension in Jirapa, Upper West Region. After a member of the Kingdom of God ministries allegedly burned down a local shrine, the tendaabas banned religious activities of all churches except the Roman Catholic Church, until May when the Regional Coordinating Council brokered a resolution.

On July 21, three Muslims were injured at Effiduase (Eastern Region) in a clash between two Muslim sects over doctrinal differences. Members of the Tijanniya school of Islam allegedly attacked members of the Al-Sunna school.

On August 20, after the ban on drumming had been lifted, youth in Teshie (Greater Accra Region) besieged the Open Heaven Mission International Church, seizing drums and injuring six worshipers (see Section 2.c.).

There was a development in the case of the November 1999 dispute between an Islamic middle school and a Methodist middle school in Agona Nyakrom in the Central Region, where five persons suffered gunshot wounds, and Muslim property was destroyed. All of those arrested were released, and the police have not charged any suspects. In June the Committee of Inquiry set up by the Central Regional Coordinating Council presented its report to the Central Regional Minister. Details of the report were not published; however, the Committee recommended ways to ensure lasting peace between the two communities, and the Regional Minister agreed to implement the recommendations.

National/Racial/Ethnic Minorities.—Although the Government plays down the importance of ethnic differences, its opponents occasionally complain that it is dominated by the Ewe ethnic group from the eastern part of the country. The President and some of his close advisers are Ewe, but most ministers are of other ethnic origins. A 1997 survey found that 25 percent of the respondents believed that they had experienced discrimination because of their tribal origins.

During the year, there were several violent confrontations between and within ethnic groups related to chieftaincy issues, particularly those of succession and land. In January 1999, a chieftancy dispute in Juaso in the Ashanti Region resulted in the death of a policeman, several injuries, the burning of the police station, and the arrest of over 60 persons. The chief and his supporters were brought before the Kumasi tribunal and later granted bail. The case was ongoing at year's end. The police also are investigating some Juaso residents' claim of police mistreatment during the same event (see Section 1.a.). In July the Tamong and Puli clans in Bimbagu (West Mamprusi District in the Northern Region) clashed in a chieftancy dispute. Two persons were killed, and 56 houses were burned (see Section 1.a.). The police were sent to Bimbagu to maintain order during the clash. The police still were investigating the incident at year's end.

On August 13, four persons were killed after a conflict over a chieftancy dispute in Weija (Greater Accra Region.)

On December 7, 13 persons reportedly died, and over 25 were wounded in the Upper East Region capital Bawku in an electionrelated dispute that had ethnic overtones. The conflict initially was a dispute between ruling party and opposition supporters, and was fueled by ongoing tensions between the Mamprusi and Kusasi ethnic groups.

Elders from the Guan and Akan ethnic groups, who were arrested and detained in 1999 for violence related to a chieftancy dispute, were awaiting prosecution at year's end. A 1999 chieftancy dispute in Teshie that resulted in numerous gunshot wounds, a stabbing, and destruction of property was pending before the Ga traditional council at year's end.

An August 1999 case in which off-duty soldiers clashed with civilians in the Oshiye area of Accra in a chieftancy dispute, resulting in several injuries, was pending before the courts at year's end.

In 1995 the Government created a permanent negotiating team made up of religious leaders, NGO representatives, Council of State members, and other interested parties to help resolve the continuing tensions between the Konkomba and other ethnic groups in the north. The Permanent Peace Negotiating Team (PPNT) is a facilitative body whose primary purpose is to mediate disputes. In 1997 in response to reports of latent insecurity, the PPNT extended its activities to some northern parts of the Volta Region and supervised a peace accord among all parties to the conflict there. Since 1997 there have been organized seminars and workshops designed to promote dialog between two feuding factions. The Government has a ban on firearms in the Northern Region and northern part of the Volta Region. Government officials, M.P.'s, and other prominent opinion leaders regularly call for peaceful coexistence. In February 1999, after 14 years of animosity, the Bimobas and the Konkombas of the East Mamprusi District of the Northern Region held a pacification and reconciliation ceremony. In August 1999, the Northern Region Youth and Development Association, an umbrella group of all the ethnic groups in the area, organized a workshop on building peace at the grassroots level.

In January 1999, the Nipa-O-Nipa and Sika-O-Sika factions of Kumasi's ethnic Moshie community signed a peace agreement at the behest of the then Regional Minister. However, the longstanding dispute resurfaced in December 1999, after the Supreme Court had ruled on the Moshie leadership issue. One man died from a stab wound, and another was injured. In January a member of the Nipa-O-Nipa faction was sentenced to a week in prison for wounding a student during the December 1999 leadership dispute. In June three members of the Sika-O-Sika faction were sentenced to death by hanging for the murder of the son of the leader of the Nipa-O-Nipa faction. The lawyers for the three Sika-O-Sika faction members filed an appeal, which was pending at year's end. The dispute was resolved May after the

Ashanti paramount chief gave formal recognition to the Sika-O-Sika faction's leadership claim.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association. This right is restricted formally, as the Trades Union Ordinance confers broad powers on the Government to refuse to register a trade union; however, the Government has not interfered with the right of workers to associate in labor unions and has encouraged pluralism in labor organizations. The Industrial Relations Act (IRA), initially enacted in 1958 and amended in 1965 and 1972, governs trade unions and their activities. The percentage of workers belonging to unions appears to be decreasing from 9 percent in 1998 as more of the workforce enters the informal sector where there is no union activity. The Ministry of Employment and Social Welfare has estimated that 86 percent of the work force is employed in the informal sector, and that number is expected to increase. In August 1999, the Ghana Federation of Labor (GFL) was inaugurated. The GFL is intended to serve as an umbrella organization for several other labor unions, which were either previously part of or not encompassed by the Trades Union Congress (TUC), the original federation. The TUC, the largest labor organization in the country, consists of 17 national unions.

Led by experienced union leaders, the TUC has been a vocal and constructive critic of the Government's economic policies when it felt it to be necessary. Civil servants have their own union, the Civil Servants Association, which operates outside of the TUC umbrella.

The law recognizes a right to strike, but there have been no legal strikes since independence. Under the IRA, the Government established a system of settling disputes, first through conciliation, then through arbitration. A union may call a legal strike if the Government does not call for formal arbitration. However, no union has ever gone through the complete process. There were numerous unsanctioned strike actions during the year, none of which met the requirements for a legal strike detailed in the IRA. The IRA prohibits retribution against strikers, and this law is enforced. On May 2, Accra textile traders were told that they could not hold a demonstration to protest a textile price hike because they lacked a police permit. Instead they presented a petition to the Government on the issue (see Section 2.b.). On July 25, thousands of trade union members demonstrated nationwide to demand an increase in the minimum wage. Police used water cannons on the Accra demonstrators to prevent them from blocking traffic at a major traffic circle. No injuries were reported in Accra or elsewhere (see Sections 1.c. and 2.b.).

The Government convened a committee to investigate reports that a gold-miners' strike in May 1999 was instigated by persons not employed by the mine. The committee completed its report in September 1999, but the conclusions were not made public by year's end.

Unions have the right to affiliate with international bodies. The TUC is affiliated with the Organization of African Trade Union Unity headquartered in Accra and is also a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The IRA provides a framework for collective bargaining and some protection against antiunion discrimination. Trade unions engage in collective bargaining for wages and benefits for both private and state-owned enterprises without government interference. However, the Government, labor, and employers negotiate together through a tripartite commission to set minimum standards for wages and working conditions. A July 25 trade union demonstration (see Section 6.a.) resulted from trade unions' accusations that they had not been consulted adequately in the Government's deliberations on the minimum wage. The Government argued that the unions had been included in tripartite dialog on the issue. The law requires employers found guilty of antiunion discrimination to reinstate workers fired for union activities. No union leaders have been detained in recent years for union or other activities.

There is legislation that authorizes export processing zones (EPZ's), and a few EPZ's are in operation. Existing labor law applies in any EPZ, including the right to organize.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits slavery, and the law also prohibits forced or bonded labor, including that performed by children; however, at least 2,200 women and girls are bound to shrines through the localized Trokosi system (see Section 5). Forced labor also occurs at the camps in the north for women accused of witchcraft (see Section 5). Apart from the Trokosi system, it is difficult to determine the extent to which forced or bonded labor by children is practiced. In April the ILO commissioned the African Center for Human Development, a local NGO, to conduct a survey of the child labor situation. The NGO found that child labor and child trafficking are widespread in the informal labor sec-

tor, especially in larger cities and border areas. The country is both a source and a destination country for trafficked children (see Section 6.f.). The NGO noted that law enforcement officials expressed a "complete disregard" for child labor and trafficking issues. The study recommended that law enforcement officials be tasked with monitoring and combating child labor and child trafficking.

According to government labor officials, child labor problems do not exist in the formal labor sector because "exploitive child labor" (defined as that which deprives a child of health, education, or development) is prohibited. However, many problems still exist in the informal sector. NGO's report that children as young as age 7 work illegally as porters, domestic servants, "hawkers," rock-breakers in quarries, small-scale miners, farmers, and fishermen. They are paid poorly, if at all, and sometimes are molested or abused. They seldom receive sufficient food or health care, and do not attend school.

There have been newspaper reports of children being sold into slavery for either sexual exploitation or labor, such as 10- to 12-year-old boys toiling in the service of fisherman in exchange for a yearly remittance to their families. A June 1999, report described this practice as rampant in 156 fishing villages along the Afram River and settlements along the Volta Lake in the Afram plains (see Section 6.f.). The ILO continues to urge the Government to revise various legal provisions that permit imprisonment with an obligation to perform labor for offenses that are not countenanced under ILO Convention 105.

d. Status of Child Labor Practices and Minimum Age for Employment.—Labor legislation sets a minimum employment age of 15 years and prohibits night work and certain types of hazardous labor for those under 18 years of age. In practice child employment is widespread, and young children of school age often perform menial tasks during the day in the market or collect fares on local buses. An ILO survey conducted in three rural districts between 1992 and 1993 concluded that 11 percent of school-age children were employed for wages and another 15 percent work without remuneration (see Sections 6.c. and 6.f.). In August the Ministry of Employment and Social Welfare estimated that 18,000 children are working in Accra and 800,000 countrywide. Of those, 70 percent have no education while 21 percent only have a primary education.

The migration of children from rural to urban areas is increasing, due to economic hardship. Children are driven to the streets to fend for themselves, increasing child labor and the school dropout rate. Another ILO study in 1992 and 1993 found that almost 90 percent of the surveyed street children in Accra did not attend school. Observance of minimum age laws is eroded by local custom and economic circumstances that encourage children to work to help support their families. A 1996 ILO survey revealed that the economic activity of more than 75 percent of children between ages 5 and 14 takes place in the context of a family enterprise.

In late 1998, the President signed into law legislation to provide additional child labor protection and strengthen the punishment for violators under a comprehensive children's act. The act incorporates the existing labor legislation's minimum age for employment and prohibitions on night work and hazardous labor. In addition, the legislation allows for children aged 15 years and above to have an apprenticeship whereby the craftsmen and employers have the obligation to provide a safe and healthy work environment along with training and tools. Fines and imprisonment for violators are increased considerably. In May Parliament ratified ILO Convention 182 concerning the elimination of the worst forms of child labor.

On March 1, the Government signed a memorandum of understanding with the ILO to inaugurate the International Program on the Elimination of Child Labor (IPEC) in Ghana. Implementation of the IPEC began during the year; a national coordinator and steering committee were established, and the Government's statistical service was conducting a national survey of the child labor problem.

In May the acting executive secretary of the Ghana National Commission on Children (GNCC) expressed concern about the increasing use of child labor in fishing enterprises, and advocated greater law enforcement of child labor laws. She appealed to parents and fishing communities to combat the practice.

Officials only occasionally punish violators of regulations that prohibit heavy labor and night work for children. Inspectors from the Ministry of Labor and Social Welfare are responsible for enforcement of child labor regulations. They visit each workplace annually and make spot checks whenever they receive allegations of violations.

The law prohibits forced or bonded labor, including that performed by children; however, at least 2,200 women and girls are bound to shrines through the Trokosi system and children are trafficked into and from the country (see Sections 5, 6.c., and 6.f.).

There were media reports of children being sold into slavery for either sexual exploitation or labor (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—In 1991 minimum standards for wages and working conditions were set by a tripartite commission composed of representatives of the Government, labor, and employers. In November the daily minimum wage increased from about $.42 (2,900 cedis) to about $.62 (4,200 cedis), but is still insufficient to provide a decent standard of living for a single wage earner and family. Furthermore, there is widespread violation of the minimum wage law. In most cases, households have multiple wage earners, and family members engage in some family farming or other family-based commercial activities. Trade unions are lobbying the Government to increase the minimum wage to $.81 (5,500 cedis) and argue that an eventual minimum of a $1.00 (6,800 cedis) a day would provide a living wage to workers.

The law sets the maximum workweek at 45 hours, with one break of at least 36 consecutive hours every 7 days. Through collective bargaining, however, the basic workweek for most unionized workers is 40 hours. In July 1999, the Government began compensating extra duty hours only for overtime actually worked, in accordance with labor equity, rather than as an automatic salary supplement.

Occupational safety and health regulations exist, and the Labor Department of the Ministry of Health and Social Welfare occasionally imposes sanctions on violators. However, safety inspectors are few and poorly trained. They take action if matters are called to their attention, but lack the resources to seek out violations. Workers have the right to withdraw themselves from dangerous work situations without jeopardy to continued employment, although they rarely exercise this right.

f. Trafficking in Persons.—There are no laws that specifically address trafficking in persons, and trafficking in persons is a problem.

The country is both a source and a destination country for trafficked children. A local NGO noted that law enforcement officials expressed a "complete disregard" for child labor and trafficking issues (see Section 6.c.). Law enforcement officials also have a difficult time identifying persons who are being trafficked because of the fluid nature of family relations in the country e.g. a friend often is called a "cousin," and an older woman an "aunt," even if there is no blood relation. Trafficking's most common form involved teenage girls from the rural areas being sent by relatives to work in the cities as housemaids for little remuneration. Often an assurance is given that after several years' service, the housemaid would be sponsored to train in dressmaking or hairdressing. However, often an excuse is found to fire the housemaid before such apprenticeship begins. Over 100 boys were reportedly contracted out to Lake Volta fishermen (see Sections 6.c. and 6.d.). There were also reports of children abducted to work either in the country or in neighboring countries. Young persons (girls and boys) are lured into prostitution and hard labor in Cote d'Ivoire, Togo, Benin, and Nigeria on the pretext of finding work in agriculture or as domestic help. Women reportedly are also drafted into prostitution in Germany and the Netherlands. Citizens reportedly were lured to the Middle East, particularly to Lebanon, to work illegally in menial jobs. Traffickers in persons from other countries also reportedly used Accra as a transit point to Europe.

In May two men who had attempted to sell two young men into forced labor for $9,100 (50 million cedis) each were remanded to prison custody and charged with "slave dealings." The case was pending in court at year's end. In June the Government repatriated 180 citizens, mostly girls, who were stranded in Lebanon as indentured servants. These girls were told that they were to work as household help to Lebanese families; upon arrival in Lebanon their documents and money were stolen and some of the women were beaten.

A local NGO in the north conducts rehabilitation programs for women who have been trafficked. The NGO provides counseling and training in professions such as sewing and hairdressing to give them a source of income. The NGO also carries out a public information program about the dangers of trafficking and prostitution.

GUINEA

Guinea is a constitutional republic in which effective power is concentrated in a strong presidency. President Lansana Conte has ruled since 1984, when he led the only successful coup d'etat in the country's history, first as head of a military junta, and since 1994 as a civilian president elected in 1993. Guinea held its first multiparty legislative elections in 1995, delivering more than 60 percent of the National Assembly seats to President Conte's Party of Unity and Progress (PUP). The PUP is one seat short of the number required to amend the Constitution. Although

the PUP continues to dominate all three branches of Government, opposition parties on occasion have persuaded PUP Members of Parliament, including the National Assembly leadership, to vote with the opposition on specific legislative matters. Conte won a second 5-year term in a December 1998 election that was marred by violence and civil unrest before and after election day, widespread and diverse irregularities that tended to favor the incumbent, and the arrest and detention of major opposition candidates during the vote-counting process. Nevertheless, the election was much more transparent and fair than the 1993 election. In the 1998 presidential election, the Government continued to dominate the electoral process and did not create an independent electoral commission as initially demanded by both opposition parties and ruling party dissidents; instead, it struck a compromise with the opposition and formed a High Council for Electoral Affairs, composed of representatives from many parties, but with authority limited to local vote counting and the transmission of results. The Government postponed municipal elections scheduled for 1999 until June. The elections were deeply flawed, with the opposition making credible charges of government intimidation, fraud, and manipulation. Legislative elections originally scheduled for 1999 have been postponed indefinitely at the request of both the PUP and opposition parties due to instability in the border region, which makes voter registration and campaigning extremely difficult. An increasingly disproportionate number of public sector positions, including senior military and cabinet posts, are held by members of the President's own minority ethnic group, the Soussou. The judiciary is subject to executive influence, particularly in politically sensitive cases.

The gendarmerie and the national police share responsibility for internal security and sometimes play an oppressive role in the daily lives of citizens. Members of the Presidential Guard are accountable to almost no one except the President. Members of the security forces frequently committed human rights abuses.

About 85 percent of the country's population of 7.6 million engage in subsistence agriculture. Annual recorded per capita gross domestic product was about $595 in 1999. More than 80 percent of export earnings come from mining, particularly bauxite, gold, and diamonds. Other exports include coffee and fruit. There has been modest economic growth in recent years, especially between 1996 and 1999, due in part to substantial assistance from international financial institutions and bilateral donors. However, economic performance has lagged since 1999, and government collaboration with international financial institutions and donors was complicated by additional defense spending in response to attacks from Sierra Leone and Liberia by RUF rebels and Liberian forces. In addition widespread corruption and limited transparency in Government blocked efforts at economic and fiscal reform; in particular corruption at the port and customs offices hampered effective collection of nonmining receipts.

The Government's human rights record was poor; although there were some improvements in a few areas, serious problems remained in many others. The Government's tight and sometimes partisan control of the electoral process, both in the 1998 presidential election and the deeply flawed June municipal elections; its refusal to create an independent electoral oversight mechanism; and its prohibition of nongovernmental broadcast media, effectively restricted citizens" right to change their government. Major human rights abuses include: Extrajudicial killings; disappearances; use of torture, beatings, and rape by police and military personnel; and police abuse of prisoners and detainees. Soldiers, police, and civilian militia groups killed, beat, and raped citizens, as well as refugees from Sierra Leone and Liberia. Security forces used arbitrary arrest and detention. Members of the security forces committed abuses with impunity. Prison conditions are inhuman and combined with inadequate medical care frequently resulted in deaths. Prolonged pretrial detention is a problem. The Government failed to ensure access by attorneys to clients in prison, maintained the executive branch's influence over the judicial system and the electoral process, and infringed on citizens' privacy rights. The Government restricted freedom of speech and of the press. The private print press criticized the Government freely, but the Government continued to monopolize the broadcast media, including radio, the most important medium of mass communication. The Government restricted freedom of assembly. The Government imposed cumbersome requirements for official recognition on associations, and infringed on freedom of movement. Violence and societal discrimination against women, prostitution of young girls, female genital mutilation (FGM), ethnic discrimination and interethnic violence, child labor, reports of trafficking of women and children, and vigilante actions by victims or others persisted.

RUF rebels from Sierra Leone and armed attackers from Liberia committed a large number of killings, mutilations, abductions, and other abuses, including the burning of homes.

RESPECT FOR HUMAN RIGHTS

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

a. Political and other Extrajudicial Killing.—Security forces committed fewer extrajudicial killings than during the previous year, and there were fewer violent riots and instances of government overreaction than in the previous year. However, during municipal elections held in June, security forces, along with ruling party militants, clashed with opposition party supporters, resulting in the death of eight persons and injuries to several others. There was no investigation into the incident. In late November or early December, security forces killed six persons, including a university professor, in Conakry; they reportedly were meeting to plan a demonstration against the Government's policy in the forest region, and security forces claimed that they thought they were armed rebels (see Section 2.b.). No action was taken against the security forces by year's end.

At the beginning of November, the army bombed several villages in northern Sierra Leone in a campaign against rebels from Sierra Leone and Liberia. On December 8, troops attacked Rosint Village in northern Sierra Leone and killed several civilians, abducted over 50 persons, and burned over 30 houses.

There was at least one reported case of a prisoner being tortured to death (see Section 1.c.). Some opposition members believe that his death was linked directly to torture by government authorities at a small military camp on Kassa Island. The Government denied these charges. In addition in January 1999, during Alpha Conde's detention (see Section 1.e.), one of his codefendants died in prison, reportedly because of torture (see Sections 1.c.).

Deaths in custody due to inhuman prison conditions and inadequate medical treatment remained frequent (see Section 1.c.). Human Rights Watch (HRW) confirmed that a refugee detained along with approximately 3,000 others following a series of crossborder rebel raids died while in detention because of poor prison conditions (see Sections 1.d. and 2.d.).

There was no action taken in the October 1999 case in which security forces killed two students when using unauthorized lethal force to bring a violent protest under control; nor in the 1999 case of a woman who died of injuries inflicted by members of the security forces during their suppression of riots in Labe.

No action was taken against Banian subprefect Jean Traore, who shot and killed a man and wounded two other persons in 1998 while attempting to disperse a gathering of supporters of the Rally of the Guinean People (RPG). No action was taken against members of the security forces or government officials, who used excessive force against opposition party supporters, resulting in deaths both before and after the December 1998 presidential elections.

Government authorities continued to block efforts by human rights groups and nongovernmental organizations (NGO's) to investigate political killings that took place in the 1970's under thenPresident Sekou Toure. Visits during the year to Camp Boiro, where political prisoners were held during the Sekou Toure regime, suggested that there is an ongoing effort to destroy evidence of the former use of the camp.

In January violent clashes between Christian and Muslim villages in the forest region left 30 persons dead (see Section 5).

Many victims of crime fear that they may never receive justice because of judicial corruption and at times resort to exacting their own form of retribution through vigilante violence. Some suspected criminals, notably thieves and rapists, are beaten to death or burned by their victims or others after being soaked with a flammable liquid.

RUF rebels from Sierra Leone and armed attackers from Liberia killed hundreds of civilians and members of the security forces in crossborder raids during the year. In the latter half of the year, armed Liberians crossed the border and attacked the town of Macenta, while RUF rebels from Sierra Leone attacked Forecariah; both groups killed villagers, burned houses, pillaged crops, and looted property (see Section 1.f.). Since early September, crossborder clashes resulted in over 900 deaths. For example, on September 3, RUF rebels and Liberian forces attacked the village of Massadou on the Liberian border, killed 47 persons, burned homes, and looted food supplies. On September 6, suspected RUF rebels from Sierra Leone killed 27 persons in a crossborder raid on the village of Pamalap. On September 16, in an attack on the border town of Macenta, unidentified armed men from Liberia killed Mensah Kpognon, a humanitarian worker from Togo, and 34 other persons. They also abducted Sapeu Laurence Djeya, a humanitarian worker from Cote d'Ivoire, who was released on September 28 (see Section 1.b.). On September 27, suspected Liberian armed attackers possibly supported by Guinean dissidents in exile killed 67 persons, including 3 soldiers after an attack on Macenta. On September 30,

armed rebels attacked the villages of Macenta and Forecariah; the Government reported that there were numerous deaths and injuries. On October 2, armed men from Liberia killed three persons in an attack on the village of Koyama. On November 13, rebels attacked Yagouya and Soumbazaya villages, killing one person and abducting all of the village residents. After a relatively calm period, hostilities increased at the beginning of December when RUF rebels and Liberian forces attacked Gueckedou and Kissidougou, killing approximately 100 civilians and displacing thousands of persons.

b. Disappearance.—Opposition leaders, local NGO's, and the independent press occasionally report cases of politically motivated temporary disappearances that usually ended with the eventual release of the prisoners who were held by security forces.

There were reports that members of the armed forces abducted persons from Sierra Leone after attacks by RUF rebels and Guinean dissidents. For example, on December 8, troops attacked Rosint Village in northern Sierra Leone and abducted over 50 persons, killed several civilians, and burned over 30 houses.

In the months after the February 1996 mutiny, hundreds of soldiers and civilians disappeared during neighborhood sweeps conducted by armed members of the security forces. Baba Sarr, a relative of reported mutiny ringleader Major Gbago Zoumanigui, remains missing since his detention following the mutiny. Many of those missing after the 1996 mutiny were in self-imposed exile, according to family members.

On September 6, during a crossborder raid, RUF rebels from Sierra Leone abducted two Italian missionaries; they escaped on December 3. On September 17, armed attackers from Liberia abducted Sapeu Laurence Djeya, an Ivorian humanitarian worker; she was released after several days. Survivors of some of the crossborder attacks report that the entire populations of small villages were abducted and taken to Sierra Leone. For example, on November 13, rebels attacked Yagouya and Soumbazaya villages, abducting everyone then in the village and killing one person (see Section 1.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Penal Code and the Constitution prohibit torture and cruel, inhuman, or degrading treatment; however, both civilian and military security forces beat and otherwise abused civilians. There were also reports that security forces often use torture and beatings to extract confessions and employ other forms of brutality, including holding prisoners incommunicado without charges and under inhuman conditions. Local human rights organizations and former detainees stated that some prisoners are bound and hung by their feet before being beaten. There were no reported judicial proceedings against officers suspected of committing abuses. Many citizens view the security forces as corrupt, ineffective, and even dangerous. Police ignore legal procedures, and extort money from citizens at roadblocks (see Sections 1.f. and 2.d.). Refugees from Liberia and Sierra Leone reported that some soldiers demanded sex in exchange for entry into the country. There are also reports of sexual assaults on refugees (see Section 2.d.).

During June's municipal elections, diplomatic observers witnessed security personnel beating unresisting persons. A local human rights NGO reported that security forces also shot, beat, and raped civilians, and pillaged personal property during the June elections (see Sections 1.a. and 3).

In early September, after a series of rebel raids into the country, President Conte blamed the attacks on refugees. Subsequently soldiers, police, and civilian militia groups detained thousands of refugees from Sierra Leone and Liberia, so of whom they beat and raped (see Section 2.d.).

Defendants in the Alpha Conde trial often reported that they were tortured, starved, and neglected during their detention (see Sections 1.a. and 1.e.). In January 1999, prison officials reportedly tortured to death warrant officer Guey Keita.

Vigilante groups beat and robbed Liberian nationals in Conakry on several occasions. Refugees in the Katkama refugee camp reported at least two instances of sexual assault by vigilantes during the year. On September 30, armed gangs attacked the Farmoriah refugee camp near Forecariah, beating the refugees and burning their belongings. Groups of vigilantes in the Gueckedou area forced refugees and humanitarian workers to undress and then examined them for tattoos, which are presumed to be identification marks for rebel groups. In one instance in October, a group of vigilantes forced five of the refugees to the police station in Gueckedou where they were detained (see Sections 1.d. and 2.d.).

During the year, RUF rebels from Sierra Leone and Liberian rebels conducted a number of crossborder raids during which they killed, injured, and displaced persons, and burned and looted homes (see Section 1.a.).

Prison conditions are inhuman and life threatening. Family members and friends are responsible for feeding prisoners. Guards often demanded bribes in exchange for letting food through to those incarcerated. Standards of sanitation remained poor, and there were several dozen deaths due to malnutrition and disease. A former inmate held in the central prison in Conakry reported in 1998 being housed with between 60 and 80 prisoners in 1 cell, with a single toilet and no beds. Some prisoners have reported sleeping on their knees because their cells were so small. Prisoners reported threats, beatings, and harassment by guards, and some reported being denied food and a place to lie down. There are credible reports from prisoners that female inmates are subject to harassment and sexual assault by guards. Men and women are housed separately, but juveniles generally are mixed in with adults.

The Organisation Guineenne de Defense des Droits de L'Homme et du Citoyen (OGDH) determined that prisoners in at least one major prison, located in N'Zerekore, suffered more from neglect and lack of resources than from mistreatment. According to the OGDH, the N'Zerekore prison is a converted grain warehouse built in 1932 for 70 prisoners, but it houses 120. There is no electricity or running water.

The independent press, a local human rights organization, and a former prisoner reported in previous years that inmates routinely are beaten and subjected to other forms of abuse at the prison in Koundara in the north. Although the Minister of Justice has criticized inhuman prison conditions during televised visits to prison facilities, no concrete action was taken to improve conditions by year's end.

The Government permits prison visits by local humanitarian and religious organizations, which offer medical care and food for those in severe need. A former prisoner reported that without this assistance those who do not have families or friends would starve to death.

Opposition party members alleged that they had not been permitted to visit Alpha Conde in prison at year's end.

In November 1999, the International Committee of the Red Cross (ICRC) signed a detention accord with the Government for satisfactory access to prisoners. The ICRC reported that, for the most part, it had access to prisoners during the year (see Section 4).

d. Arbitrary Arrest, Detention, or Exile.—Security forces continued to use arbitrary arrest and detention regularly, despite procedural provisions in the Penal Code designed to safeguard detainees. In practice administrative controls over the police are ineffective, and security forces rarely follow the Penal Code.

The Code of Penal Procedure allows only the gendarmerie to make arrests, but the army, the Presidential Guard (Red Berets), and the state police often detain persons as well. The Penal Code requires that the Government issue a warrant before an arrest can be made and that detainees be charged before a magistrate within 72 hours; however, many detainees are incarcerated for longer periods before being charged. After being charged, the accused may be held until the conclusion of the case, including a period of appeal. Release on bail is at the discretion of the magistrate who has jurisdiction. The Constitution proscribes incommunicado detention; however, at times it occurs in practice. The law provides for access by attorneys to their clients, but authorities frequently do not respect this provision.

On February 7, police detained approximately 30 students, who were marching to protest poor conditions in school (see Section 2.b.).

The Penal Code strictly forbids civilians being detained at military camps; however, this provision largely is ignored. During June's municipal elections, police arrested and detained 44 persons, including children, women, old men, and an imam. They were taken to a military camp, where they reportedly were stripped, threatened, beaten, and tortured. They were released through the intervention of local and religious authorities (see Sections 1.c. and 3).

RPG members allege that authorities arrested and detained an individual who brought food to Alpha Conde; he was accused of threatening national security and was held in solitary confinement for one week before being released.

Some police forces took advantage of the Alpha Conde trial (see Section 1.e.) by arresting and detaining their creditors and other enemies, beating them, and then falsely accusing them of complicity with Conde.

In early September, after a series of crossborder raids by RUF rebels and mercenaries, police detained approximately 3,000 refugees, although most were released within several days (see Section 2.d.). HRW confirmed that a refugee died while in detention because of poor prison conditions (see Sections 1.a. and 2.d.). In September in Massakoundou, police arrested four refugees found to have tattoos on their bodies, although they were released a few days later. In October five refugees from the Gueckedou refugee camp were detained after vigilantes found tattoos on

them (see Section 1.c.). Two eventually were released; however, one still is in detention in the Gueckedou police station, and two were transferred to Conakry.

Bar Association attorneys, the independent press, and government sources describe a parallel system of justice run by unidentified uniformed personnel who conduct midnight arrests, detain suspects, and use torture in secret prisons to obtain confessions before transferring detainees to prosecutors (see Section 1.c.). In previous years, a member of a political opposition party, a soldier, a local human rights organization, and former prisoners all reported that the Government imprisons for political reasons persons considered a threat to state security at Kassa prison, allegedly located in a former French colonial structure on an island off the coast of Conakry. The Government denied the existence of the Kassa Island Prison and stated that prisoners identified as political detainees have been incarcerated for criminal acts and are located in other prisons. In 1998 foreign diplomats visited the military installation on Kassa Island, where they saw no evidence of a torture facility. However, there continued to be reports of the Kassa facility's existence. During the trial of Alpha Conde, many of the accused claimed that they were brought to Kassa Island and were tortured for time periods that ranged from a few days to several weeks (see Sections 1.a., 1.c., and 1.e.).

Security forces frequently detained persons at roadblocks and extorted money from them (see Section 2.d.).

On at least one occasion, authorities arrested a journalist (see Section 2.a.).

On December 15, 1998, the day after the election, members of the security forces arrested Alpha Conde, the presidential candidate of the RPG opposition party, at the town of Lola on the Liberian border. The Government detained Conde incommunicado until December 30, 1998, when it charged him with trying to leave the country illegally, resisting arrest, engaging in illegal foreign currency transactions, and training an armed force to overthrow the Government. During the year, foreign officials, including the Senegalese Minister of Justice, and several foreign diplomats visited Alpha Conde in detention. Conde's lawyers reported that they had generally free access to their client as well as to the dossier of his case. Conde's doctor, but not his family members, also had access to him. Conde's trial, originally scheduled for 1999, was postponed until April and concluded in September (see Section 1.e.).

The Government does not practice forced exile, although several soldiers who fled the country in 1996 after a mutiny attempt remained in self-imposed exile according to their families (see Section 1.b.). There are credible reports that these soldiers were engaged in the armed attacks on the country in conjunction with RUF rebels from Sierra Leone and Liberian forces (see Section 1.a.).

e. Denial of Fair Public Trial.—The Constitution provides for the judiciary's independence; however, judicial authorities routinely defer to executive authorities in politically sensitive cases. Magistrates are civil servants with no assurance of tenure. Due to corruption and nepotism in the judiciary, relatives of influential members of the Government often are, in effect, above the law. In 1996 the Cabinet stated that it would pursue those who violate the law but avoid punishment due to judicial corruption, including the autonomous Presidential Guard; however, no action has been taken. Judges often do not act independently, and their verdicts are subject to outside interference. Influential persons often intervene on behalf of their relatives to prevent a negative judgment from being carried out.

The judiciary includes courts of first instance, the two Courts of Appeal, and the Supreme Court, which is the court of final appeal. Since 1988 civilian courts have rendered all judgments involving civilians under the Penal Code. A military tribunal prepares and adjudicates charges against accused military personnel, to whom the Penal Code does not apply. The Government announced in 1996 the creation of a Discipline Council for dealing with civil servants who abuse their positions as government employees, but by year's end, the Council still had not prosecuted any cases.

During the year, the State Security Court was used to try Alpha Conde and his defendants. The State Security Court is comprised of magistrates directly appointed by the President, and the verdict is open only to an appeal on a point of law, not for the reexamination of evidence.

The judicial system is plagued by numerous problems, including a shortage of qualified lawyers and magistrates and an outdated and restrictive penal code. The Penal Code provides for the presumption of innocence of accused persons, the independence of judges, the equality of citizens before the law, the right of the accused to counsel, and the right to appeal a judicial decision. Although in principle the Government is responsible for funding legal defense costs in serious criminal cases, in practice it rarely disburses these funds. The attorney for the defense frequently receives no payment. By year's end, the new Minister of Justice had introduced a prisoner tracking system that enabled him to review the cases of individual prisoners

and to follow up on cases that did not reach the courts in an appropriate amount of time.

During the December 1998 presidential elections, the Government ordered the closure of all land borders. On December 15, 1998, presidential candidate Alpha Conde, leader of the RPG, and three others were arrested in Pine, Lola, near the Liberian border. Conde subsequently was charged with illegal use of military force, undermining the authority of the state and the integrity of the national territory, use of violence against a state security officer, wrongful possession and transfer of foreign currency, and an illegal attempt to cross the frontier. Conde's arrest led to street protests by RPG militants in Conakry, which were repressed by police, resulting in the arrest and detention of many protesters (see Sections 1.d. and 2.b.).

The Government continued its investigation, and it later arrested and charged several civilians and military officers in connection with Conde. In April Alpha Conde and 47 others were brought to trial. At the start of the trial, the presiding judge allowed an international team of lawyers to defend Conde and allowed international observers in the courtroom, over the objections of the Government. However, when the court refused to nullify the case based on Conde's parliamentary immunity, the legal team resigned in protest. The court immediately appointed other lawyers to defend Conde and his codefendants. Conde and one other defendant rejected those lawyers and refused to speak in court. Others accused the prosecution of witness tampering, intimidation, and outright fraud. An international NGO, Commission Internationale de Juristes, sent an observer to the trial who noted several problems with the conduct of the trial. On September 11, Conde was found guilty, and he was sentenced to 5 years in prison. Most of Conde's codefendants were found innocent and released, while all of the others were sentenced to time served.

Many citizens are wary of judicial corruption and instead prefer to rely on traditional systems of justice at the village or urban neighborhood level. Litigants present their civil cases before a village chief, a neighborhood leader, or a council of wise men. The dividing line between the formal and informal justice systems is vague, and authorities may refer a case from the formal to the traditional system to ensure compliance by all parties. Similarly, if a case cannot be resolved to the satisfaction of all parties in the traditional system, it may be referred to the formal system for adjudication. The traditional system discriminates against women in that evidence given by women carries less weight, in accordance with Islamic precepts (see Section 5).

At year's end, the Government held an unknown number of political prisoners. Such prisoners are individuals incarcerated for allegedly politically motivated acts, such as protests, meetings, and campaigns; but they were arrested and convicted under criminal laws, such as those applying to creating disorder, inciting violence, and corruption. Consequently some of these individuals received disproportionately harsh punishment due to their political affiliation. Members of political opposition parties and a local human rights organization stated that dozens of persons also are being detained or have disappeared for political reasons (see Sections 1.b. and 1.d.). The Government denies holding any political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the home, and judicial search warrants are required by law; however, police frequently ignore these procedures. Police and paramilitary police often ignore legal procedures in the pursuit of criminals. Police and the military frequently detained persons at nighttime roadblocks for purposes of security and extortion (see Section 2.d.).

It is believed widely that security officials monitor mail. Local businesses, including foreign companies, often complained of intimidation and harassment by public officials and authorities.

In early September, after a series of crossborder raids, police and civilian militias looted houses, stole property, and destroyed property belonging to Sierra Leonean and Liberian refugees. In late October, Governor Mbemba Bangoura reportedly told mayors of different communes within Conakry to conduct house to house searches for weapons.

On December 8, troops entered Rosint Village in northern Sierra Leone and burned over 30 houses.

RUF rebels from Sierra Leone and Liberian forces killed civilians, burned homes, pillaged crops, looted food supplies and other goods, and took civilian hostages during numerous crossborder raids (see Section 1.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression, subject to certain limitations; however, despite government statements in support of free speech and a free press, the Government employs a broad range of re-

strictions on these rights. The Government prohibits what it considers seditious talk or chants in public, has established defamation and slander as criminal offenses, and prohibits communications that personally insult the President, that incite violence, discrimination, or hatred, or that disturb the public peace. Resulting sanctions may include revocation of press cards, imprisonment, and banishment. In December 1999, two journalists who published a financial scandal involving two highly placed ministers were arrested under these laws.

The Government publishes an official newspaper, Horoya, and operates the official television and radio (ORTG) stations. In response to strong political pressure and in order to protect their jobs, journalists for the official press practice selfcensorship and avoid reporting on politically controversial issues. However, several younger broadcast journalists for the official press reported critically about the Government and posed critical questions at official press conferences.

While the only daily newspaper, Horoya, is owned and operated by the state, there is a vocal private press that is critical of the President and the Government. For example, the weekly satirical newspaper Le Lynx published front-page cartoons lampooning the President and senior government officials. Five private newspapers (Le Lynx, La Lance, L'Oeil, L'Independant, and L'Independant Plus) publish weekly in Conakry, and up to 10 other publications appear sporadically, although they are hampered by technical and financial difficulties stemming from paper and ink taxes, among other informal obstacles. Le Lynx and La Lance, under the same management, also are connected to the Internet and have web sites. One newspaper, L'Espoir, is affiliated with the governing political party, and several other newspapers are affiliated with opposition parties. Other newspapers offer news and criticism of both the Government and the opposition. However, because the literacy rate is only around 35 percent and the price of newspapers is beyond the reach of the average citizen, the effect of the print media is limited. Despite the limited reach of the print media, the Government still occasionally criticized and harassed print journalists whom it considers threatening.

The Government closed L'Independent and L'Independent Plus for several weeks during the year, and the editor reportedly was expelled from the country. The newspapers reappeared for a period as Le Democrat and Le Republicain; however, the original names eventually were reinstated.

In July authorities arrested a journalist after he published an article about the electric company Sogel. He later was released, but his trial was pending at year's end.

The Government owns and operates all domestic broadcast media including radio, which serves as the most important means of informing the public. It is estimated that every household in the country has at least one radio. Many citizens listen regularly to foreign-origin short-wave radio, because of a lack of confidence in the state media, and access to foreign television satellite broadcasts is growing. The Government does not restrict access to or distribution of foreign television programming via satellite or cable. Although relatively few citizens can afford these services, by stringing a network of cables to a single satellite dish, entire neighborhoods are gaining access to foreign programming.

On July 28, the National Council of Communication announced the 2-month suspension of the accreditation of three foreign radio correspondents in Conakry for their allegedly biased reporting. Those affected by this measure were Mouctar Bah of Radio France International (RFI), Ben Daouda Sylla of Africa No. 1 (based in Libreville), and Amadou Diallo of the British Broadcasting Corporation (BBC). On September 25, the National Council of Communication lifted the suspension.

The country has had full Internet access since 1997. At year's end, there were three domestic service providers, two strictly private and one affiliated with SOTELGUI, a public and private telephone company that holds a monopoly on international telephone lines. The Government did not restrict Internet access. Storefront operations offering Internet access were common throughout downtown Conakry; however, a lack of reliable telephone lines inhibited home Internet access, even for the few who could afford it.

The state-owned media are not impartial; they provide extensive, and almost invariably, favorable coverage of the Government and ruling party, while providing little coverage of opposition party activities. While in theory the law allows private electronic media, the Government has held up proposals for private radio and television stations, on the grounds of national security and stability.

Political tracts occasionally circulate in Conakry and other urban areas. Some tracts support the Government, while others specifically criticize senior officials. Foreign publications, some of which criticize the Government, often are available, although the Government delayed the distribution of a February issue of L'Intelligent/Jeune Afrique for several days, while preparing a rebuttal to an article

"Guinee C'est L'enfer" ("Guinea is Hell"), which criticized conditions in the prisons and focused on the Alpha Conde case.

The Ministry of National Education and Scientific Research exercises limited control over academic freedom through its influence on faculty hiring and control over the curriculum. In general teachers are not subject to classroom censorship; however, both public and private schools are obliged to follow the Government's curriculum, on which the national examinations are based.

In December security forces killed six persons, including a university professor, who were meeting to plan a demonstration against the Government's policy in the forest region (see Sections 1.a. and 2.b.).

b. Freedom of Peaceful Assembly and Association.—The law restricts freedom of assembly, and the Government exercises its power to restrict unwanted political activity. The Penal Code bans any meeting that has an ethnic or racial character or any gathering "whose nature threatens national unity." The Government requires notification 72 hours prior to public gatherings, otherwise the events are considered illegal.

The Government bans all street marches except funerals. The law allows local authorities to cancel a demonstration or meeting if they believe that it poses a threat to public order. They may hold event organizers criminally liable if violence or destruction of property ensues.

On February 7, riot police dispersed a crowd of students who were marching to the Education Ministry to protest overcrowding and poor conditions in schools. Police detained temporarily approximately 30 students on the charge of being "bandits." In late November or early December, security forces killed six persons, including a university professor, who were meeting to plan a demonstration against the Government's policy in the forest region; security forces claimed that they thought they were armed rebels (see Section 1.a.). In response on December 5, the Governor of Conakry announced that written permission from his office was required for all public meetings of all associations, nongovernmental organizations, groups, cooperatives, and political parties.

Freedom of association is protected by law; however, the Government imposes cumbersome requirements to obtain official recognition. Political parties must provide information on their founding members and produce internal statutes and political platforms consistent with the Constitution before the Government recognizes them. There were approximately 46 legally recognized political parties; deputies of 9 different parties were represented in the National Assembly.

c. Freedom of Religion.—The Constitution provides for freedom of religion and permits religious communities to govern themselves without state interference, and the Government generally respects these rights in practice. The government-sponsored National Islamic League (NIL) represents the country's Sunni Muslim majority, who make up 85 percent of the population. The Government requires that all recognized Christian churches join the Association of Churches and Missions in order to benefit from certain government privileges, such as tax benefits and energy subsidies. Missionary groups are required to make a declaration of their aims and activities to the Ministry of Interior or to the NIL.

The NIL states that it supports peaceful coexistence with other religious denominations and actively attempts to facilitate dialog to eliminate ethnic and religious tensions. Although the Government and the NIL have spoken out against the proliferation of Shi'a fundamentalist sects on the grounds that they "generate confusion and deviation" within the country's Islamic family, they have not restricted these groups. Foreign missionaries and church-affiliated relief agencies operate freely.

Government support of the powerful, semi-official NIL has led some non-Muslims to complain that the Government uses its influence to favor Muslims over non-Muslims, although non-Muslims are represented in the Cabinet, administrative bureaucracy, and the armed forces. Conversions of senior officials to Islam, such as that of the Defense Minister, are ascribed to the NIL's efforts to influence the religious beliefs of senior government leaders. The Government refrains from appointing non-Muslims to important administrative positions in certain parts of the country, in deference to the particularly strong social dominance of Islam in these regions.

There have been no recent reports that government officials have obstructed or limited missionary activities of Jehovah's witnesses, who had reported isolated instances of harassment in the past.

Despite claims of separation of church and state, in July the Government announced that it would finance the renovation of Conakry's grand mosque, the mosque at which President Conte practices.

In April 1999, for the first time, the Government required government ministers to take an oath on either the Koran or the Bible, which provoked criticism from those who saw the gesture as incompatible with the secular nature of the State.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides citizens with the right to travel freely within the country and to change their place of residence and work; however, authorities infringed on these rights in some areas. The Government requires all citizens to carry national identification cards, which they must present on demand at security checkpoints. Travelers face harassment by police and at military roadblocks, particularly late at night. The private press and local NGO's reported that travelers often are pressured to pay bribes to allow passage. Government officials state that the corruption is being perpetrated by a few rogue soldiers; however, abuse at official checkpoints is systemic.

During the June municipal elections, the Government closed roads in Conakry, preventing some voters from reaching polling stations (see Section 3).

Although the Government permits foreign travel for its citizens, it retains the authority to limit such travel for political reasons. In September the speaker of the National Assembly complained that his passport was confiscated at Conakry's Gbessia Airport upon his return to the country. The Government claimed that it was a simple misunderstanding and said that the passport was taken for courtesy check-in. Similarly two National Assembly delegates reported that they were not given diplomatic passports because they were opposition party members.

Following an August 13 release into Guinea of humanitarian workers held hostage in Kolahun, Liberia, by a dissident group, the Government closed its border with Liberia (see Section 1.d.). The border was reopened, and as of year's end, the border remained officially open.

The Government closed its border with Sierra Leone intermittently. At the beginning of August, the Government closed the border, later allowing access only to "vulnerable" refugees, including pregnant and lactating women, children below the age of 18, and the elderly. At the beginning of September, the U.N. High Commissioner for Refugees (UNHCR) confirmed that at least 10,000 civilians were waiting to cross the border, and that a pregnant woman and at least 10 children had died due to poor conditions in makeshift camps on the border.

There are approximately 150,000 to 200,000 internally displaced persons (IDP's) in the country as a result of the border attacks by RUF rebels from Sierra Leone and Liberian forces. The Government estimated this number at 209,000; however, the UNCHR believed that the number was lower.

The law includes provisions for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the UNHCR, the World Food Program, other humanitarian organizations, and donor countries to assist refugees. The Government provides first asylum in accordance with U.N. and Organization of African Unity conventions. The UNHCR stated that as of October 3, approximately 500,000 Liberian and Sierra Leonean refugees were resident in the country. According to the UNHCR, more than 200,000 Sierra Leoneans entered Guinea since January 1998 and are mostly in the forest region. The Government claims that many more refugees are present in the urban areas of the country, and that the number of refugees in the country is closer to a million. Refugees account for half or more of the populations of the forest region cities of N'Zerekore, Gueckedou, and Macenta. Almost all of the refugees from Guinea-Bissau were repatriated by year's end.

In past years, the Government has provided school buildings, access to local medical facilities, and land for farming to assist those designated as refugees. However, relief organizations reported that some local authorities have demanded portions of donated fuel and food from delivery convoys. In October instability in the southern border areas where most refugees lived prompted the Government and the UNHCR to call for assistance in moving refugees away from the border. However, although the Government initially was reluctant to allocate suitable arable land for the establishment of new refugee camps further from the border, it did so by year's end.

In previous years, the Government generally was hospitable toward refugees; however, as crossborder raids by RUF rebels from Sierra Leone and Liberian forces intensified, the Government increasingly become less tolerant toward refugees. There was credible evidence that RUF forces used refugees as informants and disguised themselves as refugees to prepare for attacks on the country. For example, in early September, after a series of rebel raids into the country, President Conte, in a radio address, accused Liberian and Sierra Leonean refugees living in the country of fomenting war against the Government. Soldiers, police, and civilian militia groups rounded up thousands of refugees, some of whom they beat and raped (see Section 1.c.). Approximately 3,000 refugees were detained, although most were released by year's end (see Section 1.d.). HRW confirmed that a refugee died while in detention (see Sections 1.a. and 1.c.).

Reports have become rare that police and border patrol guards demanded bribes before allowing refugees into the country or that some border officers demanded sex from women who lacked money to pay bribes. However, there were some reports that refugees were forced to pay bribes to leave refugee camps guarded by the armed forces and then were forced to pay bribes to get past many of the checkpoints. Security forces arrested suspected rebels at the border as they tried to enter the country.

Vigilante groups attacked Liberian nationals in Conakry on several occasions. Refugees in Katkama camp reported at least two instances of sexual assault by vigilantes during the year. Groups of vigilantes in the Gueckedou area forced refugees and humanitarian workers to undress and then examined them for tattoos, which are presumed to be identification marks for rebel groups (see Sections 1.c. and 1.d.).

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

Although the 1990 Constitution provides for a popularly elected President and National Assembly, the ability of citizens to exercise this provision effectively is restricted. The Government's tight and sometimes partisan control of the electoral process and lack of an independent electoral oversight mechanism call into serious doubt the ability of citizens to change their government peacefully.

Although opposition political parties have been legal since 1991, the Government has continued to dominate the electoral process; General Conte has remained President, and his PUP party has retained a majority in the National Assembly. The Government controlled the first multiparty presidential election in 1993 and the first multiparty legislative elections in 1995, limiting the opposition to a subordinate role.

Municipal elections took place on June 25; however, national legislative elections were postponed indefinitely at the request of both the PUP and opposition parties. In the June elections, President Conte's ruling PUP party claimed victory in 32 of 38 municipalities. The announcement of the results was delayed for several days in the wake of postelection violence. Reportedly the police killed eight persons during clashes between opposition demonstrators and police, and injured several more (see Section 1.a.). A diplomatic observer noticed an increased military presence in the interior municipalities of Mamou and Kankan, and on June 28, he witnessed eight soldiers beating three unresisting citizens (see Section 1.c.). The Government claimed that the elections were free and transparent, but the opposition strongly disagreed and claimed credibly that the Government and the ruling party engaged in massive "obstruction, fraud, and intimidation" (see Sections 1.d. and 2.d.). Opposition figures alleged that the Government manipulated the voting by facilitating multiple ballot-casting by ruling party regulars and denying voting cards to opposition party supporters. President Conte made inflammatory and partisan speeches in June and July, threatening opposition leaders with arrest and claiming to rule the country by "divine right," which widely were considered as attempts to intimidate his opponents. During the June municipal elections, the Government closed some roads in Conakry, ostensibly to prevent election fraud; however, in practice it prevented many voters living outside the district in which they were registered from reaching their polling stations and voting (see Section 2.d.). Candidates of a new party led by former Prime Minister Sidya Toure were denied access to the electoral process.

When the victorious PUP councils could not agree on who should be appointed to leadership positions, President Conte named several mayors himself, in a move that observers criticized widely as unconstitutional and irregular.

The country's second multiparty presidential election was held on December 14, 1998, under a somewhat improved electoral process; however, the Government continued to refuse to establish a national election commission independent of the Government, despite opposition demands. In September 1998, the Government and the CODEM, an umbrella group of opposition parties formed in 1995, agreed to establish a Superior Council for Electoral Affairs (SCEA) and local vote counting commissions, composed of CODEM as well as government and ruling party representatives, with oversight authority over local vote counting and transmission of local results to Conakry. However, the Government retained exclusive control of all registration and election procedures up to and including the casting of votes, as well as of the national tabulation of election results.

According to the Government's tabulation of results, President Conte was elected to a second 5-year term, receiving 56 percent of the 2.7 million votes cast, while Bah Mamadou of the Union pour la Nouvelle Republique received 25 percent and Alpha Conde of the RPG received 17 percent. Had no candidate received a majority of

votes cast, the Constitution would have required a second election between the two leading candidates.

The election was much more transparent and fair than the 1993 presidential election. Observers from various organizations affiliated chiefly with developing countries issued a statement that found no fault with the election-day vote-casting process; however, observers from European and other credible foreign organizations did not endorse that statement, which was issued before the election results were announced and did not address the registration, campaigning, and vote-counting processes.

The 1998 presidential election was marred by violence and disruption of opposition campaigning before the polling, by civil unrest after the polling, by widespread and diverse irregularities that tended to favor the incumbent, and by the arrest and detention of major opposition candidates during the vote-counting process.

There were credible reports during the 1998 election campaign that ruling party supporters and government officials used force to prevent or disrupt opposition party meetings in Conakry and in provincial towns during the campaign. Violence between PUP and opposition party supporters, as well as violent interethnic clashes with political overtones in Conakry, was frequent and widespread during the election campaign (see Section 5).

Opposition candidates suffered from inferior access both to state election funds and to coverage by the state-monopolized domestic broadcast media, although the Government allotted each candidate an equal amount of television and radio broadcast time each day throughout the 1998 campaign.

On election day, international observers noted a shortage of ballots for opposition candidates in some districts of Conakry, but an abundance of ballots for President Conte. There were no charges of widespread, systematic obstruction of pollwatchers, but opposition pollwatchers often were absent from heavily proConte areas, suggesting at least selective obstruction. Opposition party officials charged that security forces arrested and detained over 100 opposition pollwatchers on election day; manipulated voting procedures in some areas; and overlooked irregularities in voter registration and in ballot-counting procedures. Members of the armed forces were required to vote on the premises of the military installations to which they were posted and were subject to strong pressures to vote for President Conte.

The Government postponed the announcement of its tabulation of the election results from December 16 to December 17, 1998. During the interim, there was violence and looting in several areas.

Members of the PUP continue to hold 60 seats in the unicameral National Assembly, 1 short of the supermajority required to amend the Constitution.

The President continued to hold the power to appoint the governors, prefects, and their deputies to administer regions and subregions respectively. Most of these officials are members of the PUP or of parties allied with it.

Local governments generally have limited autonomy. Although they have some financial resources with which to fund local programs, most of their funds are controlled by the central Government. However, local government staff members, such as deputy prefects, are hired and can be fired by local authorities and are not considered central government employees.

Women are underrepresented in government and politics. Four women hold seats in the 26-member Cabinet in the Ministry of Foreign Affairs, the Ministry of Commerce, the Ministry of Tourism, and the Ministry of Social Affairs and Promotion of Women. There are 9 female deputies in the 114-member National Assembly. There are few women at senior levels below minister, and there are no women in the senior ranks of the armed forces. Women also play a minor role in the leadership of the major political parties.

The Cabinet and armed forces leadership includes representatives of all major ethnic groups. However, a disproportionate number of senior military officers are Soussou, the President's ethnic group.

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

Local NGO's primarily interested in human rights issues include: The Guinean Organization for the Defense of Human Rights; the Diallo Telli Foundation; the Guinean Human Rights Association; the Children of the Victims of Camp Boiro; S.O.S. Burial Grounds; the Association of Victims of Repression; Humanitarian Assistance for Prisons; Defense of Prisoners' Rights; Women Jurists for Human Rights; the Committee for the Defense of Civic Rights; and the Coordinating Committee on Traditional Practices Affecting Women's and Children's Health. Government officials are generally cooperative and responsive to their views; however, some organizations allege that government officials try to intimidate them, and that they often

meet resistance when trying to investigate abuses or engage in civil education. Various government officials have blocked private efforts to memorialize victims of the Sekou Toure regime that ruled the country from independence until 1984.

A human rights office within the Ministry of Defense, International Humanitarian Rights, has conducted over 100 human rights seminars since 1994 to teach military personnel about human rights recognized by international and regional agreements.

In November 1999, the ICRC signed a detention accord with the Government for full access to prisoners. In January the ICRC suspended its prison visits because it was denied access to some prisoners, including Alpha Conde; however, the ICRC reported that it had access to prisoners, including Alpha Conde, at year's end.

Following a series of crossborder raids by rebels, several NGO's suspended activities due to insecurity.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution states that all persons are equal before the law regardless of gender, race, ethnicity, language, beliefs, political opinions, philosophy, or creed; however, the Government does not enforce these provisions uniformly.

Women.—Violence against women is common, although estimates differ as to the extent of the problem. Wife beating is a criminal offense and constitutes grounds for divorce under civil law; however, police rarely intervene in domestic disputes.

Although the Government has made regular statements in the media against sexual harassment, women working in the formal sector in urban areas complain of frequent sexual harassment. The social stigma attached to rape prevents most victims from reporting it. In particular marital rape goes unreported, because most women and men view it as the husband's right. Several local NGO's are working to increase public awareness of the nature of these crimes and promote increased reporting. The Government has not pursued vigorously criminal investigations of alleged sexual crimes. There were reports that women were trafficked for the sex trade and illegal labor (see Section 6.f.).

The Constitution provides for equal treatment of men and women, and the Ministry of Social Affairs and Women's Promotion works to advance such equality; however, women face discrimination throughout society, particularly in rural areas where opportunities are limited by custom, and the demands of childrearing and subsistence farming. For example, on February 7, President Conte remarked in a speech that there were too many women in the customs service, and then he gave instructions to recruit only men for the customs service. Women are not denied access to land, credit, or businesses, but inheritance laws also favor male heirs over females. Government officials acknowledged that polygamy is practiced commonly. Divorce laws generally tend to favor men in awarding custody and dividing communal assets. Legal evidence given by women carries less weight than that given by men (see Section 1.e.). The Government has affirmed the principle of equal pay for equal work; however, in practice women receive less pay than men in most equally demanding jobs.

On May 17, the Government instituted a working plan to analyze the situation of women and children in the country. The program involves workshops and training for security and judicial personnel, as well as the education community.

Children.—The Constitution provides that the Government has a particular obligation to protect and nurture the nation's youth, and the Government allocates a significant percentage of the budget to primary education. There is a Minister of Youth and a Cabinet Minister, appointed by the President, charged with defending women's and children's rights, and in 1996 created a permanent committee dedicated to defending the rights of the child, with members chosen from different ministries, NGO's, and other sectors. The Government provides free, compulsory primary school education for 8 years; however, enrollment rates are low due to school fees and lax enforcement of the laws mandating school attendance. Approximately 51 percent of all eligible students are enrolled in primary school, including 66 percent of eligible boys compared with only 37 percent of eligible girls. Girls often are taken out of school and sent to work to help pay for their brothers' educational expenses. In 1999 the Government spent less than 6 percent of the national budget on education and training programs.

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, is very widespread. It is practiced widely in all regions and among all religious and ethnic groups. FGM is illegal under the Penal Code, and senior officials and both the official and private press have spoken against the practice; however, there have been no prosecutions for violations of the code. FGM is performed on girls and women between the ages of 4 and 70, but exact figures on this procedure are difficult to establish due to its

private nature. The Coordinating Committee on Traditional Practices Affecting Women's and Children's Health (CPTAFE), a local NGO dedicated to eradicating FGM and ritual scarring, cited a recent decline in the percentage of females subjected to FGM, estimating the figure to be between 65 and 75 percent. A 1999 Demographic Health Survey estimates that over 99 percent of females undergo FGM. Expert estimates vary between 65 and 90 percent. The lower figure, if accurate, would represent a decline over recent years due to education of the population by women's rights groups about the health risks involved with the practice. However, infibulation, the most dangerous form of FGM, still is performed in the forest region, but less frequently than in previous years. Despite diseases resulting from crude and unsanitary surgical instruments and deaths resulting from the practice, the tradition continues, seriously affecting many women's lives. FGM also increases the risk of HIV infection since unsterilized instruments are shared among participants.

The Government has made efforts to educate health workers on the dangers of this procedure, and it supports the CPTAFE's efforts. The CPTAFE reports high rates of infant mortality and maternal mortality due to FGM. In March 1997, working in collaboration with the World Health Organization, the Government initiated a 20-year strategy to eradicate FGM.

A growing number of men and women oppose FGM. Urban, educated families are opting increasingly to perform only a slight symbolic incision on a girl's genitals rather than the complete procedure. In November 1999, the CPTAFE held a large public ceremony celebrating the "laying down of the excision knife" in which some traditional practitioners of FGM pledged to discontinue the practice; however, most of those who perform FGM oppose its eradication since it is quite lucrative for them.

The CPTAFE, in conjunction with the Government, local journalists, and international NGO's, also is promoting an education campaign to discourage underage marriage. Although such marriages are prohibited by law, parents contract marriages for girls as young as 11 years of age in the forest region.

Prostitution exists in the informal economic sector and employs girls as young as 14 years of age. The Government does not take action when prostitution of minors is brought to its attention, and it does not monitor actively child or adult prostitution. There were reports that girls were trafficked for prostitution and other labor (see Section 6.f.).

Child labor remains a problem (see Section 6.d.).

People with Disabilities.—The Constitution provides that all persons are equal before the law. There are no special constitutional provisions for the disabled. The Government has not mandated accessibility for the disabled, and few disabled persons work, although some develop opportunities in the informal sector.

Religious Minorities.—Relations between the various religions are generally amicable; however, in some parts of the country, Islam's dominance is such that there is strong social pressure that discourages non-Muslims from practicing their religion openly.

In January violent clashes between Christian and Muslim villages in the forest region left 30 persons dead. According to both the Secretary General of the Islamic League and the Archbishop of Conakry, the tensions were due primarily to a long-running land dispute, and they were not based on religion. The conflict calmed down after a visit by the Minister of Territorial Administration and Decentralization, but the region remained tense.

National/Racial/Ethnic Minorities.—The country's population is ethnically and regionally diverse. No single ethnic group constitutes a majority nationwide. The largest ethnic groups are the Puhlar, also called Peuhl or Fulani (about 40 percent of the population), the Malinke (about 30 percent), and the Soussou (about 20 percent). Each group speaks a distinct primary language and is concentrated in a distinct region: The Soussou in lower Guinea; the Puhlar in middle Guinea; and the Malinke in upper Guinea.

While the Constitution and the Penal Code prohibit racial or ethnic discrimination, ethnic identification is strong. Mutual suspicion affects relations across ethnic lines, in and out of the Government. Widespread societal ethnic discrimination by members of all major ethnic groups is evident in private sector hiring and buying patterns, in urban neighborhoods that tend to be segregated ethnically, and in the relatively low levels of interethnic marriage, even in cities. The proportion of public sector positions occupied by Soussous, particularly at senior levels, is perceived widely as exceeding their share of the national population.

The ruling PUP party, although generally supported by Soussous, has transcended ethnic boundaries more effectively than the major opposition parties, which have readily identifiable ethnic and regional bases; the UNR's main base is the Puhlar, while the RPG's main base is the Malinke. Soussou preeminence in the pub-

lic sector and Malinke migration into the traditional homelands of smaller ethnic groups in the forest region have been major sources of political tensions that sometimes have erupted into violence.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of employees to form independent labor unions and prohibits discrimination based on union affiliation. Approximately 160,000 workers were reported as unionized, although inadequate labor statistics make it difficult to estimate the exact percentage of workers in unions. About 52,000 are government workers and are automatically members of the government union. The rest are engaged in private, mixed, and informal sectors. The largest independent union, Union Syndicale des Travailleurs de Guinee (USTG), claims 64,000 members, 18,000 of whom are women.

The Labor Code states that all workers, except military and paramilitary personnel, have the right to create and participate in organizations that defend and develop their individual and collective rights as workers. The Labor Code requires elected worker representatives for any enterprise employing 25 or more salaried workers.

The National Confederation of Guinean Workers (CNTG) was the sole trade union before the Labor Code was enacted. CNTG is an umbrella organization for 16 individual unions of government employees, and each of the 16 individual unions is tied to a government ministry. Although there are now other trade unions and labor confederations, the CNTG remains the largest confederation.

The CNTG is funded indirectly by the Government, although dissident members seek to increase the Confederation's freedom from government control. Independent unions and confederations have gained popularity, such as the Free Union of Teachers and Researchers of Guinea, the Professional Union Federation for Education, and the National Organization for Free Trade Unions of Guinea. Several dissident groups within the CNTG left the Confederation in 1996 citing corruption among its leadership. These groups joined with some independent unions to form the United Syndicates of Guinean Workers (USTG).

The Labor Code grants salaried workers, including public sector civilian employees, the right to strike 10 days after their representative union makes known its intention to strike. It prohibits strikes in sectors providing "essential services," which include hospitals, radio and television, army, and police, communications, and transport services.

Strikes are met with intimidation from security forces and, as a result, often do not make it out of the organizational stage. In a 1999 speech to workers at the Coyah water plant, President Conte spoke of the willingness of many unemployed workers to take the places of those who strike. One organization, SAG, tried to organize a strike, and called in the USTG to advise; however, the strike never got out of the planning stage because the organizers were fired quickly by their employers.

The Government continues to subsidize CNTG representatives to the International Labor Organization (ILO) conferences, by paying their travel and lodging expenses. Other independent unions must provide their own funding to attend ILO conferences.

Unions may affiliate freely with international labor groups.

b. The Right to Organize and Bargain Collectively.—Under the Labor Code, representative workers' unions or union groups may organize in the workplace and negotiate with employers or employer organizations. The law protects the right to bargain collectively concerning wages and salaries without government interference. Work rules and work hours are established by the employer in consultation with union delegates. The Code also prohibits antiunion discrimination. Union delegates represent individual and collective claims and grievances with management. However, in regional and prefecture levels, unionized labor faces stiff opposition from government officials. Union officials are selected on the basis of nepotism and patronage, rather than through a hierarchy of competence; these individuals are not sensitized to the rights of workers, and often view unions as an enemy of the State. As a result, union activities in the interior face harassment and interference from many governors and prefects. Individual workers threatened with dismissal or other sanctions have the right to a hearing before management with a union representative present and, if necessary, to take the complaint to the Conakry Labor Court, which convenes weekly to hear such cases. In the interior, civil courts hear labor cases.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Labor Code specifically forbids forced or compulsory labor, including forced and bonded labor by children; however, there were reports that women and girls were trafficked (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—According to the Labor Code, the minimum age for employment is 16 years. Apprentices may start to work at 14 years of age. Workers and apprentices under the age of 18 are not permitted to work at night, for more than 12 consecutive hours, or on Sundays. The Labor Code also stipulates that the Minister of Labor and Social Affairs must maintain a list of occupations in which women and youth under the age of 18 cannot be employed. In practice enforcement by ministry inspectors is limited to large firms in the modern sector of the economy. In 1997 the Ministry of Planning estimated that in rural areas, approximately 66 percent of children between the ages of 7 and 14 were employed; the rate jumped to 91 percent in the 15 to 19 age group. In urban areas, approximately 19 percent of children between the ages of 7 and 14 were employed; the rate jumped to 50 percent for children between the ages of 15 and 19. Overall about 48 percent of children under age 15 were employed, accounting for approximately 20 percent of the total working population and 26 percent of agricultural workers. The Government has not ratified the ILO Convention 182 on the worst forms of child labor. Child labor in factories is not a prevalent problem because of the low level of manufacturing. Working children are found mostly in the informal sector areas of subsistence farming, petty commerce, and smallscale mining. Girls as young as age 14 engage in prostitution (see Section 5). The worst forms of child labor can be found in the artisanal mining sector where children haul granite and sand for little or no money. The Government has spoken out against child labor, but lacks the resources, enforcement mechanism, and the legislative will to combat the problem. As a result, child laborers do not have access to education or health care; they suffer from chronic malnutrition, traumatic stress, and depression.

The Government prohibits forced and bonded child labor; however, there were reports that girls were trafficked (see Section 6.f.).

e. Acceptable Conditions of Work.—The Labor Code of 1988 provides for the establishment by decree of a minimum hourly wage; however, the Government has not done this. Prevailing wages often were inadequate to provide a decent standard of living for a worker and family. There also are provisions in the code for overtime and night wages, which are fixed percentages of the regular wage.

According to the Labor Code, regular work is not to exceed 10hour days or 48-hour weeks, and there is to be a period of at least 24 consecutive hours of rest each week, usually on Sunday. Every salaried worker has the legal right to an annual paid vacation, accumulated at the rate of at least 2 workdays per month of work. In practice the authorities enforce these rules only in the relatively small modern urban sector.

The Labor Code contains provisions of a general nature regarding occupational safety and health, but the Government has not elaborated a set of practical workplace health and safety standards. Moreover, it has not issued any of the ministerial orders laying out the specific requirements for certain occupations and for certain methods of work that are called for in the Labor Code. The Ministry of Labor and Social Affairs is responsible for enforcing labor standards, and its inspectors are empowered to suspend work immediately in situations hazardous to health; however, enforcement remained more a goal than a reality. Labor inspectors acknowledge that they cannot cover even Conakry, much less the entire country, with their small staff and meager budget.

Under the Labor Code, workers have the right to refuse to work under unsafe conditions without penalty. Nevertheless many workers fear retaliation should they refuse to work under unsafe conditions. Employees in high-risk professions, such as night guards, drivers, and police, have protested conditions without result. Sodefa, a joint venture of the Guinean and Chinese Governments, was criticized for inhuman working conditions, but when workers tried to protest, security forces were called to disperse them.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, some NGO's report that women and children are trafficked within the country, as well as internationally, for the sex trade and illegal labor. Accurate statistics are difficult to obtain, because victims do not report the crime due to fear for their personal safety.

GUINEA-BISSAU

President Koumba Yala was elected in January with a 72 percent electoral majority in a runoff election following multiparty elections in November 1999.[1] Both elections were considered by local and international observers to be generally free and fair, although there were reports of some irregularities in the November 1999 election. The Social Renewal Party (PRS), Yala's party, also won 38 of 102 National Assembly seats in the November 1999 elections. The PRS victory ended the 26-year domination of the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC). In January President Yala named 16 former Junta members as Ministers, creating an uneasy power-sharing arrangement between the military and the civilian government. In March at the behest of the U.N. Office on Guinea-Bissau (UNOGBIS), the U.N. Security Council called on all parties, particularly the military junta that deposed President Bernardo Viera in May 1999, to uphold the results of the election. However, General Ansumane Mane, head of the military junta, did not accept the authority of the elected government completely. The coalition government did not resolve fully the issues of control over the budget and the military. This uneasy coalition lasted for most of the year, as Mane placed increasing restrictions on the elected civilian government. However, in November Yala nominated 30 members of the armed forces for promotion without consulting Mane. In response Mane placed the Chief of Staff of the Armed Forces under house arrest, declared himself Chief of Staff, and directed his soldiers to disarm the Presidential Guard. The Presidential Guard and other elements of the armed forces refused to take part in the coup, and General Mane and approximately 35 supporters fled the capital. For a week, they hid in the countryside; however, on November 30 in Quinhamel, 40 miles north of Bissau, Mane and his supporters were surrounded, and Mane was killed in an exchange of gunfire with government forces. Subsequently President Yala reshuffled his cabinet in an effort to control the military and move forward with reconstruction. The Constitution provides for an independent judiciary; however, it is subject to political influence and corruption.

The police, under the direction of the Ministry of the Interior, have primary responsibility for the nation's internal security; however, a lack of resources and training continued to hamper their effectiveness. The armed forces are responsible for external security and may be called upon to assist the police in internal emergencies. Members of the police and the military committed serious human rights abuses.

The population of 1.2 million relies largely upon subsistence agriculture and the export of cashew nuts. Both activities were affected negatively by the fighting beginning in 1998. Annual per capita gross domestic product (GDP) prior to 1998 has been estimated at $840. Due to the conflict, GDP declined by 28 percent in 1998 but improved modestly in 1999 and during the year. Exports of cashew nuts returned to preconflict levels during the year. Commercial banks and other monetary institutions, which had ceased operations with the outbreak of hostilities in June 1998, reopened in July 1999. The country remains burdened by heavy external debt and massive underemployment.

The Government's human rights record was poor, and, while there were improvements in a few areas, serious problems remained. Citizens were allowed to vote in generally free and fair elections. Security forces committed some extrajudicial killings. The police and members of the armed forces continued to use beatings, physical mistreatment, other forms of harassment, and arbitrary arrest and detention. The Government did not punish any members of the security forces for abuses. Prison conditions remained poor. The Government at times used incommunicado detention. The judiciary is subject to political influence and corruption. The Government infringed on citizens" privacy rights. The Government at times limited freedom of the press, and journalists practiced self-censorship. The Government at times restricted freedom of movement. Violence and discrimination against women were problems. Female genital mutilation (FGM) was practiced widely. Child labor and some forced child labor persisted.

The conflict that ended with the May 1999 coup caused massive civilian dislocation and hardship, but by June 1999 most of the 350,000 internally displaced persons had returned to their homes. By the end of 1999, virtually all persons who sought refuge in neighboring countries had repatriated spontaneously.

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[1] On June 14, 1998 the United States Embassy suspended operations in the midst of heavy fighting in Bissau and all official personnel in the country were evacuated. This report is based on information obtained by U.S. embassies in neighboring countries and from other sources.

An estimated 2,000 persons were killed during the 11-month conflict between June 1998 and May 1999. Reports continued of deaths and injuries from land mines and unexploded shells that remain in populated areas.

Rebel forces were responsible for beatings, other forms of harassment, detention, robbery, and looting.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no political killings; however, on November 30, in the aftermath of an attempted coup, General Ansumane Mane and eight supporters were killed in an exchange of gunfire with government forces, while they were attempting to escape.

Troops loyal to or allied with President Vieira killed an unknown number of civilian noncombatants prior to the May 1999 coup.

Prior to the May 1999 coup, President Vieira took no action to encourage forces allied with him to minimize the loss of life among prisoners of war and the civilian population. During the 1999 coup, reports indicate that loyalist forces based in the Marinha district of the capital Bissau fired at advancing rebel forces and killed 60 civilians who had sought refuge in a nearby mission school. Overall, an estimated 2,000 persons were killed during the 11-month conflict. There was no investigation into nor action taken against the troops responsible for these killings by year's end.

No suspect has yet been named in the August 22, 1999, murder of Nicandro Barreto, Justice Minister under President Vieira. Barreto was strangled at his home in Bissau.

A mass grave uncovered in October 1999 contained the remains of 28 persons and was believed to include those of former Vice President Paolo Correia, former Attorney General Viriato Pa, and military officers sentenced to death in 1985 by a military tribunal on charges of an attempted coup. No action was taken in this case during the year.

The attack by rebel troops on the presidential palace in May 1999 reportedly left 70 persons dead. Reports indicated that indiscriminate rebel shelling in civilian neighborhoods killed noncombatants. No action was taken against any rebel troops by year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits cruel and inhuman punishment, and evidence obtained through torture or coercion is invalid; however, the Government often ignored these provisions, and security forces beat, mistreated, and otherwise abused persons. Human rights observers noted repeated instances of police and members of the armed forces beating and abusing civilians for minor social or legal infractions. Security and police authorities historically have employed abusive interrogation methods, usually in the form of severe beatings or deprivation. The Government rarely enforced provisions for punishment of abuses committed by security forces.

On September 7, Joao Monteiro, who had served as the intelligence chief under President Vieira, was convicted of torture and assault and sentenced to 12 years in prison. The Bissau Regional Court proved that while serving as Director General of State Security during the 1998 to 1999 crisis leading to the overthrow of Vieira, he had ordered the arrest of Ansumane Faty, who subsequently was tortured.

In November the Government arrested approximately 400 citizens and soldiers immediately following the attempted coup by General Mane (see Section 1.a.). Inacio Tavares, President of the Guinea-Bissau Human Rights League, alleged that the soldiers were held in three military camps, sometimes without drinking water, food, or medical attention. On December 14, he accused the military of physical abuse, torture, and persecution of the families of suspects. He called for accelerated hearings and permission for family visits, and, at year's end, all civilians and some soldiers were released; however, some soldiers remained in custody (see Section 1.d.).

Prior to the May 1999 coup, forces loyal to Vieira engaged in widespread harassment, including stopping civilians and subjecting them to degrading body searches without cause. In January 1999, there were reports that Senegalese soldiers, who had entered the conflict at Vieira's request, entered the Simao Mendes hospital in Bissau and removed a junta soldier who had been wounded in the conflict. The soldier was returned the next morning with several cuts and what appeared to be cigarette burns, as well as gangrene, which may have been related to his original combat wound. The soldier died within a few days. No action was taken against the soldiers by year's end.

In 1999 human rights monitors reported several incidents in which police accused of rape or the mistreatment of prisoners prior to the May 1999 coup were not prosecuted.

In 1999 there were credible reports that rebel soldiers beat and harassed civilians suspected of government sympathies.

Prison conditions remained poor, but generally they were not life threatening. Beatings and deprivation were used as a means of coercion. The June 1998 rebellion effectively stopped a program aimed at halting such methods. Prison authorities had very little control over inmates, many of whom simply left during the day. Following a request in 1998 by the Interior Minister for international donor assistance to rehabilitate the prisons, the European Union renovated two of them, but following the fighting in May 1999, no further repairs have been made. Many prisons were damaged during the fighting in May 1999, and the inmates escaped and have not been recaptured.

The Human Rights League was given access to most prisoners during the year, including 600 loyalist troops detained as prisoners of war following the May 1999 coup. Of those persons detained, 180 were released immediately and another 50 individuals were released within a month. At the end of 1999, more than 385 persons remained in detention; however, at year's end, only Afonso Te, Vieira's former deputy chief of staff, remained in prison (see Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, security forces arbitrarily arrested and detained persons.

The law provides for procedural rights, such as the right to counsel, the right to release if no timely indictment is brought, and the right to a speedy trial; however, in practice the judicial system generally failed to provide these rights.

Police detained suspects without judicial authority or warrants, occasionally using house arrest. Prior to the May 1999 coup, the Government held detainees without charge or trial for extended periods of time, sometimes incommunicado; however, during the year, such abuse was infrequent, and detainees were held for short duration. The authorities routinely did not observe bail procedures.

In November the Government arrested approximately 400 citizens and soldiers immediately following the attempted coup by General Mane. Inacio Tavares, President of the Guinea-Bissau Human Rights League, accused the military of physical abuse, torture, and persecution of the families of suspects. He called for accelerated hearings, and at year's end, many of the persons had been released (see Sections 1.a. and 1.c.).

On May 27, the Government arrested Fernando Gomes, the former president of the Guinea Bissau Human Rights League and president of the newly formed political party, Socialist Alliance of Guinea Bissau, and two television journalists. The three were held incommunicado for 2 days in a windowless, unlighted cell. They were charged with slander and defamation after Gomes publicly accused Prime Minister Caetano N'tchama of corruption, making false statements, and incompetence. All three were released on bail on May 29; charges against the journalists were dropped on May 30, and at year's end, no further action had been taken against Gomes.

Between November 24 and 26, the Government arrested several opposition politicians on suspicion that they supported the attempted coup by General Mane. Those detained included Francisco Benante, the president of the African Party for the Independence of Guinea (Bissau) and Cape Verde; Fernando Gomes; Fernando Mendoca; and several members of the Union for Change opposition party, including Amine Saad—the former Procurator General, Manuel Rambout Barcelos, Caramba Ture—an M.P., and Agnello Regala—director of Bombolon radio. Reportedly they were held for almost a week before a judge released them for lack of evidence. President Yala invalidated their passports and placed them under house arrest in Bissau. At year's end, some remained under house arrest.

Amnesty International accused the Government of isolated incidents of arbitrary arrest and harassment.

Following the May 1999 coup, the Government detained as prisoners of war about 600 of the loyalist forces who had defended Vieira; 180 of these soldiers were released immediately, and another 50 were released within a month. At the end of 1999, more than 385 remained in detention; however, at year's end, only 1 senior official associated with the May 1999 coup remained in prison (see Section 1.c.).

The Government does not use forced exile. Following the May 1999 coup, the military junta allowed President Vieira safe passage to leave the country for The Gambia to receive medical treatment, reportedly with the understanding that he would return to the country to stand trial on charges of corruption and human rights abuses. After leaving the country, Vieira traveled to Portugal and was granted asy-

lum. In October 1999, the Attorney General traveled to Portugal to present evidence of human rights abuses by Vieira and to request his return to Guinea-Bissau to stand trial. The Government of Portugal stated that it had not received a request for Vieira's extradition, and there is no indication the Government has requested his extradition.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, judges are trained and paid poorly, and sometimes are subject to political pressure and corruption. The Supreme Court is especially vulnerable to political pressure, because its members are appointed by the President and serve at his pleasure. The judiciary is reluctant to decide cases of a political nature. Cases against several former members of the Government were delayed. The Supreme Court failed to deal impartially with highly charged political cases. However, there is some evidence that the judiciary retains a degree of independence. Most officials who were charged with treason immediately following the ouster of former President Vieira in May 1999 have been acquitted for lack of evidence. The Chief Justice of the Supreme Court was elected democratically by his colleagues on November 22 and officially installed on December 6; he was not appointed by the President.

Trials involving state security are conducted by civilian courts. Under the Code of Military Justice, military courts try only crimes committed by armed forces personnel. The Supreme Court is the final court of appeal for both military and civilian cases. The President has the authority to grant pardons and reduce sentences.

Citizens who cannot afford an attorney have the right to a court-appointed lawyer.

Traditional law still prevails in most rural areas, and urban dwellers often bring judicial disputes to traditional counselors to avoid the costs and bureaucratic impediments of the official system. The police often resolve disputes.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Home, or Correspondence.—The Constitution provides for the inviolability of domicile, person, and correspondence; however, the Government does not always respect these rights. The police do not always use judicial warrants and have forced entry into some private homes.

Loyalist forces reportedly searched private residences in Bissau without cause and without warrants. Loyalist forces allegedly were guilty of theft from both private homes and stores.

International and domestic mail at times was opened; however, this violation was by poorly paid postal employees in search of money or other valuables, not by security personnel. Limited mail service resumed in June 1999, after a 1-year shutdown following the destruction of the country's main post office building during the 1998 rebellion.

Rebel forces allegedly stole from private homes and stores.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press; however, the Government at times limited these rights in practice, and journalists continued to practice self-censorship.

Amnesty International alleged that in some cases the Government intimidated journalists. On May 17, soldiers fired shots and entered the office of the newspaper Diario de Bissau to threaten a journalist who wrote an opinion piece critical of President Yala's wife. Journalists of the national press faced retribution for making comments critical of government operations.

Prior to the outbreak of hostilities in June 1998, the print media consisted of one independent daily, three independent weeklies, one government-owned biweekly, and one independent monthly. All of the newspapers during the year published only sporadically due to financial constraints and dependence on the state printing house. The national printing press, the only facility for publishing newspapers in the country, often lacked the raw materials to publish them. At the end of the year, the government-owned Diario de Bissau published several times a week; other newspapers, Banobero, Gazeta de Noticias, and No Pintcha, were weeklies.

Prior to the 1998 rebellion, there were three independent radio stations and one government-controlled station in Bissau. In addition Radio Portugal and Radio France International broadcasts were received from Lisbon and Paris. There were also three community radio stations operated by the indigenous nongovernmental organization (NGO) Action for Development. One independent station rebroadcast the British Broadcasting Corporation and another rebroadcast the Voice of America. The government-controlled national radio continued to transmit from Radio Mavegro facilities that it took over in June 1998. The Voice of the Military Junta broadcasts from facilities that formerly broadcast Radio Bombolom, whose owner sympathized with the rebels. During the year, the independent stations Radio Pidjiguiti and Radio Mavegro resumed broadcasting; however, the NGO-assisted

community stations have not resumed operations. Reportedly the government-controlled stations practice self-censorship.

In December the Director of National Radio, Julio Ca, was suspended by government authorities; journalists said that they accused the Director of unbecoming behavior and censoring some stories.

On May 27, the Government arrested two television journalists, for reporting a politician's allegations of corruption and incompetence against the Prime Minister. They were held incommunicado for 2 days in hot, dirty, and unlighted cells. On May 29, they were charged with slander and defamation and released from custody. After a meeting between the Prime Minister and journalists on May 30, all charges were dropped. In November the Government detained the director of Radio Bombolon. Many foreign journalists were able to circulate and report on political developments, including the January election.

The Internet is available in the country; there were no reports of government interference.

Academic freedom generally was observed until the outbreak of fighting in 1998. After ceasing to function following the June 1998 rebellion, schools and research institutions reopened in most parts of the country in March 1999.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government respected this right in practice. Government approval is required for all assemblies and demonstrations. Prior to the June 1998 rebellion and following the May 1999 coup, the Government approved all such requests. There were no public assemblies or demonstrations between June 1998 and May 1999. Following the May 1999 coup, numerous organizations held rallies, some of which were critical of the Government; however, there were no reports of demonstrations during the year.

The Constitution provides for freedom of association, and the Government respected this right in practice. The Government did not prohibit or discourage the formation of associations; however, all private associations were required to register with the Government. There were no reports of associations being denied registration.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respected this right in practice.

Although the Government must license religious groups, no applications were refused during the year; however, there were no reports that applications were made.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government limited them in practice. Checkpoints and police harassment occurred frequently during the year. After the outbreak of fighting in 1998, vehicle traffic was curtailed severely; however, during the year, such restriction was intermittent. Both government and rebel forces blocked the road from Bissau to the interior and interfered with the free movement of traffic. The Government carefully controlled movement within Bissau, prohibiting most traffic. Movement in the interior was restricted to a lesser extent, but it was still subjected to occasional interference by both government and rebel forces. The land borders with Senegal were closed to travelers during the early stages of the conflict. Later, Senegal allowed humanitarian convoys to transit the border. Land borders with Guinea generally remained open. The national airport, which had remained under rebel control after the outbreak of fighting, was reopened to commercial traffic in May 1999. Several times during the year, the Government closed the border with Senegal in reaction to cross-border raids by bandits in both countries. On September 6 and 7, the Governments of Senegal and Guinea-Bissau pledged to work to restore free trade and eliminate criminal cross border activities.

The Minister of the Interior issues passports. Citizens have the right to return and are not subject to political revocation of their citizenship.

The conflict that ended with the May 1999 coup caused massive civilian dislocation and hardship; however, by year's end, most of the 350,000 internally displaced persons had returned to their homes; all areas of the country were open to returning citizens. By the end of 1999, virtually all persons who sought refuge in neighboring countries had repatriated spontaneously.

The Government does not have formal provisions to recognize refugee status, but it was granted on a case-by-case basis. The Government has provided first asylum to refugees from the conflicts in Liberia, Sierra Leone, and the Casamance region of Senegal. A January 1998 U.N. High Commissioner for Refugees (UNHCR) census revealed the presence of just under 5,000 Senegalese refugees in Guinea-Bissau. The majority of these persons were found along the country's northern border with Senegal. Prior to the outbreak of hostilities in 1998, the UNHCR established a refugee camp south of the border region at Jolomete, which housed about 700 refugees.

After the May 1999 coup, the UNHCR continued efforts to relocate these refugees, most of whom were displaced internally when the fighting erupted.

No refugees were deported forcibly to a country where they feared persecution. Foreign refugees who fled Bissau with the outbreak of fighting are believed to have done so voluntarily.

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

President Koumba Yala was elected in January with a 72 percent electoral majority in a runoff election following multiparty elections in November 1999. Yala defeated interim president Malam Bacai Sanha of the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC). Both elections were considered to be generally free and fair by international observers, foreign diplomats, and local NGO's. Yala's party, the Partida de Renovacao Social (PRS), won 38 of 102 National Assembly seats. The victory of the PRS ended the 26-year domination of the PAIGC.

The African Party for the Independence of Guinea Bissau and Cape Verde (PAIGC), the country's only legal party from 1974 to 1991 and the majority party in the National Assembly until the November 1999 elections, won 24 of the 102 seats in the National Assembly, while opposition parties gained a majority. The Partido de Renovacao Sociat (PRS) won 38 seats, and the Resistencia da Guine Bissau (RGB) won 29 seats, while 4 other parties split the remaining 11 seats. The elections, which included candidates from 13 parties, as well as several independents, were judged to be generally free and fair by international observers, although they reported some irregularities.

In preparation for the November 1999 elections, the National Electoral Commission, with the assistance of the UNOGBIS, conducted a voter registration program among the estimated 1.2 million population. The current rolls showed 525,367 voters. About 400,000 persons voted in the November 1999 elections.

PRS leader Koumba Yala and interim President Malan Bacai Sanha of the PAIGC led a field of 12 candidates for president. Neither candidate secured an absolute majority as required by law, so Yala and Sanha faced each other in a second round of voting on January 16.

General Mane and the junta consistently declared that they would stay out of politics once a new civilian government was elected; however, Mane did not accept completely the authority of Yala's Government. When he was inaugurated in January, President Yala named 16 former junta members as Ministers, creating an uneasy power-sharing arrangement between the military and the civilian government. The resulting coalition government did not resolve fully issues of control over the budget and the military. This uneasy coalition lasted for most of the year, as Mane placed increasing restrictions on the elected civilian government. However, in November Yala nominated 30 members of the armed forces for promotion without consulting Mane. In response Mane placed the Chief of Staff of the Armed Forces under house arrest, declared himself Chief of Staff, and directed his soldiers to disarm the Presidential Guard. The Presidential Guard and other elements of the armed forces refused to take part in the coup, and General Mane and approximately 35 supporters fled the capital. For a week, they hid in the countryside, and on November 30 in Quinhamel, 40 miles north of Bissau, Mane and 8 of his supporters were killed in an exchange of gunfire with government forces. Subsequently, President Yala reshuffled his cabinet in an effort to control the military and move forward with reconstruction.

Adequate and timely payment of soldier and veteran benefits remained a concern. Some international loan funds were devoted to such payments; the problem of back pay for members of the armed forces remained unresolved at year's end.

The Government arrested several opposition politicians during the year (see Section 1.d.).

Women are underrepresented in government and politics. In the National Assembly, women occupy 9 of the 102 seats. In the Government of National Unity inaugurated in February 1999, 1 of 10 cabinet ministers was a woman; however, there are no female ministers in President Yala's government.

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

The Government did not interfere with the privately operated Guinea-Bissau Human Rights League (LGDH), and international human rights groups continued to investigate human rights abuses without government harassment. International and nongovernmental human rights groups, which effectively ceased operations with the outbreak of hostilities in June 1998, resumed activities following the inauguration of a Government of National Unity in February 1999.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution and law prohibit discrimination on the basis of sex, race, and religion; however, in practice, the Government does not enforce these provisions effectively.

Women.—Physical violence, including wife beating, is an accepted means of settling domestic disputes. Although police intervene in domestic disputes if requested, the Government has not undertaken specific measures to counter social pressure against reporting domestic violence, rape, incest, and other mistreatment of women.

Discrimination against women persists, although officially it is prohibited by law. Women are responsible for most work on subsistence farms and have limited access to education, especially in rural areas. Women do not have equal access to employment. Among certain ethnic groups, women cannot own or manage land or inherit property.

Children.—The Government allocates only limited resources for children's welfare and education. According to a November study by an international agency, enrollment in basic education rose from 42 percent in 1993 to 62 percent in 1998 (girls went from 32 percent to 45 percent, while boys went from 55 percent to 79 percent). However, in 1998 10 percent of rural schools offered only the first grade, and 23 percent offered only the first and second grades. Following the beginning of fighting in 1998, enrollment fell to 57 percent. Adult illiteracy is 66 percent for men and 82 percent for women.

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced widely within certain ethnic groups, especially the Fulas and the Mandinkas. The practice is increasing as the population becomes more Muslim and is being performed not only on adolescent girls, but also on babies as young as 4 months old. The Government has not outlawed the practice; however, it formed a national committee in the mid-1990's that continued to conduct a nationwide education campaign to discourage FGM. International NGO's, including the Swedish group Radda Barnen and Plan International, as well as several domestic NGO's, such as Friends of Children and Sinim Mira Nasseque, continued working through the national committee to eliminate FGM. The efforts of both domestic and international groups, largely suspended after the outbreak of fighting in June 1998, resumed in many parts of the country in February 1999.

People with Disabilities.—There is no law mandating accessibility. The law does not prohibit discrimination against the disabled specifically, and the Government does not ensure equal access to employment and education; however, there were no reports of overt societal discrimination. The Government has made some efforts to assist disabled veterans through pension programs, but these programs do not address adequately veterans' health, housing, and food needs; there are no reports of funds for special programs for the disabled.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides all civilian workers with the freedom to form and join independent trade unions. However, the vast majority of the population works in subsistence agriculture. Most union members are government or parastatal employees; only a small percentage of workers are in the wage sector and are organized.

The Government registers all labor unions. There are 11 labor unions registered and operating. All unions are officially independent of the Government, but seven unions are affiliated with the National Trade Union Confederation (UNTGB), which retains close informal ties with the PAIGC. The law does not favor UNTGB-affiliated unions over others. The Constitution provides for the right to strike and protection for workers from retribution for strike activities.

The only legal restriction on strike activity is the requirement for prior notice. In past years, several unions have conducted legal strikes with no retribution against the strikers; however, there were no strikes during the year.

Both enforcement of the law and the functioning of the formal economy, which largely ceased after the outbreak of hostilities in June 1998, returned to preconflict levels following the inauguration of a Government of National Unity in February 1999.

All unions are able to affiliate freely with national confederations and international labor organizations of their choice. The Uniao Nacional dos Trabalhadores da Guinea-Bissau (UNTGB) is affiliated with the International Confederation of Free Trade Unions. Other unions belong to International Trade Secretariats.

b. The Right to Organize and Bargain Collectively.—The Constitution does not provide for or protect the right to bargain collectively, and there were no instances

of genuine collective bargaining. Most wages are established in bilateral negotiations between workers and employers, taking into consideration the minimum salaries set annually by the Government's Council of Ministers.

The Government's provisions for the protection of workers against antiunion discrimination have very little effect due to low union membership. Although there are no laws providing sanctions against employers practicing such discrimination, no workers have alleged antiunion discrimination, and the practice is not believed to be widespread.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor, including that performed by children, is prohibited by law, and these prohibitions generally are enforced in the formal sector; however, children often are forced by their parents or guardians to work as street traders or agricultural laborers in the informal sector (see Section 6.d.). The Government has not taken action to combat such practices.

d. Status of Child Labor Practices and Minimum Age for Employment.—The 1986 General Labor Act established a minimum age of 14 years for general factory labor and 18 years for heavy or dangerous labor, including all labor in mines. These minimum age requirements generally are followed in the small formal sector, but the Ministry of Justice and the Ministry of Civil Service and Labor do not enforce these requirements in other sectors. Children in cities often work in street trading, and those in rural communities do domestic and field work without pay. The Government does not attempt to discourage these traditional practices.

The law prohibits forced or compulsory labor by children; however, while this prohibition generally is enforced in the formal sector, such labor occurs in the informal sector (see Section 6.c.).

The Government has taken no action on ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The Government's Council of Ministers annually establishes minimum wage rates for all categories of work but does not enforce them. The lowest monthly wage is approximately $15 (9,000 CFA). This wage is insufficient to provide a decent standard of living for a worker and family, and workers must supplement their income through other work, reliance on the extended family, and subsistence agriculture. The maximum number of hours permitted in a normal workweek without further compensation is 45, but the Government does not enforce this provision. With the breakdown of the formal economy in June 1998, most of the country returned to barter, and both the Government and the private sector lacked the funds to pay salaries. Following the inauguration of a Government of National Unity in February 1999, activity in the formal economy started to return to preconflict levels, and the Government was able to pay most salary arrearages.

With the cooperation of the unions, the Ministry of Justice and Labor establishes legal health and safety standards for workers, which then are adopted into law by the National Assembly. However, these standards are not enforced, and many persons work under conditions that endanger their health and safety.

Workers do not have the right to remove themselves from unsafe working conditions without losing their jobs. In view of high unemployment, a worker who left for such reasons would be replaced readily.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, through, or within the country.

KENYA

Kenya is a republic dominated by a strong presidency. President Daniel Arap Moi, who has led the Kenya Africa National Union (KANU) and served as President since 1978, was reelected most recently in 1997, in the country's second general election since the restoration of multiparty politics in 1991. Since independence in 1963, no president ever has left office in consequence of an election, and KANU has controlled both the presidency and the national legislature continuously, although other parties were illegal only from 1982 to 1991. KANU again won a majority in the 1997 legislative elections and at year's end, KANU members held 118 of 222 seats in the unicameral National Assembly. While there were numerous flaws in the 1997 elections, observers concluded that the vote broadly reflected the popular will. In addition to his role as President, Moi is the commander in chief of the armed forces, and he controls the security, university, civil service, judiciary, and provin-

cial, district, and local governance systems. The judiciary suffers from corruption and is subject to executive branch influence.

In addition to the armed forces, there is a large internal security apparatus that includes the police Criminal Investigation Department (CID), the National Security Intelligence Service (NSIS), the National Police, the Administration Police, and the paramilitary General Services Unit (GSU), which details members on a rotating basis to staff the 700-person Presidential Escort. The CID investigates criminal activity and the NSIS collects intelligence and monitors persons whom the State considers subversive. In 1999 in an effort to improve the accountability of investigative services, Parliament passed and implemented laws that removed arrest authority from the NSIS and separated the organization from the CID. Members of the security forces, especially the police, continued to commit serious human rights abuses.

The large agricultural sector provides food for local consumption, substantial exports of tea, coffee, cut flowers, and vegetables, and approximately 70 percent of total employment. Although many sectors continued to be dominated by state-owned monopolies, the nonfarm economy includes large privately owned light manufacturing, commercial, and financial sectors. Tourism was second only to tea exports as the largest single source of foreign exchange. Major international financial institutions renewed nonproject assistance during the year, which had been suspended in 1997 due to widespread government corruption associated with a lack of transparency and accountability; however, by year's end the disbursement of some assistance was suspended due to the Government's inability to meet agreed conditions. During the year, annual per capita gross domestic product remained virtually unchanged in real terms, at approximately $279. The spread of HIV/AIDS, which was estimated to have infected about 14 percent of the population between the ages of 14 and 49, as well as drought and famine in some rural areas during the year, exacerbated economic problems.

The Government's human rights record was poor, and although there were improvements in some areas, serious problems remained. Citizens' ability to change their government peacefully has not yet been demonstrated fully. Security forces, particularly the police, continued to commit extrajudicial killings, torture and beat detainees, use excessive force, rape, and otherwise abuse persons. Prison conditions remained life threatening. Police arbitrarily arrested and detained persons, including journalists. The Government arrested and prosecuted a number of police officers for abuses; however, most police who perpetrated abuses were neither investigated nor punished. Lengthy pretrial detention is a problem, and the judiciary is subject to executive branch influence. The authorities infringed on citizens' privacy rights. The Government limited freedom of speech and of the press, and harassed, intimidated, and economically pressured newspapers that often were critical of the Government; however, the Government significantly reduced its domination of the domestic broadcast media. The Government repeatedly restricted freedom of assembly, and police increasingly disrupted public meetings, used force to disperse demonstrators and protesters, and harassed and arbitrarily detained political dissidents, including opposition party legislators. The Government at times interfered with the activities of religious groups, and limited freedom of movement. The Government restricted freedom of association. The Government continued to limit the independence of its Standing Committee on Human Rights, and the President continued to criticize nongovernmental human rights organizations. Violence and discrimination against women and abuse of children remained serious problems. Female genital mutilation (FGM) remained widespread, child prostitution remained a problem, and the spread of HIV/AIDS created many orphans. There was some discrimination against the disabled, and discrimination and violence against religious and ethnic minorities remained problems. The Government continued to exacerbate ethnic tensions by discriminating against many ethnic groups; interethnic tensions continued to result in numerous violent conflicts and some deaths. There were reports of a number of ritual murders associated with traditional indigenous religious practices, which contributed to growing public concern about satanism. The Government continued to limit some worker rights. Child labor remained a problem, and there were instances of forced child labor. Violence by mobs and by nongovernmental armed groups from neighboring countries also resulted in many deaths.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Security forces, especially members of the police, the GSU, and the CID, continued to use lethal force and committed a number of extrajudicial killings. According to government figures, police killed 120 suspected criminals, and another 39 suspects and detainees died while in police cus-

tody by year's end. The nongovernmental Kenyan Human Rights Commission (KHRC) reported that police killed 198 persons during the year (compared to 243 persons in 1999), including at least 49 by torture (see Section 1.c.). Police often lacked restraint in employing lethal force, and the Government generally failed to take appropriate action against members of the security forces accused of extrajudicial killings.

On January 1, police attached to the Ng'araria Chief's Camp in Murang'a allegedly beat 10-year old Joseph Ndung'u Nyoike for suspected theft (see Section 1.c.); the boy died after spending the night in prison. District authorities arrested two police officers after autopsy results indicated that Ndung'u died from beatings. The case was under investigation by authorities at year's end. On January 15, police from the Mukuruwei-ini police station allegedly beat to death Philip Machau after he was caught stealing a piece of second-hand clothing (see Section 1.c.). According to press reports, police severely beat Machau despite onlookers' protests; Machau died at the police station that night. An inquest into the case by the Chief Magistrate in Nairobi was ongoing at year's end. On March 23, Philip Kipkoech Kirui, a brother of a nominated local councilor, died after being transferred from prison in Londiani to the local hospital for treatment; allegedly he had been tortured. Five police officers based at the Londiani Police Station, Dickson Liyayi, Peter Chelanga, Isaac Walimbwa, Robert Ombui Onyancha, and Boniface Onyango, were charged with Kirui's killing after a march was held to protest the alleged abuse of Kirui in Londiani. The case was pending in the courts at year's end. On March 24, officers from the Flying Squad (a quick response antitheft unit) shot and killed eight suspected carjackers as they fled from a car in Nairobi; the driver of the vehicle was unharmed. Some human rights observers criticized the officers' use of excessive force during the incident. On March 26, a police officer in Meru reportedly killed Wallace Kiogora. The officer was arrested for Kiogora's murder on March 29. On April 30, there were reports that Sophia Nyaguthii Mbogo, a pregnant 21-year-old woman, died in custody at the Kagio Police Post reportedly after she was beaten by a policeman (see Section 1.c.). No arrests were made in the case; however, an inquest before the Principal Magistrate's Court at Kerugoya was ongoing at year's end. On September 4, prison guards at the King'ong'o Prison in Nyeri killed six inmates who were attempting to escape. Officials initially claimed that guards shot the six as they fled; however, there were conflicting reports that the six died of blows to the head and severe beatings after recapture (see Section 1.c.). The Attorney General ordered an investigation into the killings, and the police were investigating the matter at year's end. The Attorney General promised to prosecute the guards if they are suspected of wrongdoing. An inquest into the case was ongoing at year's end.

In April after numerous deadly attacks on police, Marsden Madoka, Minister of State in the Office of the President, stated that police should use lethal force to eliminate criminals from the streets. The Minister's comments reflect a growing concern that security forces often are not armed or equipped sufficiently. In responding to continuing high levels of crime, some police used excessive force. On May 27, members of the Flying Squad allegedly seriously injured two suspected carjackers during arrest. The police brought the unconscious suspects to the City Morgue where the police reportedly shot and killed them. There were no reports of any investigation at year's end. On July 1, police in Nairobi fired on unarmed suspected carjackers at a major traffic circle, killing the driver, Michael Ngigi, and seriously injuring the passenger, George Ngugi. Ngugi, a civil servant who owned the vehicle, reportedly begged police not to shoot before the officers fired at him. Several police officers were arrested; however, no charges were filed against them by year's end. There were reports that one of the officers involved in the incident fled the country.

Police also killed several bystanders while exchanging gunfire with criminals. For example, in early January in East Baringo, police shot and killed 5-year-old Chesortich, when they fired on her family's home. Allegedly the officers suspected that the family was harboring cattle rustlers. In February police fired at suspected robbers who were fleeing from police and seriously wounded a teenaged boy from Maragwa in Central Province (see Section 1.c.).

Some official efforts have been made to investigate and punish police abuses. In August 1999, police killed five Muslim worshipers in the Anas Bin Malik Mosque in Chai village, near Mombasa. Within 1 month of the killing, the Government charged two police officers, Julius Mugambi M'nabere and Stephan Musau Kilonzo, with the killings; they were released on bail pending trial at year's end. In November 1999, a trial began against Justus Munyao Kovu and Gabriel Muendo, two Makueni police officers accused of killing Mwendo Kiema during detention in July 1999. On September 6, Godwin Mukhwana, a member of the Presidential Escort, was convicted of manslaughter and sentenced to 8 years in prison for killing Jamal

Abedi and Henry Musyoka, the driver and tout of a passenger van, in December 1998. In December 1998, Ephantus Njagi Nguthi died from injuries that he reportedly received while in custody in Matanya, Laikipia district. Police reportedly had beaten his testicles. Two police officers, Christopher Mugera and Muiruri (who died before year's end), were arrested in the case. Three Flying Squad officers, Isaiah Muoki Musyoka, Kenneth Kaunda Obiero, and Andrew Kimungetich Koros were found guilty of manslaughter and sentenced to 15 years imprisonment for the July 1998 killing of James Odhiambo. On June 29, the High Court sentenced police constable Felix Nthiwa Munyao to life in prison for beating his wife to death in July 1998. Munyao beat his wife so severely that she went into a coma and died 5 months later. The case was publicized widely because the police refused to charge Munyao with a crime until his wife had died. On June 7, police officers Jackson Parsalach and Austine Kabarayo were found guilty of manslaughter and sentenced to 2° years imprisonment for the death in custody of 60-year-old Job Cherutich; police constables Michael Chebon Chelimo and Chebon were acquitted. In December an inquest was completed into the January 1997 death of Catholic lay brother Larry Timmons in Njoro, which concluded that a police officer should be prosecuted for the killing; the status of the prosecution was not known at year's end. In May a court in Nairobi sentenced to death police constable Martin Kimeu for the November 1995 murder of a petty theft suspect, Kennedy Omondi Omolo, whom he shot and killed while in custody.

There were no effective police investigations into many cases of killings by members of the security forces. The authorities sometimes attribute the absence of an investigation into an alleged extrajudicial killing to the failure of citizens to file official complaints. However, the form required for filing complaints is available only at police stations, which often lack the forms or are not forthcoming in providing them. There also is considerable public skepticism of a process that assigns the investigation of police abuse to the police themselves.

There were no reported investigations into the following 1999 cases during the year: The September killing of Mwanzia Mutkuku, who was killed when police opened fire on the night club below his apartment; the September killings of two armed men at a bank in Nairobi; the July killings of Peter Kariuki, Jacob Anaseti, and Ramadhani Barula while in police custody; the June killings of Victor Polo and Vincent Odhiambo, two suspected robbers; the April killing of Ahluwalia Subir Ahluwalia; the February killing of Elijah Kimani Mwaura, who allegedly was tortured and beaten to death while in police custody; the March killing of Ibrahim Kullow Hussein; the February killing of David Muragi, a grammar school student, who died after a night in police custody where he allegedly was beaten; and the January killing of two rice farmers in Mwea.

There were no reported investigations into the following 1998 cases during the year: The police shooting death of Simon Githinji Kigera, also a policeman, in Nairobi—police maintain they shot in self defense; the killing of Vincent Nyumba Kiema due to a police beating; the killing of Sheik Mohammad Yahyah, who was tortured by army personnel; the killing of Muthoka Mukele after he apparently was beaten in police custody; and the killing of Alfred Kang'ethe after he was beaten by the Uthiru police.

Several 1998 cases of extrajudicial killings remained unresolved at year's end. Police continued to investigate the June 1998 shooting death of Pastor Simeon Kiti Mwangoma (or Mwangalee) by Kilifi police, but took no further action during the year; police maintain Mwangoma was the leader of a notorious gang. Army officer Aden Almi and police officers Faneis Malaba Mbiya and Kennedy Bitange faced charges of murder in connection with the death in police custody in Garissa of Ali Hussein Ali; the High Court in Nairobi is scheduled to hear the case in March 2001. Kitui authorities charged assistant chief Simeon Mwandinga and four other persons with inciting or participating in the 1998 mob killing of Kamwila Kamungu. Two persons were sentenced to 3 years' imprisonment; Mwandinga and two other persons were acquitted. Another assistant chief, Josephine Matalu, was acquitted of instigating the 1998 beating death of Kiema Mwisuve. The trial of the suspects in the 1998 murder of Seth Sendashonga was ongoing at year's end.

A hearing before the Senior Resident Magistrate in Kitale in the 1997 deaths in police custody of Moses Macharia Gicheru and Lomurodo Amodoi was scheduled for early 2001.

On August 24, Father John Anthony Kaiser, a Catholic priest working in the country for over 30 years, was found dead near Naivasha town. Father Kaiser was a vocal human rights activist and a critic of key members of the Government. The investigation was ongoing at year's end; there are no known suspects.

On November 30 and December 1, Muslim worshippers and local traders fought over land surrounding a mosque in a residential neighborhood in Nairobi, resulting in the deaths of four persons and numerous injuries (see Sections 1.c. and 2.c.).

Hundreds of prisoners died in custody due to life-threatening prison conditions, including inadequate food and medical treatment (see Section 1.c.). The Government recorded 658 deaths in prisons during the first 10 months of the year. On June 10 and 11, inmates at Rumuruti GK Prison in Laikipia District rioted over a food shortage, which resulted in the death of one prisoner (see Section 1.c.).

Mob violence increased during the year, which observers believe may have been associated with a continuously high crime rate. According to the KHRC, 138 persons were killed in mob violence during the year. The Government recorded 240 deaths due to mob violence during the year. Human rights observers attribute mob violence to a lack of public confidence in the police and the judicial process. The great majority of mob violence victims, who died by lynching, beating, or burning, were persons suspected of criminal activities, including robbery, cattle rustling, and membership in terror gangs. However, the social acceptability of mob violence also provided cover for personal vengeance under the guise of "mob justice." According to media reports, on March 26 in Juja (Central Province), parishioners on their way to mass stoned to death two carjackers who were attempting to steal a fellow parishioner's automobile. No arrests were made in the case. On July 16, villagers in Munyu, Thika (Central Province), burned to death five teenaged boys, Walter Midamba, Juma Musyimi, Julius Nduati, Ibrahim Mburu, and Maina, on suspicion of theft. The five had been caught running through the yard of a man whose home had been robbed the previous week. In October President Moi advised citizens to rely on the police, not vigilantism, to deal with suspects.

Occasionally mobs killed members of their communities on suspicion that they practiced witchcraft (see Sections 2.c. and 5); however, there were no known statistics about the number of deaths during the year. On October 3, a mob of residents of Nairobi's Kariobangi North neighborhood lynched three suspected child abductors (believed to be devil worshipers), including a grandfather who was walking with his grandchild (see Section 5). In late October in Kisii, police intervened to block villagers from killing seven suspected witches. Also in October, the press reported that villagers burned alive a suspected sorcerer in Kimburini.

Interethnic violence in rural areas continued to cause numerous deaths (see Section 5).

There were several incidents during the year in which persons were killed during interethnic disputes; some of these disputes crossed into the country from neighboring countries (see Section 2.d.).

In late November, armed men reportedly from Ethiopia killed nine persons and seriously injured five others near the border town of Moyale. Local politicians claimed that the attackers had support from Ethiopian security forces; the incident was not resolved by year's end.

The Oromo Liberation Front (OLF), an Ethiopian rebel group, reportedly has laid landmines in northern areas of the country near the Ethiopian border; however, there were no reports of any deaths or injuries during the year.

b. Disappearance.—There were no reported cases of politically motivated or other disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution states that "no one shall be subject to torture or degrading punishment or other treatment;" however, security forces continued to use torture and physical violence as methods of interrogation and to punish both pretrial detainees and convicted prisoners. Although police authorities periodically issue directives against the use of torture by police, the problem persists. Human rights organizations and the press highlighted scores of cases of torture, and several cases of indiscriminate beating of groups of persons by police during the year. Common methods of torture practiced by police included hanging persons upside down for long periods, genital mutilation, electric shocks, and deprivation of air by submersion of the head in water. The KHRC reported 49 torture related deaths during the year (see Section 1.a.).

There were numerous allegations of police use of excessive force and torture. The KHRC recorded 157 cases of police brutality during the year. Detainees routinely claimed that they had been tortured, making it difficult to separate real from fabricated incidents. On January 1, police attached to the Ng'araria Chief's Camp in Murang'a allegedly beat 10-year-old Joseph Ndung'u Nyoike for suspected theft; the boy died after spending the night in prison (see Section 1.a.). On January 15, police from the Mukuruwei-ini police station allegedly beat to death Philip Machau after he was caught stealing a piece of second-hand clothing (see Section 1.a.). In mid-January police in Kapsabet allegedly tortured William Tanui for 5 days while he

was detained for illegally transporting maize. There was no known action taken against the police by year's end. In February police fired at suspected robbers who were fleeing from police and seriously wounded a teenaged boy from Maragwa, Central Province (see Section 1.a.). On February 5, in Nyahururu, Laikipia District, Mose Wambugu, a plainclothes police officer from the Special Crime Prevention Unit, reportedly shot Miriam Wamboi in the head after she refused the officer's demands for sex. Wamboi was in a coma for a month following the shooting and the bullet remains lodged in her brain. On February 6, Wambugu was arrested and remained in detention pending a trial at year's end. In April police beat and arrested Mohammed Sheikh, a journalist for the People (see Sections 1.d. and 2.a.). On April 30, there were reports that Sophia Nyaguthii Mbogo, a pregnant 21-year-old woman, died in custody at the Kagio Police Post (see Section 1.a.). A newspaper article claimed that autopsy results concluded that she died from internal bleeding due to "superficial" bruises. A cellmate of Mbogo's told reporters that she saw a Kagio policeman by the name of Kaundu enter Mbogo's cell and beat her head with a club. On May 9, police officers Charles King'ori and Wilson Kinyanjui from the Makueni Police Station allegedly undressed Charles Muteti Mulwa, bound his hands and legs, and beat his testicles. A doctor from the Ministry of Health told reporters that Mulwa suffered from twisted testicles and cigarette burns on his feet. King'ori and Kinyanjui were charged with assault and their cases were pending before the Makindu Principal Magistrate at year's end; it was unknown whether they were in detention or released on bail. A woman, Margaret Njeri, claimed that police tortured her to extract a confession; police officers allegedly stripped, whipped, beat her until she bled, and sexually abused her. On May 28, Njeri filed a formal complaint to police and said that she intended to sue police for damages; the case was pending at year's end. In October 1999, police had arrested and detained Njeri in prison for 5 months before the courts acquitted her of charges of running a group of carjackers. On September 4, prison guards at the King'ong'o Prison in Nyeri killed six inmates who were attempting to escape (see Section 1.a.). Officials initially claimed that guards shot the six as they fled; however, there were media and NGO reports that the six had died of blows to the head and severe beatings after recapture. By some accounts, the dead inmates had their eyes gouged out and heads beaten, and they were disfigured beyond recognition. The Attorney General ordered an inquest into the killings, and the police were investigating the matter at year's end. The Attorney General promised to prosecute the guards if they are suspected of wrongdoing. On December 30, police chased and beat Betty Dindi, a journalist for The Nation, who was covering a shareholders meeting of Mbo-I-Kimati, a land-owning firm, which had been banned by police (see Sections 2.a. and 2.b.).

In September a magistrate in Nakuru granted the request of six army officers, Nahashoon Kili, Moses Kiprotich, John Masai, Joseph Tanui, Henry Buienei, and Tito Rono, to pursue charges of torture against members of the 66th Artillery Battalion. The six had been held for 6 months on suspicion of mutiny in the first half of the year. The case was pending at year's end.

According to organizations that work with street children, police also beat and abuse street children (see Section 5). The WEMA Street Girls Center pressed charges against two Mombasa police officers, Mwinge Chula and Peter Ndwiga, who were arrested for raping a 13-year-old street girl in May 1999. Hearings on the case began on December 22.

Police repeatedly used excessive force and beat persons when breaking up demonstrations (see Sections 2.b. and 6.a.). On February 28, police in Nanyuki disrupted a public civic education play by a theater group (see Sections 1.d. and 2.b.). According to the production organizers, the Centre for Governance and Development (CGD), police disrupted the play and beat several persons in the audience. On December 17, 100 riot police used tear gas and batons to forcibly disperse a march headed by 5 M.P.'s, including James Orengo, injuring numerous persons (see Section 2.b.).

Following President Moi's December 8 ban on all future rallies by the Muungano wa Mageuzi (Movement for Change) (see Sections 1.d., 2.a., 2.b., and 3), police prevented or forcibly dispersed all rallies held by the group, which resulted in several injuries and arrests.

In early May, President Moi was quoted widely in the press calling for action against the Mungiki religious and political group; police forcibly disrupted several of the group's meetings during the year, injuring several persons (see Section 2.b.). On July 30, police in Nyeri arrested 10 Mungiki members for holding an illegal assembly, reportedly injuring some of them (see Sections 1.d. and 2.c.).

Police forcibly dispersed several protests after they became violent, injuring some persons (see Section 2.b.). On August 19 in Nairobi, there were several violent incidents between progovernment supporters, opposition supporters, and the police.

When progovernment supporters broke up an opposition rally organized by Member of Parliament (M.P.) James Orengo (see Section 2.b.), police intervened, used tear gas, and beat and kicked participants. Police allegedly beat Sammy Mwange who died from severe head wounds, and injured dozens of persons. Television cameras also broadcast footage of 30 to 40 men outside Parliament searching vehicles, smashing windshields, and attacking an opposition M.P. in view of armed police who did not intervene. One M.P. claimed that he recognized three off-duty policemen in the group present at the Parliament. Rally organizers accused the Government of complicity in the violence. On September 11, antiriot police responded to a wildcat strike by several hundred guard service employees by firing tear gas at the striking guards after they began burning vehicles and attacking passers-by; several persons were injured (see Section 6.a.). On December 13, police forcibly disrupted a meeting held by Kipruto Kirwa, a dissident KANU M.P. (see Section 2.b.). Police fired several shots into the crowd while chasing several persons from the meeting through the village; one person was injured.

Student protests and riots occurred frequently during the year, and police forcibly dispersed several protests after they became violent, which resulted in injuries (see Section 2.b.). On June 12, police forcibly dispersed approximately 200 students who commandeered 2 university buses and attacked the offices of the Nation newspaper. Police did not intervene initially; however, they did so after the students began to set fire to a building. Police arrested at least 21 persons (see Section 1.d.); several persons were injured during the incident.

There were several violent incidents during the elections to the Kenya Tea Development Authority's Board of Directors (the cooperative which represents the country's 45 tea factories). On June 20, in Gatundu North Province, during fighting between police and farmers boycotting the elections at the Mataara tea center, police shot and killed two farmers and injured several others (see Section 1.a.). Later that evening, armed farmers in Mataara killed a local policeman and seriously injured several other police officers apparently in retaliation. On June 21, during fighting between farmers and police in Guchu District, police shot three farmers and dozens of others were injured.

On June 21, 94 M.P.'s released a report entitled "The Politicization and Misuse of the Kenya Police and the Administration Police Force," which criticized the police for misuse of force and human rights abuses. On June 22, President Moi ordered police to stop using live ammunition when quelling riots. It was unclear if Moi's pronouncement had any effect on police behavior by year's end.

During the year, the Government investigated some allegations of police use of excessive force and torture, and prosecuted several police officers. According to the Government, two police officers were charged and sentenced during the year, and the Government recorded only two reported cases of torture during that same period. In May authorities disbanded a special squad of 30 police officers attached to the CID because they allegedly were involved in numerous robberies, carjackings, and killings. There were no reports that members of the squad, reportedly codenamed Alfa Romeo, were prosecuted by year's end due to lack of evidence against them.

There was no known action taken against members of the security forces responsible for torturing, beating, or abusing the persons in the following 1999 cases: The September case of Geoffrey Mbuthia Nduati, who allegedly was attacked by dogs in policy custody; the May case of residents of Balessa and El Hadi, who were beaten or tortured by security forces; the April case of Duncan Ndwega, a CID officer, who was tortured by the Flying Squad; the April case of M.P. James Orengo, who police beat and arrested while he spoke publicly in Nyanza province; the February case of Peter Macendu who was whipped and beaten unconscious by policemen in Kerugoya; the January case in which police beat a crowd protesting the results of the National Assembly by-election in Eastern Province; the January case of Jeremiah Kasuku, who was assaulted and detained illegally in Keiyani; the case of Julius Muhoro Mugo, who was tortured by CID officers; and the case of Johnnes Musyoka Kimonyi, who was beaten by police in Buru Buru.

Marches and symposiums marked the beginning of the U.N. International Week in Support of Victims of Torture on June 22, which generated much discussion of torture in the press. One daily newspaper, The People, ran a series of articles on torture, featuring anecdotes, discussion of laws, and statistics. On June 23, a group of human rights organizations led by People Against Torture marched in Nairobi to mark the week. On June 26, more than 2,000 persons gathered at a Mau Mau massacre site in Nyeri for masses to commemorate Mau Mau war victims and other victims of torture. On June 26, in Nairobi, Attorney General Wako was the keynote speaker at a symposium on torture organized by human rights groups.

Caning continued to be used as punishment in cases such as rape (see Section 5).

Acts of violence, including rape, banditry, and shootings, occur regularly near refugee camps (see Sections 2.d. and 5).

There were several violent incidents between progovernment supporters and opposition supporters during the year, namely during opposition rallies (see Section 2.b.). For example, during incidents from January 13 to 15, supporters of National Development Party (NDP) Raila Odinga reportedly beat and whipped several persons with whips and batons, resulting in numerous injuries. On November 26 in Kisumu, progovernment youths forcibly disrupted a meeting of the Ufungamano commission, a church-led constitutional review commission (see Sections 2.b., 2.c., and 3). The youths threw Molotov cocktails, burned a vehicle, and beat severely several persons.

On November 30 and December 1, Muslim worshippers and local traders fought over land surrounding a mosque in a residential neighborhood in Nairobi, resulting in the deaths of four persons and numerous injuries (see Sections 1.a. and 2.c.).

Prison conditions are harsh and life threatening, due both to a lack of resources and to the Government's unwillingness to address deficiencies in the penal system. Prisoners are subjected to severe overcrowding, inadequate water, poor diet, substandard bedding, and deficient health care. Police and prison guards subject prisoners to torture and inhuman treatment (see Section 1.a.). Rape of both male and female inmates, primarily by fellow inmates, is a serious problem, as is the increasing incidence of HIV/AIDS. Disease is widespread in prisons, and the death rate is high. Prisons do not have resident doctors, and only one prison had a doctor permanently assigned, although the position was vacant during the year. Prisoners sometimes are kept in solitary confinement far longer than the maximum 90 days allowed by law. Prisoners and detainees frequently are denied the right to contact relatives or lawyers (see Section 1.e.).

The country's prisons reportedly hold 2 to 3 times their estimated combined capacity of 15,000 inmates. The average daily population of prison inmates was 41,010, 33 percent of which was pretrial detainees. While the prison population increased steadily over the last several years, prison facilities have not. The Government has built only two detention centers since the country became independent in 1963; according to the Government, there are 79 prison facilities. Overcrowding led to health related problems arising from the sharing of amenities, encouraged the spread of infectious diseases, and resulted in food and water shortages. According to the Government, 658 prisoners died in jails during the first 10 months of the year, compared with 196 in the first 9 months of 1999, due chiefly to tuberculosis, dysentery, anemia, malaria, heart attack, typhoid fever, and HIV/AIDS, for which there is little access to health care and medicine.

Men, women, and children officially are kept in separate cells, and unlike in the previous year, there were no reports that men and women were placed in the same cells. Women sometimes lack access to sanitary napkins and often have only one change of clothes, leaving them naked during the washing of their laundry. Young teenagers frequently are kept in cells with adults in overcrowded prisons and detention centers. Youth detention centers are understaffed, and inmates have minimal social and exercise time. Some young inmates remain for years in the centers, as their cases await resolution.

By most accounts, prisoners receive three meals per day; however, there have been reports of food shortages, and reports that senior prison officers misappropriated the meat provided for prisoners. On June 10 and 11, inmates at Rumuruti GK Prison in Laikipia District rioted over a food shortage, which resulted in the death of one prisoner and injuries to dozens of others (see Section 1.a.). A week later at Rumuruti GK prison, according to several media reports, three prisoners died from hunger while working at the institution's farm. Prison officials denied these allegations. During a September 1999 visit by the U.N. Special Rapporteur for Torture, Nigel Rodley, prison authorities at Nakuru GK Prison confirmed that inmates on remand received half the ration of food provided to regular prisoners, because they did not work.

Nearly all prisoners serving more than 6 months in prison work in the prison industries and farms. Men work in printing services, car repair, tailoring, metal work, and leather and upholstery work. Women are taught sewing, knitting, dressmaking, rug making, basket weaving, jewelry making, and other crafts. Outdated laws mandate prisoners' earnings at $0.35 to $0.70 per year (10 to 20 Kenyan cents per day). Prisoners on good conduct can, with permission, work beyond the 8-hour day to produce goods, from which they earn two-thirds of the profits. Prisons are unable to invest these sizable profits in the prisons because income generated from the sale of prison products is sent directly into the Government Consolidated Fund. Some

observers allege that prison officials use the free prison labor for personal profit; however, many inmates leave prison with a valid trade certificate.

Responding to public allegations of unacceptable detention conditions, in January the Government sent a fact-finding team to Kodiaga Prison, which found that prison conditions were acceptable. On January 30, Commissioner of Prisons Edward Lokopoyit dismissed allegations of widespread torture in prisons; however, press reports continue to highlight the substandard conditions in the prisons. On September 19, the Attorney General said publicly that some prisons were "unfit for humans." The following day, the Nyeri District Commissioner decried poor prison conditions countrywide.

The courts are responsible partly for overcrowding, as the backlog of cases in the penal system continues to fill the remand sections of prisons (see Section 1.e.). Many detainees spend more than 3 years in prison before their trials are completed, often because they cannot afford even the lowest bail. Very few can afford attorneys.

The Government does not permit consistent independent monitoring of prison conditions. In general the Government does not permit domestic NGO's to visit prisons; however, some independent NGO's work with the Government in evaluating torture cases and performing autopsies on deceased prisoners. In July foreign diplomatic officials visited Kimiti Maximum Security Prison and Langata Women's Prison. In March the U.N. Special Rapporteur for Torture Nigel Rodley released a report on his visits to several prisons in 1999. Rodley noted the problems of limited access by observers, poor sanitation and health care, and overcrowding.

d. Arbitrary Arrest, Detention, or Exile.—Despite constitutional protections, police continued to arrest and detain citizens arbitrarily. The Constitution provides that persons arrested or detained shall be brought before a court within 24 hours in noncapital offenses and within 14 days in capital cases. The Penal Code specifically excludes weekends and holidays from this 14-day period. The law does not stipulate the period within which the trial of a charged suspect must begin. Indicted suspects often are held for months or years before being brought to court. For example, Michael Owour, on remand at Kamiti Prison and charged by the Kiambu Court with a violent robbery, allegedly had been awaiting trial for 4 years. The Government has acknowledged cases in which persons have been held in pretrial detention for several years. Police from the arresting location are responsible for serving court summons and for picking up remandees from the prison each time the courts hear their cases. Police often fail to show up or lack the means to transport the remandees, who then must await the next hearing of their case. For example, in the case of six army officers who pursued charges of torture against members of the 66th Artillery Battalion, the courts later criticized Police Commissioner Philemon Abong'o for failing to serve the accused army officials with the court summons; the case was ongoing at year's end (see Section 1.c.).

The law provides that families and attorneys of persons arrested and charged are allowed access to them, although this right often is not honored. Family members and attorneys may visit prisoners only at the discretion of the Government. This privilege often is denied. For those who have been charged, it often is possible to be released on bail with a bond or other assurance of the suspect's return.

In the early part of the year, the Government instituted the Community Service Order (CSO), a program whereby petty offenders perform community service rather than serve a custodial sentence. According to the Home Affairs Permanent Secretary, the Government has spent $250,000 (20 million shillings) on the CSO and is committed to providing $500,000 (40 million shillings) more in the next fiscal year. There are 11,000 petty offenders participating in the program currently. The program may help alleviate overcrowding; however, there was no indication of any change by year's end.

Citizens frequently accuse police officers of soliciting bribes during searches or falsely arresting individuals to extract bribes (see Section 1.f.). The police continued repeatedly to conduct massive searches ("sweeps") for illegal immigrants and firearms (see Sections 1.f. and 2.d.). The KHRC recorded 1,950 arrests during sweeps throughout the year.

Police arrested members of civil society groups and charged them with participating in illegal gatherings (see Section 1.c.). On January 17, President Moi ordered Police Commissioner Philemon Abong'o to arrest those responsible for violent protests against the Parliament-led constitutional review process, namely those protests from January 13 to 15 that resulted in numerous injuries (see Sections 1.c. and 2.b.). On January 18, police arrested M.P. James Orengo on charges that he incited violence regarding the Parliament-led constitutional review process. He was released on bail and a hearing was scheduled for March 27 and 28; this case and several others against Orengo were pending at year's end. On March 30, police in Nakuru arrested and detained 11 activists who were participating in a public gath-

ering to discuss land grievances among the minority Ogiek community (see Section 2.b.). KHRC employees Lumbumba Ondeda, Vincent Musebe, and James Nduko and nine Commission and Citizens Coalition for Constitutional Change (4C's) members were detained in prison for several days awaiting sentencing for holding an illegal gathering. Human rights organizations viewed the arrests as a veiled effort by the Government to prevent civic education exercises throughout the country. The Attorney General subsequently dropped the charges. On April 3, police in Laikipia, allegedly on orders from District Officer Njeru, dispersed a Greenbelt Movement civic education gathering (see Sections 2.a. and 2.b.), and arrested Joseph Kirangathi Njoroge, Esther Wamucii, John Gitonga, and Mwangi Gachie Kamau. The four were charged with assembling in a manner likely to cause a breach of peace, but were released on bail pending trial at year's end. On April 13, police in Nairobi arrested and detained for several days 63 demonstrators, including 6 nuns and 5 clergymen during a march to present a petition to the World Bank offices in Nairobi (see Section 2.b.). The Attorney General later dropped the charges because the police had no case against the demonstrators.

Student protests and riots occurred frequently during the year, and police arrested numerous students responsible for violence during the incidents (see Sections 1.c., 2.a., and 2.b.).

On December 9, police in the Western Province dispersed a Mageuzi rally, arrested and detained several journalists, and injured six persons (see Sections 1.c., 2.a., 2.b., and 3).

In April police arrested and beat Mohammed Sheikh, a journalist for the People, who had been arrested in 1999 for writing "alarming" articles. He was released on bail and his case was pending at year's end. In April police arrested and briefly detained Maneno Mwikwabe, the editor of The Dispatch; he was not charged. Mwikwabe had been arrested in 1998 for writing "alarming" articles, but was released without charge.

On July 30, police in Nyeri arrested 10 Mungiki members, reportedly injuring some of them (see Sections 1.c. and 2.c.); the Mungiki were charged with illegal assembly.

During the year, police arrested a number of journalists on charges of publishing information "likely to cause alarm to the public" (see Section 2.a.).

On February 15, Johan Wandetto, a journalist for the People, who was arrested in February 1999, received an 18-month jail sentence for writing a report that "risked causing alarm."

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary is often corrupt and subject to executive branch influence. The President has extensive powers over appointments, including those of the Attorney General, the Chief Justice, and Appeal and High Court judges. The President also can dismiss judges and the Attorney General upon the recommendation of a special presidentially appointed tribunal. Although judges have life tenure (except for the very few foreign judges who are hired by contract), the President has extensive authority over transfers.

The court system consists of a Court of Appeals, a High Court, and two levels of magistrate courts, where most criminal and civil cases originate. The Chief Justice is a member of both the Court of Appeals and the High Court, which undercuts the principle of judicial review. Military personnel are tried by military courts-martial, and verdicts may be appealed through military court channels. The Chief Justice appoints attorneys for military personnel on a case-by-case basis.

There were some indications of executive interference in the judiciary. Several cases involving opposition M.P.'s have been pending for years, with the courts repeatedly postponing the hearings, thereby requiring the M.P.'s to appear periodically in court or risk fines or imprisonment. On October 9, a Homa Bay court sentenced M.P. Shem Ochuodho to over 3 years in prison for a violent assault on a political rival during the 1997 election. While violence may have occurred, observers believe the court may have applied the law inequitably—no KANU M.P.'s were similarly charged despite credible allegations of violence on their part during campaigning. There were a number of protests against Ochuodho's conviction. On October 19, High Court Justice Barbara Tanui overturned the conviction, ordered a new trial, and released Ochuodho. Police immediately rearrested Ochuodho, took a statement regarding the case, and then released him on bail.

Judges who ruled against the Government in the past sometimes were punished with transfer or nonrenewal of contracts; however, during the year no retaliatory action against justices was reported. Judges occasionally demonstrated independence.

The Attorney General's constitutional power to discontinue proceedings in private prosecution cases was a problem. Arguing that citizens must first notify his office

before initiating private prosecution, Attorney General Amos Wako used this authority on a number of occasions to terminate cases against government officials.

In the previous year, the judiciary faced many accusations of corruption. In 1998 the Chief Justice appointed a special judiciary commission chaired by Justice Richard Kwach to report on the problems of the judiciary. The Kwach Commission cited "corruption, incompetence, neglect of duty, theft, drunkeness, lateness, sexual harassment, and racketeering" as common problems in the judiciary. The Commission recommended amending the Constitution to allow for the removal of incompetent judges, introducing a code of ethics, improving the independence of the judiciary, overhauling the Judicial Services Commission (the administrative branch of the judiciary), and shifting prosecutorial responsibilities from the police to the judiciary. Upon receipt of the report, the Chief Justice in late 1998 appointed another commission to investigate modalities of implementing the Kwach Commission's recommendations for improving the judiciary. No action was taken on those recommendations by year's end; however, the Judicial Services Commission circulated proposals for a judicial code of conduct in the first half of the year.

There are no customary or traditional courts in the country. However, the national courts use the customary law of an ethnic group as a guide in civil matters so long as it does not conflict with statutory law. This is done most often in cases that involve marriage, death, and inheritance issues and in which there is an original contract founded in customary law. For example, if a couple married under national law, then their divorce is adjudicated under national law, but if they married under customary law, then their divorce is adjudicated under customary law. Citizens may choose between national and customary law when they enter into marriage or other contracts; thereafter, however, the courts determine which kind of law governs the enforcement of the contract. Some women's organizations seek to eliminate customary law because they feel it is biased in favor of men (see Section 5).

Civilians are tried publicly, although some testimony may be given in closed session. The law provides for a presumption of innocence, and for defendants to have the right to attend their trial, to confront witnesses, and to present witnesses and evidence. Civilians also can appeal a verdict to the High Court and ultimately to the Court of Appeals. Judges hear all cases. In treason and murder cases, the deputy registrar of the High Court can appoint three assessors to sit with the High Court judge. The assessors are taken from all walks of life and receive a sitting allowance for the case. Although the assessors render a verdict, their judgment is not binding. Lawyers can object to the appointments of specific assessors.

Defendants do not have the right to government-provided legal counsel, except in capital cases. For lesser charges, free legal aid is not usually available outside Nairobi or other major cities. As a result, poor persons may be convicted for lack of an articulate defense. Although defendants have access to an attorney in advance of trial, defense lawyers do not always have access to government-held evidence. The Government can plead the State Security Secrets Clause as a basis for withholding evidence, and local officials sometimes classify documents to hide guilt. Court fees for filing and hearing cases are high for ordinary citizens. The daily rate of at least $25 (2,000 shillings) for arguing a case before a judge is beyond the reach of most citizens.

Critics of the Government—politicians, journalists, lawyers, and students—have been harassed through abuse of the legal process. In a 1997 study of the judiciary, the International Bar Association found "a persistent and deliberate misuse of the legal system for the purpose of harassing opponents and critics of the Government." Authorities continued to arrest opposition M.P.'s, journalists, and student leaders during the year (see Sections 1.d. and 2.a.), and a number of opposition M.P.'s, student leaders, and human rights activists still had one or more court cases pending during the year, often for months or even years.

There were no reported political prisoners during the year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—At times authorities infringed on citizens' privacy rights. Although the Constitution provides that "no person shall be subjected to the search of his person or his property or the entry by others on his premises," it permits searches without warrants "to promote the public benefit." The Police Act permits police to enter a home forcibly if the time required to obtain a search warrant would "prejudice" their investigation. Although security officers generally obtain search warrants, they occasionally conduct searches without warrants to apprehend suspected criminals or to seize property believed to be stolen. Citizens frequently accuse police officers of soliciting bribes during searches or falsely arresting individuals to extract bribes (see Section 1.d.). Unlike in the previous year, there were no reports that Nairobi police searched offices of the media without warrants.

The police continued repeatedly to conduct massive warrantless searches ("sweeps") for illegal immigrants and firearms in residential neighborhoods of major cities (see Section 2.d.). The KHRC recorded 1,950 arrests during sweeps throughout the year (see Section 1.d.). Residents complained that police who entered homes on the pretense of searching for weapons often asked for radio, television, and video receipts and permits and demanded bribes to refrain from confiscating those items in the absence of such documents. Unlike in the previous year, Nairobi police did not search the offices of tabloid publications and nongovernmental organizations (NGO's) without warrants.

Security forces monitored closely the activities of dissidents, following or otherwise harassing them. They employ various means of surveillance, including a network of informants to monitor the activities of opposition politicians and human rights advocates. Some opposition leaders, students, journalists, and others continued to report that the Government subjected them to surveillance and telephone wiretaps; however, there were no reports of interference with written correspondence during the year.

According to press reports, in early February, police in Meru burned 300 homes, displacing over 1,000 persons. The residents, chiefly squatters living in makeshift houses, had occupied the land for as long as 10 years. A local councilor and some of the displaced contended that the plots previously were misallocated public land.

Members of the coastal Bajuni, Mijikenda, and Digo communities accused the Government of denying them their rights to land (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the government broadly interprets several existing colonial era laws to restrict free expression. The Government continued to harass, beat, and arrest elements of the media during the year (see Sections 1.c. and 1.d.). The print media has been relatively independent for decades and since 1992 has multiplied and become more outspoken; there was significant liberalization of electronic media during the year, particularly radio, television, and the Internet. The developing regulatory framework for broadcast media allowed abuse and manipulation in the issuance, withholding, and revoking of broadcast permits and frequencies. Police repeatedly dispersed demonstrators to prevent criticism of the Government (see Sections 1.c. and 2.b.). Some independent periodicals reported that the business community came under pressure from the Government to refrain from advertising in these magazines, which kept some on the edge of insolvency. In spite of these pressures, the press, civic organizations, and the opposition continued to present their views to the public, particularly in the print media. Government pressure led journalists to practice some self-censorship.

On the whole, the print media remained candid and independent. The mainstream print media include four daily newspapers that report on national politics. The largest newspaper, the Nation, is independent and often publishes articles critical of government policies. The second largest newspaper, the East African Standard, is controlled by an investment group with close ties to the Government and the ruling KANU party. It is generally, although not automatically, supportive of the Government. The third daily newspaper, The People, formerly a weekly, is owned by an opposition politician and is highly critical of the Government. The fourth daily, the Kenya Times, which has a small circulation, reflects KANU party views. Two former weekly newspapers, The Post and the Kenyan Star, did not publish regularly during the year. There also are numerous independent tabloid or "gutter" periodicals, which appear irregularly and are critical highly of the Government. Reporting in these tabloids ran the gamut from revealing insider reports to unsubstantiated rumor mongering.

The Government attempted to intimidate the pro-opposition press with arrests and intimidation, and by selective prosecution of journalists under a colonial-era section of the Penal Code that criminalizes the publication of information likely to cause fear or alarm. On February 15, Johan Wandetto, a journalist for The People, who was arrested in February 1999, received an 18-month prison sentence for writing a report that "risked causing alarm." His story alleged that bandits held up the presidential escort. Wandetto appealed the case and was released on bond pending appeal. Aola Ooko, a correspondent for the Agence France Presse, was arrested following a March 9 article in which he fabricated allegations that police in Mombasa had stolen part of a 4.8-ton drug seizure (see Section 1.d.). Simbi Kisumba, Mombasa bureau chief for The People, was arrested and faced charges in early March also for publishing an article on seized drugs that allegedly were missing from the police station. In March two writers for the small publication, Independent, were arrested and later released after writing an uncomplimentary article about the

personal life of the Central Bank Governor (see Section 1.d.). On March 25, police from Eldama Ravine detained People reporter Elijah Kinyanjui Maina for several hours after he interviewed local residents about allegations that some of President Moi's livestock were stolen from his Kelelwet farm (see Section 1.d.). Police did not formally charge Maina. In April President Moi reportedly accused the Nation newspaper of unfairly attacking him and threatened to sue for slander and libel if necessary; however, no action was taken against the newspaper by year's end. In April police arrested and beat Mohammed Sheikh, a journalist for the People, who had been arrested in 1999 for writing "alarming" articles (see Sections 1.c. and 1.d.). He was released on bail and his case was pending at year's end. In April police arrested and briefly detained Maneno Mwikwabe, the editor of The Dispatch (see Section 1.d.); he was not charged. Mwikwabe had been arrested in 1998 for writing "alarming" articles, but was released without charge. On December 9, police in Western Province arrested and detained several journalists while forcibly dispersing a Mageuzi rally in Busia (see Sections 1.c., 1.d., 2.b., and 3). On December 30, in a widely publicized incident, police chased and beat Betty Dindi, a journalist for The Nation, who was covering a shareholders meeting, which had been banned by police, of Mbo-I-Kimati, a land-owning firm (see Sections 1.c. and 2.b.). The police officers reportedly threatened journalists covering the meeting for "inciting shareholders." Dindi escaped from the police, but later was rebuffed when she went to the police station to register a complaint. The KHRC, the Kenya Union of Journalists, and the Kenya chapter of the International Federation of Women Lawyers (FIDA) condemned the attacked on Dindi.

Unlike in the previous year, there were no reports during the year that any publications were refused registration or forced to suspend publication due to government action.

The Government somewhat loosened its control over the electronic broadcast media in urban areas during the year—particularly over radio, the principal news medium for most citizens. There were 12 radio stations operating in Nairobi during the year, compared to 6 in Nairobi and 1 in Mombasa in 1999. The Government controls the Kenya Broadcasting Corporation (KBC), which operates the country's premier radio, broadcast television, and cable television networks, including Metro Television, which began broadcasting to the Nairobi area in September. KBC stations do not criticize the Government and give a large share of news time to government or KANU party functions and little coverage to opposition activities. The Kenya Television Network (KTN), which is owned by KANU supporters, airs news programs with more balanced political coverage. Stellavision is owned by KANU supporters and provides balanced coverage. KTN and Stellavision both began broadcasting in Mombasa during the year. Citizen Radio covers much of the central areas of the country, whereas Citizen TV broadcasts to the Nairobi area. Citizen Radio and TV news programs generally are objective. Family TV and Radio, a Christian broadcasting network, and Nation Television and Radio began broadcasting television and radio in the Nairobi metropolitan area in 1999. Nation Television began broadcasting in Mombasa in August, providing independent media coverage.

The Government continued to delay action on a large number of radio and television license applications throughout most of the year, reflecting the arbitrariness of the broadcast licensing process. The Ministry of Information, Transport, and Communication, continued to argue that it was waiting for the recommendations on media liberalization from the Attorney General's Task Force on Press Law. That Task Force made its initial report in December 1998; however, it still has several outstanding issues to resolve, including the manner of selection of the 13-member Media Commission, which would act as an independent body issuing broadcast licenses. In September the Government issued a permit to Voice of America (VOA) to broadcast locally and indicated that it would grant a frequency as soon as paperwork is completed; however, there was no progress on this during the year and VOA did not begin broadcasting by year's end. The Ministry for Information, Transport, and Communication has licensed a total of 12 television and 20 radio stations to date, although only 5 private television stations (KTN, Citizen, Family, Nation, and Stellavision) and 9 private radio stations (Citizen, Family, Sayare Rehema, Capital, Nation Radio, Kiss, Baraka, BBC Nairobi, and BBC Mombasa) fully are operational. In 1999 Nation Media Group received authorization for radio broadcasts in Nairobi, Mombasa, Kisumu, and Nakuru, and began radio and television transmission to Nairobi. Nation Media also sued the Government for permission to broadcast radio and television nationwide, but the case still was before the courts at year's end. In 1998 the Ministry approved radio and television broadcast licenses for a Muslim group and for a Christian group. In 1999 the Ministry of Information, Transport, and Communication licensed an Islamic radio station and three Catholic television stations. On May 26, the Supreme Council of Kenya Muslims (SUPKEM) began

test-running Iqra Radio Station, which provides information, educational programming, and entertainment for Muslim audiences in Nairobi. At year's end, the Catholic Church had been assigned regional broadcasting frequencies, but not national frequencies; its petition for national frequencies was not resolved by year's end.

In January the Communications Commission of Kenya (CCK) ordered the shutdown of Citizen Radio and Television, a new broadcast operation, for unpaid licensing fees and improper use of communications equipment. Citizen claimed that the shutdown, which only affected its operations outside Nairobi, was politically motivated. Citizen appealed the order in the courts and continued broadcasting in Nairobi; however, in March the court upheld the CCK's order and Citizen again appealed to the highest court, the Court of Appeal.

In April during a speech to Parliament, Julius Sunkuli, the Minister of State in the Office of the President, criticized ethnic vernacular radio stations as being tribal and a detriment to national unity (see Section 5). In August President Moi's request that the Attorney General draft a law to force radio stations to broadcast only in English or Kiswahili drew negative public reaction, which caused several Government officials to deny that the Government intended to ban vernacular broadcasting. No such law was implemented by year's end.

The KBC remained the only domestic source of current information for most persons outside the Nairobi area. This continued to limit severely the ability of opposition leaders and other critics of the government to communicate with the electorate.

During the 1997 election campaign the Electoral Commission directed that the KBC accord equal treatment to all political parties; however, this directive was not implemented fully. KBC coverage remained heavily biased in favor of KANU and President Moi. In addition the KBC'S limited coverage of the opposition generally was negative, compared with uniformly positive coverage of KANU. Opposition politicians accused the Government of using similar tactics in the 1999 byelections.

Representatives of the international media remained free to operate, and approximately 120 foreign correspondents of nearly 100 media organizations report out of Nairobi.

The Government does not restrict access to the Internet. There were approximately 20 domestic Internet service providers, which generally are privately owned. Internet access was limited only by economic and infrastructural factors, and was fairly widespread in urban areas.

A total of 79 publications remained banned, including such works as "The Quotations of Chairman Mao Zedong" and Salmon Rushdie's "Satanic Verses." The 1997 reforms eliminated sedition as a ground for censorship of publications, and directed that a board be established to review existing, and future, publication bans. The Prohibited Publications Review Board was established in 1998.

Despite constitutional provisions for free speech, the Government and school administrators continued to limit academic freedom. There were six private universities and six universities owned, subsidized, and administered by the Government. Most post-secondary students attended Government-run institutions, due in part to their lower fees. President Moi, as chancellor of all state universities, appoints the vice chancellors, who managed the institutions under the supervision of the Ministry of Education. A number of student activists have been expelled from universities in recent years because of political activities, and most have been refused readmission. Students claim that the Government interferes in student elections to ensure sympathetic student leaders. Unlike in the previous year, there were no reports that government security forces followed student leaders.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricts the right in practice. The Public Order Act, which the Government used for many years to control public gatherings and to restrict this right, was amended in 1997; the requirement that public meetings be licensed was replaced by the less restrictive requirement that organizers notify the local police in advance of planned public meetings. However, authorities continued repeatedly to disrupt public demonstrations about which organizers duly informed the police in advance; government officials claimed that the organizers lacked authorization to hold public gatherings, whereas there no longer appeared to be any basis in domestic law for requiring specific authorization. In August President Moi repeated his September 1999 statements that government officials should deny "permits" (for public demonstrations) to politicians who use public rallies to abuse other leaders; however, officials have legal authority to cancel planned public gatherings only if there are simultaneous meetings previously scheduled for the same venue, or if there are specific security threats. Cabinet Ministers Shariff Nassir and Francis Lotodo were quoted on several occasions during the year as threatening political opponents if they attended gatherings in the Ministers' con-

stituencies. Lower ranking officials from various political parties also made similar threats against opponents.

Police forcibly disrupted public assemblies, including some political protest demonstrations (see Section 1.c.). On February 28, police disrupted a public civic education play by a theater group and arrested seven members of the group and two persons from the audience on the pretext that they were holding an unlawful assembly and carrying offensive weapons (see Sections 1.c. and 1.d.), a common charge to harass meeting organizers and participants. The organizers argued that such charges were baseless as plays are not governed by the Public Order Act (which requires prior notification) but the Film and Stage Plays Act (which has no prior notification clause). In a letter to Police Commissioner Philemon Abongo following the incident, CGD protested the arrests and claimed that the play was disrupted because of its civic education focus. In December the persons arrested were acquitted and released. On March 25 in Kapsabet, the officer commanding the police station, Gakuo Wanyaga, and riot police attempted to break up a rally organized by KANU M.P. Kipruto Kirwa and fellow M.P. John Sambu. The organizers claimed that they had notified the authorities of the planned meeting as required by law. After Sambu confronted the police and the crowd reportedly began chanting, the police left and allowed the rally to continue. On March 30, police in Nakuru arrested and detained in prison for several days 11 activists who were participating in a public gathering to discuss land grievances among the minority Ogiek community (see Section 1.d.). The Attorney General subsequently dropped the charges. On April 3, police in Laikipia, allegedly on orders from District Officer Njeru, dispersed a Greenbelt Movement civic education gathering, and arrested 4 persons (see Sections 1.d. and 2.a.). On April 13, police in Nairobi arrested and detained for several days 63 demonstrators, including 6 nuns and 5 clergymen during a march to present a petition to the World Bank offices in Nairobi (see Section 2.b.). The group had given prior notice to the police, who permitted them to march peacefully until they reached the World Bank offices. The Attorney General later dropped the charges because the police had no case against the demonstrators. On June 7, police in Molo prevented the KHRC from holding a civic education drive for the Ogiek community at Tinet Forest (see Section 5). The police did not allow the KHRC members to enter the community and accused them of failing to obtain clearance from the police to stage a public meeting. A spokesperson for the KHRC claimed the police deliberately prevented the visit in an attempt to deny the Ogiek their rights. On September 30, police in Keiyo disrupted a meeting held by members of the Marichor community, even though organizers had notified police 2 weeks in advance of the event. The Officer Commanding Station Wanyama allegedly claimed that he was acting on orders from higher authorities. On December 17, 100 riot police used tear gas and batons to forcibly disperse a march headed by 5 M.P.'s, including James Orengo; numerous persons were injured and 24 persons were arrested (see Sections 1.c. and 1.d.). On December 30, police disrupted a shareholders meeting of Mbo-I-Kimati, a land-owning firm, which had been banned by police as "illegal" for "security reasons." The meeting was held to choose new directors and discuss a variety of grievances. The police officers reportedly threatened journalists covering the meeting and chased and beat Betty Dindi, a journalist for The Nation (see Sections 1.c. and 2.a.).

Police dispersed or intervened in some public assemblies after they became violent (see Section 1.c.). On January 29, fighting broke out at a rally in Bomet after persons allegedly paid by Assistant Minister Isaac Ruto attacked rival KANU Minister Kipkalya Kones and his supporters. On August 19, progovernment supporters broke up a rally organized by opposition M.P. James Orengo, police intervened, used tear gas, and beat and kicked participants (see Section 1.c.); police simultaneously blocked M.P.'s from leaving Parliament to attend the rally. On December 13, police forcibly disrupted a meeting held by Kipruto Kirwa, a dissident KANU M.P. (see Section 2.b.). Police allegedly sent in a group of 5 to 10 "troublemakers" to interrupt the meeting, then reportedly intervened and fired tear gas into the meeting. Police fired several shots into the crowd while chasing several persons through the village; one person was injured (see Section 1.c.).

On December 8, President Moi ordered the police to prevent all future rallies by the Muungano wa Mageuzi (Movement for Change), an organization backed by a coalition of both opposition and dissident KANU M.P.'s (see Section 3), and to cancel any licenses that already had been issued. Moi said that licenses would only be given to registered political parties, and that the Government would ban events by any "lobby groups, some religious organizations and nongovernmental organizations whose aims and operations were sinister." On November 11, police in Eldoret used tear gas and batons to forcibly disperse a rally organized by the Mageuzi allegedly because the rally conflicted with another event and needed to be cancelled; several minor injuries were reported. On December 9, police in the Western Province set

up roadblocks to prevent M.P.'s from attending a Mageuzi event in Busia, and police forcibly dispersed the rally; six persons were injured and several journalists were arrested and detained (see Sections 1.d. and 2.a.). On December 12, police used tear gas and batons to prevent a Mageuzi rally at the Kamukunji Grounds in Nairobi; several persons suffered minor injuries.

In early May, President Moi was quoted widely in the press calling for action against the Mungiki religious and political group and police disrupted several of the group's meetings during the year (see Section 1.c.). On February 26, police in Thika forcibly dispersed a rally held by the Alliance of Patriotic Youth, a young group with strong ties to members of the Mungiki group, because the group reportedly had not given 3 days notice of their intent to rally. Police used tear gas and truncheons to disperse the crowd, which resulted in several injuries (see Section 1.c.). On May 14, a few hundred Mungiki reportedly were praying at Ngomongo grounds in Nairobi when police broke up the meeting and arrested at least three Mungiki members. On May 21, police in Embu allegedly blocked a Mungiki recruitment meeting. On September 17, police in Nairobi disrupted a Mungiki prayer gathering and then fought with Mungiki members, slum dwellers, and street children; there were no reported injuries.

Student protests and riots occurred frequently during the year, and police forcibly dispersed several protests after they became violent, which resulted in injuries (see Section 1.c.).

There were several violent incidents between progovernment supporters and opposition supporters during the year. On January 13, supporters of National Development Party (NDP) Chairman Raila Odinga attacked opposition M.P.'s James Orengo and Shem Ochuodho during a march against the Parliament-led constitutional review process. Supporters of the Parliament process reportedly beat several persons with whips and batons (see Section 1.c.). On January 14 and 15, students loyal to Orengo again marched in Nairobi to protest against the Parliament-led constitutional review process. Fighting between the students and pro-KANU and supporters of the Parliament process resulted in numerous injuries (see Section 1.c.). On June 22, armed youths disrupted meetings of the National Convention Executive Council (NCEC) in Kisumu, reportedly injuring several NCEC delegates. The incidents did not gain national media attention until NCEC leaders blamed M.P. Raila Odinga, Chairman of the NDP, and the Provincial Administration for instigating the violence; Raila denied the accusations. On November 26, progovernment youths forcibly disrupted a meeting of the Ufungamano Initiative in Kisumu (see Sections 2.c. and 3). The youths threw Molotov cocktails, burned a vehicle, and beat severely several persons (see Section 1.c.). Police did not intervene.

The Government continued to use the Societies Act to restrict freedom of association. The act requires that every association be registered or exempted from registration by the Registrar of Societies. For years after opposition parties again were legalized in 1992, the Government refused to act on a number of political party registration applications. However, since the enactment of reform legislation in 1997, the Government has acted on some long-pending applications, increasing the number of registered political parties from 23 to 40. However, the Government continued to refuse to reverse its 1994 denial of registration of the Islamic Party of Kenya (IPK), which was involved in a number of violent confrontations with police in 1992 (see Sections 2.c. and 5). The United Democratic Movement political party has awaited registration since 1998, and continued to pursue its case in the courts; however, it still was not registered at year's end. In 1998 the Saba Saba Asili party postponed its petition for registration, because it believed that the Government would deny its application.

The Government continued to criticize publicly and to intimidate NGO's, many of which it accuses of being "subversive" and of working with the opposition to overthrow the Government. The Government NGO Coordination Board under the NGO Act registers NGO's. The Government used this structure to put pressure on the nongovernmental National NGO Council. In 1997 the Board directed the Council to compile a list of "political NGO's," presumably to carry out President Moi's threat to deregister all "political NGO's," but the Council refused. In March 1999, President Moi publicly stated that NGO's were trying to destabilize the country by channeling foreign funds to antigovernment student and labor organizations and using foreign funds to organize seditious mass protests. In April 1999, the Office of the President instructed all district governments to monitor NGO's within their districts with a view to ensuring that NGO's either advance government-approved objectives or cease to operate; however, NGO's did not report an increase in government monitoring during the year.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, while groups gen-

erally were allowed to worship freely, the Government at times interfered with other activities by religious groups.

The Government requires religious organizations to register with the Registrar of Societies, which reports to the Office of the Attorney General. The Government allows traditional indigenous religious organizations to register, although many choose not to do so. Once registered, religious organizations enjoy tax-free status and clergy are not subject to duty on purchased goods. Religious organizations generally receive equal treatment from the Government; however, some small splinter groups have found it difficult to register due to their inability to define their status as more than an offshoot of a larger religious organization. The Government has not granted registration to the Tent of the Living God, a small Kikuyu religious group banned during the single party-era; however, with the arrival of a multiparty system in 1992, the Tent of the Living God has virtually disappeared.

Despite 1997 legal reforms and the subsequent registration of a large number of political parties, the Government refused to reverse its 1994 denial of registration of the Islamic Party of Kenya (IPK) on the grounds that the IPK had been involved in a number of violent confrontations with police in 1992, and because the party refused to drop the Islamic title from its party name.

On April 3, William Ruto, Assistant Minister in the Office of the President, said following the discovery of "cult" killings in Uganda that the Government would crack down on religious groups that endanger the safety of their adherents; however, other than the Mungiki, there was no reported harassment of religious groups.

On June 25, local authorities in Nairobi blocked entry to the Buru Buru Church of God ostensibly to prevent renewed fighting between rival factions in the Church, which had resulted in numerous injuries among worshipers 2 weeks earlier. The Church remained closed at year's end.

Foreign missionary groups of nearly every faith operate in the country. The Government generally has permitted them to assist the poor and found of schools and hospitals. The missionaries openly promote their religious beliefs and have encountered little resistance; however, some missionary groups expressed concern following the 1999 release of the report of the Presidential Commission of Inquiry into Devil Worship. The Commission's widely-publicized report included numerous reports of ritual murder, human sacrifice, and cannibalism, and feats of magic allegedly done by using powers acquired through such acts. It also reported that "Satanists" had infiltrated nonindigenous religious groups including Jehovah's Witnesses, the Church of Jesus Christ of Latter-Day Saints (Mormons), and the Church of Christ Scientist (Christian Scientists), as well as other organizations, including the Masonic Order (Freemasons) and the Theosophical Society, making them "doorways" to Satanism. Most members of the Commission were senior members of mainline Christian churches; a deputy director of the Criminal Investigations Department (CID) also served on the Commission. Fears of devil worship persisted during the year. In September police in Nairobi reportedly alerted residents to a growing number of ritual murders after a 7-year-old girl was found murdered. A women was arrested a week earlier for allegedly abducting a child.

Purporting to practice witchcraft reportedly is a criminal offense under colonial-era laws; however, persons generally are prosecuted for this offense only in conjunction with some other offense, such as murder. Witchcraft traditionally has been a common explanation for diseases of which the causes were unknown. Although many traditional indigenous religions include or accommodate belief in the efficacy of witchcraft, they generally approve of harmful witchcraft only for defensive or retaliatory purposes and purport to offer protection against it. The practice of witchcraft is widely understood to encompass attempts to harm others not only by magic, but also by covert means of established efficacy such as poisons.

Muslim leaders continued to charge that the Government is hostile toward Muslims. Muslims complain that non-Muslims receive better treatment when applying for proof of citizenship. According to Muslim leaders, government authorities more rigorously scrutinize the identification cards of persons with Muslim surnames and require them to present additional documentation of their citizenship (i.e., birth certificates of parents and, sometimes, grandparents). The Government has singled out the overwhelmingly Muslim ethnic Somalis as the only group whose members are required to carry an additional form of identification to prove that they are citizens. Ethnic Somalis must produce upon demand their Kenyan identification card and a second identification card verifying screening. Both cards also are required in order to apply for a passport. Although this heightened scrutiny originated as an attempt to deter illegal immigration, a senior official of the Supreme Council of Kenya Muslims alleged that it increasingly affects all Muslims.

The Government at times disrupted public meetings that religious groups organized or participated in, sometimes for political reasons. For example, on April 3,

police in Laikipia broke up a gathering in a Catholic church hall, on the grounds that the participants were former freedom fighters holding a secret meeting. The police arrested four men and charged them with holding an illegal meeting (see Sections 1.d. and 2.b.).

The Government historically has been unsympathetic to tribal religious groups that have engendered protest movements. The Government frequently harassed, and periodically arrested and detained members of the Mungiki, a small, controversial, predominately Kikuyu traditional religious group with strong political motivations. The group originated as an offshoot of the Tent of the Living God religious group, and many of its leaders reportedly have converted to Islam. On at least one occasion, police fired upon members of the Mungiki while attempting to disrupt their prayer meeting. Members of the Mungiki most commonly are charged with holding illegal assemblies and possessing offensive weapons. Mutual mistrust between Mungiki and police authorities aggravated the situation, and in May President Moi was quoted widely in the press calling for a crackdown on the Mungiki. On April 23, a few hundred members of the Mungiki approached the Nyahururu police station to demand the release of three members of the group. Police responded with force, including the use of rubber bullets and live ammunition, injuring dozens of persons and sending eight persons to the hospital with gunshot wounds (see Section 1.c.). Police later removed two of the wounded from their hospital beds and detained them, an act that hospital authorities strongly criticized (see Section 1.d.). On May 14, police reportedly broke up a prayer gathering at Ngomongo grounds in Nairobi attended by a few hundred Mungiki and arrested at least three adherents (see Sections 1.d. and 2.b.). On May 21, police in Embu allegedly broke up a Mungiki recruitment meeting. On June 25, police shot and injured 5 members of the Mungiki and arrested 23 others while attempting to disrupt a prayer meeting (see Sections 1.c., 1.d., and 2.b.). The Mungiki members responded to the police attempts to disrupt their meeting by throwing stones at the police. On July 8, police in Nairobi fought with Mungiki members as they gathered for an impromptu meeting. On July 30, police in Nyeri arrested 10 Mungiki members for holding an illegal gathering, reportedly injuring some of them (see Section 1.d.). On September 17, police in Nairobi broke up a Mungiki prayer gathering (see Sections 1.c. and 2.b.), and then fought with Mungiki members, slum dwellers, and street children; there were no reported injuries. The debate over the rights of the Mungiki to practice their traditional religion and advance their political agenda is ongoing. The Mungiki group allegedly promotes female genital mutilation (FGM) and the taking of illegal oaths against the Government. It remains unclear whether the Mungiki violate the law in practicing their religion.

On August 13, 1999, police killed five Muslim worshipers in an altercation in the Anas Bin Malik mosque in Chai village, near Mombasa. The Government charged two police officers, Julius Mugambi M'Nabere and Stephan Musau Kilonzo, with murder. The case was pending before the court at year's end (see Section 1.a.).

On August 24, Father John Anthony Kaiser, a Catholic priest working in the country for over 30 years, was found dead near Naivasha town (see Section 1.a.). Father Kaiser was a vocal human rights activist and a critic of key members of the Government. The investigation was ongoing at year's end; there are no known suspects.

In December 1999, a group of Christian, Muslim, and Hindu leaders formed an alternative process to reform the Constitution, the Ufungamano Initiative, which opposes the Parliament-led process (see Section 3). The Government, although critical of the Ufungamano group, permitted it to proceed with its constitutional review process. However, a Minister in the Office of the President, Shariff Nassir, and other ruling party politicians, warned of possible confrontation if the Ufungamano Commission attempted to collect citizen views in their constituencies.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—By law citizens may travel freely within the country and there were no reported violations of this right. However, police routinely stop vehicles and check vehicles' safety and drivers' documents on roads throughout the country. Many vehicles often are in disrepair, and many drivers often lack required documentation. Police often demand bribes at such checkpoints.

The Government does not restrict emigration or foreign travel; however, the law requires a woman to obtain her husband's or father's permission in order to obtain a passport (see Section 5). However, in practice, adult women often are able to circumvent this restriction by claiming to be unmarried. Civil servants and M.P.'s must get government permission for international travel, which generally is granted routinely; however, during several legislative periods during the year, the Government denied permission to some government Ministers to travel because the Ministers were in session.

In November the Government deported approximately 100 Ugandans who were attending a conference in Nairobi, because of fears of contagion due to the Ebola outbreak in Uganda.

The majority of an estimated 400,000 persons displaced or forced to relocate during the early 1990's because of ethnic violence are believed to have returned to their homes or moved elsewhere; however, some still were waiting to return home at year's end. Many of the rural residents displaced by the violent ethnic clashes in Rift Valley in 1991–93 still have not returned to their homes and remain displaced in urban areas. Some of the several thousand persons displaced by ethnic clashes in Rift Valley in 1998, and in the Pokot-Marakwet region throughout 1999, have not returned to their homes due to fear of renewed violence (see Section 5).

In December the Government permitted the return of approximately 4,500 Kenyan refugees from Ethiopia pursuant to an agreement with the UNHCR and Ethiopian Government. Government officials had refused to allow their return in November 1999, ostensibly because of concerns over the possible effect of their return on ethnic tensions in their areas of origin.

The law does not provide for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in 1991 the Government drafted legislation to establish a mechanism for granting refugee or asylum status. During the year, the drafting committee submitted the legislation to the Attorney General's office for review; however, no further action was taken by year's end. The UNHCR grants refugee status to Somali refugees at the Dadaab camps and to Sudanese refugees arriving at the Kakuma camp. A UNHCR eligibility committee in Nairobi performs a similar function for individuals of other nationalities.

The Government offers first asylum and provided it to the approximately 200,000 refugees registered by the U.N. High Commissioner for Refugees (UNHCR), who lived in official UNHCR camps. An undetermined number of refugees live outside the camps in cities and rural areas. Somalis accounted for about 80 percent of the total refugee population, followed by large numbers of Sudanese and a scattered number of other nationalities from across the region. Approximately 2,000 refugees, mostly of Somali and Ethiopian background, were repatriated during the year. Police performed nighttime sweeps in urban areas to round up illegal immigrants and refugees (see Section 1.d.).

During the period between 1997 and 1999, the UNHCR, at the direction of the Government, closed 5 refugee camps near the coastal city of Mombasa and relocated over 7,000 refugees against their wishes to camps near the Somali and Sudanese borders. The Government requires all refugees to reside at these camps unless granted permission to live elsewhere in the country, primarily to attend higher education, undergo medical treatment, or avoid security threats at the camps. However, many refugees live illegally outside the camps, especially in Nairobi.

The border with Somalia remained officially closed until April 12; however, many Somalis continued to arrive overland from Somalia to the camps near Dadaab during the closure.

There were numerous incidents during the year in which persons were killed during interethnic disputes; some of which crossed the country's border (see Section 5).

Incidents of rape of women and girls in refugee camps continued to occur, especially near the Dadaab camps (see Sections 1.c. and 5). Over 80 percent of such rapes occurred when women and girls collected firewood and building materials outside the camps; however, reported rapes declined during the year, largely because of a firewood distribution program initiated at the Dadaab camps. On April 3, a court in Garissa convicted and sentenced a man to two concurrent 30-year prison terms for raping two refugee women near the Dadaab camp (see Section 1.c.).

Acts of violence, including banditry and shootings, occur regularly near the camps. In January, February, and April Somali refugees at the Kakuma camp burned over 400 of their shelters, reportedly to attract attention to their demands for resettlement and to claim food ration cards allegedly lost in the fires.

There were no reports of the forced expulsion from the country of persons with a valid claim to refugee status.

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

The Constitution provides citizens with the right to change their government through free and fair multiparty elections; however, their ability to do so has not yet been demonstrated fully. The National Assembly continued to be dominated by the same ruling party. The December 1997 general elections, despite numerous logistical and other flaws, generally reflected the will of the electorate. They were marked by much less violence and intimidation, less fraud, and less overt use of

government resources to assist KANU candidates, than the 1992 polls. Due to greater fragmentation, the opposition was perceived widely to pose less of a challenge to Moi's reelection than it had in 1992. Opposition candidates won 60 percent of the vote, but these votes were split among four main and several fringe parties, thereby enabling Moi to win reelection for another 15-year term and giving KANU a narrow majority in the unicameral National Assembly. KANU victories in 1998 and 1999 by-elections (four caused by the deaths of sitting opposition M.P.'s and one by a defection to KANU) increased KANU's majority in the National Assembly to 118 of 222 seats. The High Court required one by-election by overturning a 1997 opposition victory; the court continued not to take action on any opposition challenges to KANU victories in 1997.

At the local level, the President exercises sweeping power over the administrative structure. The President appoints both the powerful provincial and district commissioners and a multitude of district and village officials. In elections many local officials actively assist the ruling KANU. Unlike in previous by-elections in 1998 and 1999, there were no allegations of partisan electoral abuses by local officials during the one by-election in April in the Kwanza constituency, Rift Valley.

At the national level, the Constitution authorizes the President to dissolve the legislature and prohibits debate on issues under consideration by the courts. This prohibition, in conjunction with a ruling by the Speaker of the Assembly that the President's conduct is inappropriate for parliamentary debate, has limited the scope of deliberation on controversial political issues. M.P.'s are entitled to introduce legislation, but in practice it is the Attorney General who does so. The President significantly influences the legislative agenda. However, in November 1999, the National Assembly amended the Constitution to give the National Assembly the power to hire its own staff and to vote its own budget, despite President Moi's long-expressed opposition to this amendment. On November 28, the National Assembly passed implementing legislation, which was being implemented at year's end.

The Government continued to use both physical beatings and arbitrary arrest and prosecution to harass and intimidate opposition M.P.'s and to restrict their freedom of speech and assembly (see Sections 1.c., 1.d., 1.e., and 2.b.). The Government's domination of domestic broadcast media, especially outside major urban centers, continued to restrict severely the ability of opposition politicians to communicate with citizens (see Section 2.a.).

On December 28, President Moi, acting as chairman of KANU, suspended six M.P.'s for dissent, including Jimmy Angwenyi, Kipkalya Kones, Anthony Kimeto, Cyrus Jirongo, and former Finance Minister Simeon Nyachae. The suspension prevents the M.P.'s from bringing any motions sponsored by their party to Parliament; however, they could still submit motions on their own and participate in all Parliament activities.

Reforms adopted in 1997 ameliorated the lack of independence of the presidentially appointed Electoral Commission, which oversees elections, by nearly doubling its size to include members nominated by the opposition. One parliamentary byelection was held during the year on April 15, in the Kwanza constituency, Rift Valley. FORDKenya kept their seat in the by-election. While there was some violence in the period prior to the election, the election was held without incident.

Since 1996 a broad coalition of NGO's and religious organizations has mobilized public opinion in support of a reform of the Constitution to reduce the power of the presidency. In 1997 the National Assembly enacted the Constitution of Kenya Review Act, which was amended in 1998 to create a constitutional review commission to recommend changes in the Constitution. In 1999 the constitutional reform process stalled, when political parties were unable to agree how seats on the commission should be divided among the parties. Although demands by religious leaders and NGO's to restart the stalled constitutional reform process continued in 1999, Moi continued to insist that only the National Assembly was competent to review the Constitution. In December 1999, the National Assembly created a Parliamentary Select Committee to revise the existing act and form a review commission; the Ufungamano Initiative, a church-led group, formed the next day, creating a parallel process. The Parliament created a separate review commission in November, which also did not complete its review by year's end. In the latter half of the year, the Government and police harassed and disrupted meetings of the Muungano wa Mageuzi (Movement for Change), an organization backed by a coalition of both opposition and dissident KANU M.P.'s that promotes opposition unity to achieve political and constitutional reform. It is not a political party. On December 8, President Moi ordered the police to ban all future rallies by the Mageuzi and to cancel any licenses that already had been issued. He also accused Mageuzi and the Ufungamano Initiative of planning to overthrow the Government (see Section 2.c.). On November 11, police in Eldoret used tear gas and batons to disperse Mageuzi demonstrators (see

Sections 1.c. and 2.b.). On December 9, police in the Western Province set up roadblocks to prevent M.P.'s from attending a Mageuzi event in Busia and forcibly dispersed the rally (see Sections 1.c., 1.d., 2.a., and 2.b.).

Elected local councils exist, but the executive branch of the central Government has arrogated most of the revenues and functions that they had at independence. Although rural and municipal councils are authorized by law to provide a wide range of health, education, and infrastructure services, in practice their functions have been reduced to some oversight of nursery schools, secondary and tertiary roads, markets, and natural resources such as forests. Most councils lack sufficient financial autonomy and revenues to perform adequately even these limited services.

Although there are no legal restrictions, traditional attitudes circumscribe the role of women in politics, and women are underrepresented in government and politics. The National Assembly included eight female M.P.'s (four elected and four nominated), up from seven in the last session. The Women's Political Caucus, formed in 1997, continued to lobby over issues of concern to women and to increase the influence of women on government policy. A bill was introduced in June to create a number of parliamentary seats reserved for women; however, no action was taken on the bill by year's end.

Although the President's Cabinet included persons from many ethnic groups, approximately one-third of the ministers were either Kalenjin or Luhya. At year's end, there were only two ministers from the country's largest ethnic group, the Kikuyu, and no minister from the third-largest ethnic group, the Luo; both the Kikuyus and the Luos tend to support opposition parties. However, in 1999 President Moi appointed a person affiliated with the Kikuyu ethnic group as Vice President. The President continued to rely on an inner circle of advisors, drawn largely from his Kalenjin ethnic group. There is one nominated M.P. who is of Asian origin.

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

The number of human rights organizations continued to grow. These include NGO's such as the KHRC, the Kenya Antirape Organization, the Legal Advice Center, the Catholic Justice and Peace Commission, the Protestant National Council of Churches of Kenya, the Center for Governance and Development, People Against Torture, the Independent Medico-Legal Unit (IMLU), and the Release Political Prisoners pressure group. An array of legal organizations, including the International Commission of Jurists-Kenya, FIDA, the Law Society of Kenya, and the Public Law Institute, advocate human rights.

Several NGO's maintain comprehensive files on human rights abuses. A number of attorneys represent the poor and human rights defendants without compensation, although they can handle only a small percentage of those who need assistance, and are concentrated chiefly in Nairobi and other large cities.

The President instructed government officials to monitor NGO's carefully, and government officials including the President continued to intimidate, and threaten to disrupt human rights organizations and other NGO's (see Section 2.b.). According to a 1999 KBC news report, President Moi said that he would reveal a list of names of subversive NGO's and their antisocial activities; however, the President did not release such a list during the year.

The Government allowed human rights organizations to witness some autopsies of persons who died in police custody. The Attorney General's Office generally responded in detail to foreign embassies' human rights inquiries.

The KHRC produces a "Quarterly Human Rights Report" (formerly the "Quarterly Repression Report") that catalogs the human rights situation in the country, as well as special reports on pressing human rights issues. During the year, it also published a report entitled "Damned and Debased: Women in Prison and Detention Centers in Kenya" (see Section 1.c.). The Institute for Education in Democracy and other NGO's monitor elections in cooperation with the Electoral Commission and diplomatic missions.

The 10-member Government Standing Committee on Human Rights (SCHR) established in 1996 is empowered to "investigate alleged violations of constitutional freedoms," including abuse of power by public officials. It is tasked with drafting recommendations on human rights problems and providing these to the government agencies under whose purview the problems fall. However, it is subordinate to the Office of the President, its chairman is a longstanding KANU loyalist, it has received sufficient funds to fill only 8 of its 27 authorized staff positions, and it has been relatively inactive. Since its inception, the Committee has maintained a low profile and kept its distance from most contentious human rights problems. The National Assembly was considering draft legislation, drafted by the Attorney General and the SCHR with the help of NGO's and civil society, that would grant the Com-

mittee greater autonomy and independence; however, the Assembly took no action on it by year's end.

In October 1998, the Parliament passed a resolution to create an Ombudsman's office that would be charged with addressing complaints about inefficiency, corruption, nepotism, and abuse of power by public servants; however, the Attorney General had not drafted a bill to turn the resolution into law by year's end.

In July the Government facilitated a fact-finding visit by foreign diplomatic personnel to visit the Kamiti Maximum Security Prison and Langata Women's Prison (see Section 1.c.).

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of a person's "race, tribe, place of origin or residence or other local connection, political opinions, color, or creed;" however, government authorities did not enforce effectively many of these provisions. There is credible evidence that the Government sponsored large-scale ethnic violence during the early 1990's, and there were some indications that some government officials have at least tolerated and in some instances instigated ethnic violence on a smaller scale since that time.

Women.—Violence against women is a serious and widespread problem. According to the Government, 165 cases of rape were reported to the police in Nairobi during the year, compared to 155 in 1999. The available statistics probably underreport the number of incidents, as social mores deter women from going outside their families or ethnic groups to report sexual abuse. A study by Kangemi Women Empowerment Centre, a small group based in one of Nairobi's largest low income communities, claimed that three out of five women in the community were victims of domestic violence, and that one-third of the women had suffered sexual abuse. The study noted that the abused women rarely reported the violations, because they believed that nothing would change. Although the validity of the study is unproven, the basic figures reflect other published figures and anecdotal evidence.

The law carries penalties of up to life imprisonment for rape, although actual sentences usually are no more than 10 years. The rate of prosecution remains low because of cultural inhibitions against publicly discussing sex, fear of retribution, disinclination of police to intervene in domestic disputes, and unavailability of doctors who otherwise might provide the necessary evidence for conviction. Moreover, wife beating is prevalent and largely condoned by much of society. Traditional culture permits a man to discipline his wife by physical means and is ambivalent about the seriousness of spousal rape. There is no law specifically prohibiting spousal rape. Throughout the year, the media continued to report on violence against women, including widespread spousal abuse.

There continued to be incidents of rape of refugee Somali women at the Dadaab refugee camps, where women were assaulted outside camp perimeters in the course of gathering firewood and occasionally within the camps themselves (see Section 2.d.). A 1999 KHRC report noted a yearly average of over 100 reported cases of rape among refugee women. The UNHCR initiated a program to distribute firewood to refugees, which reduced the incidence of rape outside the camps; however, such crimes remain a problem.

Since 1994 the Federation of Women Lawyers (FIDA) has collaborated with the police to stop domestic violence. Police typically view violence against women as a family matter, not a crime. FIDA has trained over 800 police officers about gender issues.

Women experience a wide range of discriminatory practices, limiting their political and economic rights and relegating them to second class citizenship. The Constitution extends equal protection of rights and freedoms to men and women, but only in 1997 was the Constitution amended to include a specific prohibition of discrimination on grounds of gender. However, constitutional provisions allow only males automatically to transmit citizenship to their children. The Government has not passed domestic enabling legislation to implement international conventions on women's rights; however, the Attorney General submitted to Parliament three bills that are designed to protect women's rights: The Domestic Violence (Family Protection) Bill; The National Commission on Gender and Development Bill; and The Children Bill. The Task Force on Laws Relating to Women, established by the Attorney General in 1993, has yet to make its report.

Women continue to face both legal and actual discrimination in other areas. For example, a married woman legally is required to obtain the consent of her husband before obtaining a national identity card or a passport.

The Law of Succession, which governs inheritance rights, provides for equal consideration of male and female children; however, in practice most inheritance prob-

lems do not come before the courts. Women often are excluded from inheritance settlements, particularly if married, or given smaller shares than male claimants. Moreover, a widow cannot be the sole administrator of her husband's estate unless she has her children's consent. Most customary law disadvantages women, particularly in property rights and inheritance. For example, under the customary law of most ethnic groups, a woman cannot inherit land and must live on the land as a guest of male relatives by blood or marriage.

Women make up about 75 percent of the agricultural work force and have become active in urban small businesses. Nonetheless, the average monthly income of women is about two-thirds that of men, and women hold only about 5 percent of land titles. Women have difficulty moving into nontraditional fields, are promoted more slowly than men, and bear the brunt of layoffs. Societal discrimination is most apparent in rural areas.

The nation's best known women's rights and welfare organization, Maendeleo Ya Wanawake ("Development of Women" in Swahili) was established as a nonpolitical NGO during the colonial era, but is aligned closely with the ruling party. A growing number of women's organizations are active in the field of women's rights, including FIDA, the National Council of Women of Kenya, the National Commission on the Status of Women, the Education Center for Women in Democracy, and the League of Kenyan Women Voters.

Children.—The system of free education in the early years of the country's independence has given way to a "cost-sharing" education system in which students pay both tuition and other costs. These are a heavy burden on most families. Although the law mandates that schooling be available for all children up through grade 12 and that it be compulsory, there is a very high dropout rate in part because of large educational expenses. There are an estimated 4 million children between 6 and 14 years of age who are out of school. The legally mandated universal schooling also does not occur in practice because of a shortage of schools. Levels of education for boys and girls differ widely. Although the number of boys and girls in school is roughly equal at the primary level, boys substantially outnumber girls in higher education. Rural families are more reluctant to invest in educating girls than in educating boys, especially at the higher levels. Seventy percent of illiterate persons in the country are female. The health care system for school children, which once provided periodic medical checkups and free milk, is defunct. Corporal punishment of students, including caning, by teachers is widespread in schools.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is practiced by certain ethnic groups and remains widespread, particularly in rural areas. The press reported severe injuries to several girls from the practice of FGM. Health officials estimate that as much as 50 percent of women nationwide have suffered FGM. According to Maendeleo Ya Wanawake, the percentage is as high as 80 to 90 percent in some districts of Eastern, Nyanza, and Rift Valley provinces. FGM usually is performed at an early age. In September six women attacked Josephine Gacheri Mbaabu, an adolescent student, as she collected firewood, and attempted to circumcise her. She escaped without being circumcised; however, she was injured in the eye, ear, and neck. Mbaabu reportedly had undergone a less severe form of FGM, which was insufficient for the women. President Moi has issued two presidential decrees banning FGM, and the Government prohibits government-controlled hospitals and clinics from practicing it; however, no law bans FGM. In an attempt to end FGM, some members of the Marakwet and Maasai tribes instituted new "no cut" initiation rites for girls entering adulthood. According to statistics compiled by a group of NGO's in Marakwet, only 169 girls suffered FGM in December 1999, compared to 12,000 girls during the same month in the 4 previous years.

In December a magistrate in Rift Valley ruled in favor of Ednah Chebet Kandie and Beatrice Jepkosgei Kandie, two sisters who sued their father over his traditional right to force them to undergo FGM. The December 12 court order prevents Pius Kandie from forcing his daughters to undergo FGM.

Economic displacement and the spread of HIV/AIDS continued to fuel the problem of homeless street children. The number of Nairobi's street children is over 60,000, an estimated 20 percent increase from 1999. These children often are involved in theft, drug trafficking, assault, trespassing, and property damage. According to a 1997 Human Rights Watch report, street children face harassment as well as physical and sexual abuse from the police and within the juvenile justice system. They are held in extremely harsh conditions in crowded police station cells, often without toilets or bedding, with little food, and inadequate supplies (see Section 1.c.). They often are incarcerated with adults and frequently beaten by police.

The problem of child rape and molestation continued to grow. There were frequent press reports of rape of young girls by middle-aged or older rapists. There were re-

peated reports of molestation or rape of children by schoolteachers, mostly in rural areas. Teachers at the Top Station Primary school in Kitale allegedly raped several students during the year. In a letter to the Minister of Education, FIDA demanded that the Government fire these teachers; however, no action had been taken at year's end. Legally, a man does not "rape" a girl under age 14 if he has sexual intercourse with her against her will; he commits the lesser offense of "defilement." The penalty for the felony of rape can be life imprisonment, while the penalty for defilement is up to 5 years' imprisonment. Men convicted of rape normally receive prison sentences of between 5 and 20 years, plus several strokes of the cane.

On June 9, the Nairobi Chief Magistrate ordered Julius Sunkuli, the Minister of State in the Office of the President, to appear before the court on June 23 to face rape charges brought by FIDA on behalf of Florence Nangini Mpayei, who claimed that Sunkuli raped her in his office in 1996 when she was 14 years old. Mpayei also alleged that she bore a child as a result of the rape. In September the court dropped the case at Mpayei's behest.

Child prostitution is a major problem in Nairobi and Mombasa, often connected with the tourist trade. Child prostitution has grown considerably due both to economic contraction and the increase in the number of orphans due to the spread of HIV/AIDS.

There were reports that children were killed for body parts by persons practicing healing rituals associated with traditional religions (see Sections 1.a. and 2.c.). In September authorities in one part of Nairobi reportedly banned night worship temporarily after several young children were found dead in the area, allegedly victims of devil worship. In October several small riots ensued as residents attacked suspected child abductors and killed three suspects in the process (see Sections 1.a. and 2.c.). Similar incidents occurred in Mombasa and Nakuru where mobs attacked suspected child abductors. One man died when Nakuru police fired on a crowd that was attempting to lynch a suspect.

People with Disabilities.—Government policies do not discriminate officially against the disabled with regard to employment, education, or state services. However, disabled persons frequently are denied licenses to drive. There are no mandated provisions of accessibility for the disabled to public buildings or transportation. Kenya Television Network broadcasts some news programs in sign language.

Religious Minorities.—There generally is a great level of tolerance among religious groups; however, there were a few instances of violence between adherents of different religions, and Muslims increasingly perceive themselves to be treated as second-class citizens in a predominantly Christian country. Intermarriage between members of Christian denominations is common and interfaith prayer services occur frequently. Intermarriage between Muslims and Christians, although less frequent, is also socially acceptable, and mosques and Christian churches can be found on the same city blocks.

For years Muslims and Christians have held an open debate over their respective places in society. Each group claims to have a larger number of adherents than is plausible, and some Muslim groups believe that the Government and business communities deliberately have impeded development in predominantly Muslim areas. Muslims also believe that the national business community, dominated by largely Christian ethnic groups from inland "up-country" areas including the Kikuyu, deliberately allocates to non-Muslims most of the jobs it creates in predominantly Muslim areas including the coastal area. The debate at times has undermined mutual trust. The misuse of authority by mainly Christian security forces in the northeast, which is largely Muslim and in which banditry is widespread, has long contributed to Muslim mistrust. In recent years, the absence of effective government in southern Somalia and the OLF insurgency in southern Ethiopia have strained Christian-Muslim relations further by causing the Government to increase security force presence and operations in the northeast, where many security force members may find it hard to distinguish Kenyan Muslims from ethnically and culturally similar members of Somali militias or the OLF (see Sections 1.a and 1.c.).

There were a few instances of violence between adherents of different religions. On April 21, a group of Muslims allegedly threw stones and attacked a group of Catholic worshipers who had stopped in front of the Majengo mosque in Nyeri to pray during a Good Friday ceremony. The Muslim worshipers were in the middle of their Friday prayers and believed that the Catholics were provoking them. A few of the Catholics received minor cuts and bruises. Top leaders of the two faiths met in Nyeri a few days later to reconcile their differences and apologize before the fight escalated. On April 23, Muslim youths in Kitui reportedly charged and dispersed a group of Christians who were making noise outside a mosque during evening prayers.

On November 30 and December 1, Muslim worshippers and local traders fought over land surrounding a mosque in a residential neighborhood in Nairobi, resulting in the deaths of four persons and numerous injuries (see Sections 1.a. and 1.c.). Although originally a land conflict, it may have become a religious conflict during the fighting when a mosque, a madrassa (learning center), a church, a nightclub, and kiosks were burned down. Riot police intervened to restore calm; however, there were no reported injuries caused by this intervention.

During the year, there were reports of ritual murders allegedly associated with aspects of traditional indigenous religions. The victims, generally believed to be teenaged children, reportedly were killed and parts of their bodies removed for use in traditional rituals by persons seeking renewed youth or health. The Report of the 1994 Presidential Commission of Inquiry into Devil Worship, presented to the Parliament in August 1999, contained similar reports from recent years.

Mob violence against persons suspected of practicing witchcraft resulted in dozens of deaths (see Section 1.a.). There were no statistics on the number of mob killings of suspected witches during the year; however, unsubstantiated accusations of the practice of witchcraft or satanism appeared increasingly common.

National/Racial/Ethnic Minorities.—The country's population of approximately 29 million was divided into more than 40 ethnic groups, among which there were frequent and credible allegations of discrimination, as well as sporadic interethnic violence. In general each ethnic group has a distinct primary language and is concentrated in a distinct region; however, the languages of some groups are very similar to the languages of related ethnic groups. In private business and in the public sector, members of virtually all ethnic groups commonly discriminated in favor of other members of the same group when able to do so. Neighborhoods in large cities tended to be segregated ethnically, although interethnic marriage has become fairly common in urban areas. Political cleavages tended to correlate with ethnic cleavages (see Section 3).

Unofficial results of the 1999 census indicated that the Kikuyu still constitute 21 percent of the population, and the Luhya were estimated to constitute 16 percent, the Kalenjin 12 percent, the Luo 11 percent, and the Kamba 10 percent of the population.

Ethnic-regional differences continue to pose obstacles to political and economic liberalization. Members of President Moi's Kalenjin ethnic group (a coalition of nine small ethnic groups) and other traditionally pastoral Nilotic ethnic groups are represented disproportionately and hold key positions in the Government, the ruling KANU party, the GSU, and the Presidential Escort. Many members of these groups appear to believe that economic and political liberalization would be likely to harm their groups, and to favor other groups. The Kikuyu and the closely related Kamba, Meru, and Embu groups make up more than a third of the country's population; members of these groups also dominate much of private commerce and industry and have tended to support opposition parties since they were legalized in 1992. The Kikuyu, the largest, best-educated, and most prosperous ethnic group, dominated the country under its first president, Jomo Kenyatta, a Kikuyu.

In April during a speech to Parliament, Julius Sunkuli, the Minister of State in the Office of the President, criticized ethnic vernacular radio stations as being tribal and a detriment to national unity (see Section 2.a.). In August President Moi also criticized and sought ineffectively to ban radio broadcasts in languages other than English or Kiswahili (see Section 2.a.).

In August 1999, a presidential Commission on Ethnic Clashes, a government-appointed panel of three judges formed in 1998, submitted to President Moi its report on the cause of ethnic clashes that occurred in the Rift Valley in 1992 and 1997, the Coast province in 1997, and the areas of Molo and Laikipia in 1998. Many of the hearings were public, and witnesses often directly accused local politicians of abetting the combatants, although they rarely provided other than hearsay evidence. However, key churches and NGO's claim that a number of witnesses were prevented from testifying, especially after, half way through the investigation, the Government changed the Commission's aggressive prosecutor John Nyagah Gacivih to the more progovernment Deputy Attorney General Bernard Chunga. The Government still had not released the report or announced that it was taking any formal action on its findings by year's end.

Attacks and revenge counterattacks continued between ethnic groups throughout the country, resulting in an average of 75 to 100 deaths per month (see Section 1.a.). Significant conflict occurred between ethnic Pokots and Marakwets, between Pokots and Turkanas, between Turkanas and Samburus, between Luos and Kisiis, between Boranas and Somalis, and among various Somali clans. Many factors contributed to these conflicts, including the proliferation of guns, the commercialization of traditional cattle rustling, the weakening of state authority, the emergence of local mili-

tia leaders, the development of a modern warrior/bandit culture (distinct from the traditional culture), irresponsible local political leadership, shrinking economic prospects for affected groups, a regional drought, and the inability or unwillingness of security forces to stem the violence. In April approximately 400 armed men attacked a Somali clan in Isiolo District; 20 to 40 persons reportedly were killed. In April an estimated 500 Pokot raiders attacked a Turkana village near Baragoi; 27 persons were killed during the fighting. In June Pokot gangsters raided a Marakwet village; 10 persons were killed and several others reportedly were missing following the fighting. During the week of June 27, five persons were killed when disputes resurfaced over the ownership of a plot of land along the common border between Gucha and Migori districts, Western Province. When a Luo man attempted to till the land, a group of Kisii men attacked and killed him. In response the Luo's kinsmen killed two of the suspects. A band of Kisii men then killed another Luo in his home in revenge. In July 30 persons were killed during fighting between two Somali clans in Wajir district. Violence also broke out during several periods between ethnic Somali and Boranas in the Isiolo area, resulting in numerous deaths.

Members of the coastal Bajuni, Mijikenda, and Digo communities accused the Government of denying them their rights to land, and of favoring members of inland "up-country" ethnic groups, who migrated to the coast largely during the period when Kenyatta was president. On June 7, police in Molo prevented the KHRC from holding a civic education drive for the Ogiek community at Tinet Forest (see Section 2.b.). A spokesperson for the KHRC claimed the police deliberately prevented the visit in an attempt to deny the Ogiek their rights.

The Government has singled out the overwhelmingly-Muslim ethnic Somalis as the only group whose members are required to carry an additional form of identification to prove that they are citizens. They must produce upon demand their national identification card and a second identification card verifying screening, which is a form of prior verification of citizenship through birth records of parents and sometime grandparents. Both cards also were required in order to apply for a passport. The continued presence of and at times criminal activities by Somali refugees has exacerbated the problems faced by citizens of Somali ethnicity (see Sections 2.c. and 2.d.).

There is widespread resentment among citizens of African ethnicity toward Asians living in the country. The Asian community constitutes between 0.5 and 1 percent of the total population and consists of second and third generation Asians with full citizenship and a smaller body of recent immigrants. Many African Kenyans resent persons of Asian descent for their affluence, and for their reluctance to assimilate African culture and to employ blacks, particularly in management positions. They also see Asians as taking jobs and commercial opportunities. The involvement of some Asians in corrupt activities with government officials further fuels popular resentment. Politicians, both opposition and ruling party, from time to time appeal to majority prejudices by attacking Asian citizens, accusing them of exploiting and usurping the natural inheritance of African citizens. Chenge Mbitiru, Democratic Party M.P. from Laikipia West, has called Asians "the greatest economic enemies" of the country and in early September, called for "Kenyans" to isolate "Asians" unless the government acts to constrain them. The M.P. reportedly said that President Moi should consider expelling Asians "or allow the Kenyan people to force them to leave through mass action."

Police conducted sweeps for illegal immigrants (see Sections 1.d., 1.f., and 2.d.).

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers, except for central government civil servants, medical personnel, and university academic staff, are free to join unions of their choice. The Police Act prohibits members of the national police force from joining unions. In practice workers employed in export processing zone (EPZ) firms, as well as those who work in many small firms, face dismissal if they join unions. The law provides that as few as seven workers may establish a union, so long as the objectives of the union do not contravene the law, and that another union is not representing the employees in question already.

Unions must apply to and be granted registration by the Government. The Government also may deregister a union, but the Registrar of Trade Unions must give the union 60 days to challenge the deregistration notice. An appeal of the Registrar's final decision may be brought before the High Court. Since 1980 when the Kenya Civil Servants Union was deregistered for political reasons, civil servants also have been denied union membership. In August 1999, Dr. Richard Leakey, head of the civil service, announced that the Government may reregister the union and allow civil servants to become members; however, no action had been taken by year's end.

There were 37 unions representing approximately 600,000 workers, about one-third of the country's formal-sector work force. All but five of these unions, representing approximately 250,000 workers, are affiliated with the one approved national federation—the Central Organization of Trade Unions (COTU). The largest non-COTU union is the 240,000-member Kenya National Union of Teachers, which represents more than one-third of all unionized workers. The other four non-COTU unions are splinter organizations that separated from older bodies that remained within the COTU. The COTU leadership generally does not pursue workers' rights vigorously; however, most affiliates chose to remain rather than give up its even minimal support. As a result, most union activity takes place at the shop steward level and not at the industrial level where most labor-related decisions are made. This places the average worker at a disadvantage in disputes with management. Many COTU unions have evolved into de facto ethnic groupings.

The Government created COTU in 1965 as the successor to the Kenya Federation of Labor and the Kenya African Workers' Congress. The 1965 decree establishing COTU gives the President the power to remove COTU's three senior leaders from office and grants nonvoting membership on the executive board to representatives of the Ministry of Labor and of KANU. Although the board is composed of the leadership of affiliated unions, it is common for political parties, especially KANU, to provide funding and other support for the election of senior union officials. For the past few years, some leaders from affiliated unions have sought to bring about democratic reforms in the election of union leaders, independence from the Government, and establishment of links with any political party that supports worker rights. The reelection of the COTU leadership in 1996 indicated that there would be no major changes in the near future. Prior to the 1997 national elections, some trade union leaders began pushing the COTU to take part in the election reform dialog. The COTU leadership took a progovernment position.

The Trade Disputes Act permits workers to strike, provided that 21 days have elapsed following the submission of a written letter to the Minister of Labor. By law members of the military services, police, prison guards, and members of the National Youth Service may not strike. Other civil servants, like their private sector counterparts, can strike following the 21-day notice period (28 days if it is an essential service, such as water, health, education, or air traffic control). During this 21-day period, the Minister may mediate the dispute, nominate an arbitrator, or refer the matter to the Industrial Court, a body of five judges appointed by the President, for binding arbitration. Once a dispute is referred to mediation, factfinding, or arbitration, any subsequent strike is illegal. Moreover, the act gives the Minister of Labor broad discretionary power to determine the legality of any strike.

In past years, the Minister used this power to declare strikes by bank workers and teachers illegal, although the required notice had been given; however, there were no such incidents during the year. In 1997 the Kenya National Union of Teachers (KNUT) called a nationwide strike, which the Government quickly settled with pay increases of over 200 percent spread over 5 years, rather than risk antagonizing the influential teachers before the election. The Government's failure to implement the second of the promised pay hikes resulted in a late 1998 strike by the KNUT, which the Government declared illegal. The strike ended after 15 days when the Government refused to renegotiate. In November Dr. Gitu, the Ministry of Labor's Permanent Secretary, admitted that the Government should not have agreed to pay the 1997 salary package for teachers. The KNUT threatened to hold a nationwide strike at year's end, but did not do so. The Government and the KNUT remain in irregular negotiation regarding the implementation of the agreed-upon salaries; however, the contracted pay hikes have not been paid, and relations between the KNUT and the Government continue to be poor.

During the year there were several "labor actions," usually informal or wildcat strikes; however, there were fewer than in the previous year. Most lasted 1 or 2 days, and some involved violence on the part of the strikers (usually in an attempt to keep other workers off the job). On September 11, antiriot police responded to a September wildcat strike by several hundred guard service employees by firing tear gas at the striking guards after they began burning vehicles and attacking passers-by (see Section 1.c.).

Workers' rights groups continue to raise the general problem of the Government's harshness towards labor with the International Labor Organization's (ILO) Committee on Freedom of Association.

Internationally, the COTU is affiliated with both the Organization of African Trade Union Unity and the International Confederation of Free Trade Unions. Many of its affiliates are linked to international trade secretariats.

b. The Right to Organize and Bargain Collectively.—While not having the force of law, the 1962 Industrial Relations Charter, executed by the Government, the

COTU, and the Federation of Kenya Employers, gives workers the right to engage in legitimate trade union organizational activities. Both the Trade Disputes Act and the charter authorize collective bargaining between unions and employers. Wages and conditions of employment are established in negotiations between unions and management. In 1994 the Government relaxed wage policy guidelines to permit wage increases of up to 100 percent and renegotiation of collective agreements. Collective bargaining agreements must be registered with the Industrial Court in order to ensure adherence to these guidelines.

The Trade Disputes Act makes it illegal for employers to intimidate workers. Employees wrongfully dismissed for union activities can take their cases to the Industrial Court, and many have been awarded damages in the form of lost wages—reinstatement is not a common remedy. More often, aggrieved workers have found alternative employment in the lengthy period prior to the hearing of their cases.

Legislation authorizing the creation of export processing zones (EPZ's) was passed in 1990. The EPZ authority decided that local labor laws, including the right to organize and bargain collectively would apply in the EPZ's, although it grants many exemptions in practice. For example, the Government waived aspects of the law that prevent women from working in industrial activities at night. In practice workers in EPZ firms may face dismissal if they join unions (see Section 6.a.). Labor and some government officials continued to criticize health and safety conditions in the EPZ's.

c. Prohibition of Forced or Compulsory Labor.—The Constitution proscribes slavery, servitude, and forced labor, including forced and bonded labor by children; however, under the Chiefs' Authority Act, a local authority can require persons to perform community services in an emergency. The ILO Committee of Experts has found that these and other provisions of the law contravene ILO Conventions 29 and 105 concerning forced labor. The law remains in effect; however, attempts by chiefs to institute arbitrary community service during the year were overruled by the Government. Some observers allege that prison officials use free prison labor for personal profit. There reportedly were instances during the year, especially in rural areas, of children being loaned out as workers to pay off family debts (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Employment Act of 1976 makes the employment in industry of children under the age of 16 illegal. The act applies neither to the agricultural sector, where about 70 percent of the labor force is employed, nor to children serving as apprentices under the terms of the Industrial Training Act. Ministry of Labor officers nominally enforce the minimum age statute, and the Government is making efforts to eliminate child labor, working closely with the COTU and the ILO's International Program for the Elimination of Child Labor; however, there are more than 4 million child laborers in the country. The problem has received considerable media attention for several years.

Children often work as domestic servants in private homes. There are many instances of children working in the informal sector, mostly in family businesses. Children usually assist parents on family plots rather than seek employment on their own. However, deteriorating economic conditions and the effects of the HIV/AIDS pandemic have given rise to more child labor in the informal sector, which is difficult to monitor and control, and is a significant problem. A significant number of workers on coffee, sugar, and rice plantations are children, who usually work in family units. In addition a large number of underage children were active in the sex industry (see Section 5). In view of the high levels of adult unemployment and underemployment, the employment of children in the formal industrial wage sector in violation of the Employment Act is less common but not unknown.

The Government is a signatory to ILO Convention 182 on the worst forms of child labor; however, the Parliament had not ratified the convention by year's end. There are no laws on the worst forms of child labor. Many NGO's are active in this area.

Forced or bonded labor by children is prohibited by law; however, there reportedly were instances in which it occurred, primarily in rural areas as a form of family debt repayment (see Section 6.c.).

e. Acceptable Conditions of Work.—The legal minimum wage for blue-collar workers in the wage sector has 12 separate scales, varying by location, age, and skill level. The lowest minimum wage is currently $42 (3,180 shillings) per month in the largest urban areas and $25 (1,908 shillings) in rural areas. Workers covered by a collective bargaining agreement (CBA's) generally receive a better wage and benefit package than those not covered, including a mandated housing allowance of 15 percent and traditional benefits such as a transport allowance or a "house owner occupier" allowance.

The minimum wage is insufficient to provide a decent standard of living for a worker and family. The 6 percent minimum wage increase decreed by the Ministry of Labor in May was criticized widely by the workforce. Most workers relied on second jobs, subsistence farming, informal sector opportunities, or the extended family for additional support.

The Regulation of Wages and Conditions of Employment Act limits the normal workweek to 52 hours, although nighttime employees may be employed for up to 60 hours per week. Some categories of workers have a shorter workweek. As is the case with respect to minimum wage limitations, the act specifically excludes agricultural workers. An employee in the nonagricultural sector is entitled to 1 rest day per week. There also are provisions for 21 days of annual leave and sick leave. The law also provides that the total hours worked (regular time plus overtime) in any 2-week period for night workers not exceed 144 hours; the limit is 120 hours for other workers. Workers in some enterprises claimed that employers forced them to work extra hours without overtime pay. The Ministry of Labor is responsible for enforcing these regulations, and there were few reports of violations. Foreign workers are covered by the same legislation and work rules as citizens.

The 1951 Factories Act sets forth detailed health and safety standards; it was amended in 1990 to include agricultural and other workers. The 65 health and safety inspectors attached to the Ministry of Labor's Directorate of Occupational Health and Safety Services have the authority to inspect factories and work sites. As a result of the 1990 amendments, the Directorate's inspectors may issue notices enjoining employers from practices or activities that involve a risk of serious personal injury. Previously, only magistrates were vested with this authority. Such notices can be appealed to the Factories Appeals Court, a body of four members, one of whom must be a High Court judge. The number of factory inspections has increased significantly since 1992. One section stipulates that factories that employ at least 20 persons have a health and safety committee with representation from workers. However, according to the Government, less than half of even the very largest factories have instituted health and safety committees. The vast majority of factories have yet to comply with the provision. Workers are not forced by law to remain in hazardous conditions; however, many would be reluctant to remove themselves because of the high unemployment problem and the resulting risk of loss of their job.

f. Trafficking in Persons.—Although there are no laws that specifically prohibit trafficking in persons, there are applicable laws against kidnaping and abduction that potentially could be used to prosecute traffickers; however, there were no reports that persons were trafficked to, from, within, or through the country during the year. In past years, there were unverified reports that citizens were trafficked to Saudi Arabia under the guise of employment opportunities, and that South Asians were trafficked into the country to work in sweatshops.

The Government does not target trafficking specifically through any programs; however, several NGO's provide service to persons who may have been victims of trafficking.

LESOTHO

Lesotho is a constitutional monarchy with King Letsie III as Head of State. Under the 1993 Constitution, the King fills a ceremonial role, has no executive authority, and is proscribed from actively taking part in political initiatives. Prime Minister Pakalitha Mosisili, the leader of the Lesotho Congress for Democracy (LCD) party, took office in June 1998 and is the Head of Government. In the May 1998 elections, the LCD won 79 seats in the expanded 80-member Parliament. The Basotho National Party (BNP) won the one remaining seat. Over 700 foreign and national election observers concluded that the election met international standards for a transparent, multiparty election; however, the Langa Commission, a group of election auditors from the Southern African Development Community (SADC), reported that while there was no evidence to substantiate charges of electoral fraud, mismanagement of polling data made it impossible to confirm that fraud did not occur. Opposition parties claimed that the election result was fraudulent and launched a prolonged and aggressive protest at the royal palace in Maseru in August 1998. Opposition leaders urged the King—who had staged a coup in 1994—to dissolve the newly elected Parliament and install a government of national unity on the basis of their claim that the LCD rigged the election. In September and October 1998, the armed opposition protesters used violence to destabilize the Government, disarm the police, intimidate workers and business owners, shut down government and business operations, and facilitate a junior officer rebellion in the army. The army rebels, who

were armed, aligned themselves with the opposition protesters. This action resulted in a virtual coup and severely strained relations between the Head of State and the Government. The palace vigil and protests resulted in politically motivated killings, injuries, violence, arson, and destruction. These events also precipitated intervention by a SADC military task force in September 1998 to quell the army mutiny and return society to a state of law and order. In the past, the judiciary had been subject at times to government and chieftainship influence; however, there were no reports of the use of such influence during the year.

The security forces consist of the Lesotho Defense Force (LDF), the Lesotho Police Service (LPS), and the National Security Service (NSS). The Prime Minister is the Minister of Defense, with direct authority over the LDF and the NSS. The police force is under the authority of the Minister of Home Affairs. In 1996 and 1997, the Parliament passed the Lesotho Defense Act (1996), Regulations for Military Justice (1997), and amended the Royal Lesotho Mounted Police Force Act. This legislation was designed to bring these services under direct civilian control. However, the politicized armed services have a history of intervening in the country's politics and government. The LDF ruled the country with two successive military regimes from 1985–90, and 1990–93. In September 1998, a SADC task force put down an army rebellion, arrested LDF rebels, and disarmed the remaining soldiers. Fifty-two army personnel were arrested and tried in courts-martial for rebellion, mutiny, and treason. Fifteen of these soldiers were acquitted after trial or had the charges against them dropped, 1 died of natural causes, and 36 soldiers were convicted and sentenced to prison terms ranging from 3 to 13 years. This was the first instance in which a court-martial prosecuted LDF soldiers for infractions of the Defense Act. The LDF continues to be the subject of a national debate on the structure, size, and role of the armed forces. The NSS and the LPS also are undergoing comprehensive restructuring. There were allegations that members of the security forces on occasion committed human rights abuses.

Lesotho is a landlocked country surrounded by South Africa and almost entirely dependent on its sole neighbor for trade, finance, employment, and access to the outside world. About 17 percent of the adult male work force works in mines in South Africa. Miners' remittances account for slightly over one-third of gross national product (GNP). Real gross domestic product grew by 2 percent in 1999, after a decline of 4.6 percent in 1998. Inflation was slightly more than 12 percent, with per capita GNP rising about 8 percent in local currency terms, to approximately $590. State-owned enterprises predominate in the agroindustrial and agribusiness sectors, but private sector activity dominates in the small manufacturing and construction sectors. The 1998 opposition protest and SADC intervention resulted in a wave of political violence and arson that destroyed nearly 80 percent of the commercial infrastructure in Maseru and other towns and villages. Thousands of jobs were lost, and many entrepreneurs went bankrupt. Hundreds of millions of dollars in losses occured. Under the traditional chieftainship structure, land use and tenure is controlled by the traditional chiefs and formally owned by the Kingdom (i.e., "crown lands").

The Government generally respected many of the human rights of its citizens; however, there continued to be problems in some areas. There were unconfirmed allegations of torture by security forces, and credible reports that the police, at times, used excessive force against detainees. Prison conditions are poor, and lengthy pretrial detention is a problem. There are long delays in trials; 25 of 33 RLMP members charged in connection with a February 1997 police mutiny spent 41 months in jail before being convicted in July. Domestic violence was common, and women's rights continued to be restricted severely. Societal discrimination against the disabled was common. Some worker rights were restricted. Government enforcement of prohibitions against child labor was improved in commercial enterprises that involve hazardous working conditions.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

During the 1998 opposition palace protest, violence between protesters and police, between antagonistic political factions, and between policemen and soldiers resulted in nine fatalities, including one police officer and eight civilians—four of whom were opposition supporters, and numerous injuries. These deaths resulted from gunshot wounds and fatal beatings sustained during enforcement actions and during violent clashes between political party supporters. Between September 21 and 28, 1998, nine South African soldiers were killed while suppressing the army mutiny. Over

50 LDF soldiers and 40 civilians allied with the opposition died in fighting with SADC troops. Fifty-two LDF personnel have been arrested and court-martialed for mutiny and high treason in connection with these events. In 1999 three of the accused were acquitted after trial, and charges against another eight were dismissed upon motion by the Crown. In July three of the accused were convicted and received sentences ranging from 5 to 13 years" imprisonment. One of the accused died of natural causes unconnected with his incarceration while in prison. During the year, 4 of the accused were acquitted after trial, and in December the remaining 33 were convicted and sentenced to prison terms ranging from 3 to 13 years.

In March 1999, the Government began investigating the 1994 palace coup and the alleged involvement of military personnel in the killing of the Deputy Prime Minister; 14 members of the LDF were arrested and charged with involvement in the killing. Four of the soldiers also are facing courts-martial for their role in the 1998 army mutiny. The trials for the killing of the Deputy Prime Minister have been delayed until the courts-martial are completed.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly prohibits torture or inhuman or degrading punishment or other treatment, and the Government generally respects these provisions; however, there were credible reports that the police at times used excessive force against detainees.

Prison conditions are poor. Prison facilities are overcrowded and in disrepair. In 1998 Amnesty International representatives visited the LDF soldiers accused of mutiny being held in the maximum security prison in Maseru and reported that conditions were poor. In January 1999, the Judge Advocate ordered prison officials to improve conditions in the cells in which the soldiers were being held; conditions were improved as a result, and the Judge Advocate did not issue further orders. Women are housed separately from men, and juveniles are housed separately from adults. Rape in prison reportedly is not a problem.

Prison conditions were not monitored independently, and there were no visits by local or international organizations during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and there were no reports of such abuses. During the 1998 crisis, a number of persons were arrested for arson, looting, and possession of stolen property and unlawful firearms. Some of the persons searched and arrested were opposition supporters; however, there was no clear evidence that the authorities exclusively targeted opposition supporters. The domestic legal and nongovernmental organization (NGO) communities are concerned that pretrial detainees, such as those alleged to have been involved in 1998 arson and looting incidents, can be held for long periods of time before trial; however, efforts have been made to improve the judicial administration and reduce the backlog of cases. Some persons arrested in interior districts in January 1999 for looting, arson, and possession of stolen goods in connection with the 1998 crisis were tried and sentenced to fines or incarceration.

In July a trial judge convicted 25 of the 33 RLMP members arrested in connection with the January 1997 police mutiny on charges of sedition and contravention of the 1984 Internal Security Act (ISA) and sentenced them to prison for terms ranging from 1 to 3 years. In passing the sentences, the trial judge took into account the 41 months that the defendants had spent in prison prior to convictions, and their sentences were reduced accordingly. Eight of the convicted RLMP members were released due to lack of evidence. Eight others also were charged with murder and kidnaping; although their trials were completed, the trial court had not rendered a judgment by year's end.

Pretrial detainees on remand were a significant portion of the prison population. Because of serious backlogs of the court caseloads, the period of pretrial remand for some suspects can last months or even years.

In 1997 the Government repealed the provisions of the ISA that allowed for investigative detention.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in the past, magistrates appeared at times to be subject to government and chieftainship influence. There were no reports of such influence during the year.

The judiciary consists of the Court of Appeal (which meets semiannually), the High Court, magistrates courts, and customary or traditional courts, which existed largely in rural areas to administer customary law.

The High Court also provides procedural and substantive advice and guidance on matters of law and procedure to military tribunals; however, it does not participate in arriving at judgments. Military tribunals operating under the 1996 Defense Act

have jurisdiction over military cases only. Decisions by military tribunals can be appealed only to a special courtmartial appeal court, which is composed of two judges from the High Court, one retired military officer with a legal background, and the registrar of the High Court. In January 1999, the defense lawyers for the accused army mutineers asked the judge advocate to dismiss all charges, alleging that the courts-martial hearings were unconstitutional on the grounds that the proceedings were subject to inappropriate command influence and lacked judicial independence. The adjudication panelists were the same LDF officers who were rounded up at gunpoint during the mutiny and held incommunicado in the maximum security prison. The judge advocate denied the lawyers" request. In June 1999, upon review, the Chief Justice also denied the request, as did the Court of Appeals in October 1999.

Persons detained or arrested in criminal cases and defendants in civil cases have the right to legal counsel; however, there is no system to provide public defenders. The Ministry of Justice and the NGO community maintained a few legal aid clinics. The authorities generally respect court decisions and rulings. There is no trial by jury. Criminal trials normally are adjudicated by a single High Court judge who presides, with two assessors serving in an advisory capacity. In civil cases, judges normally hear cases alone. The 1981 Criminal Procedures and Evidence Act, as amended in 1984, makes provision for granting bail. Bail is granted regularly and generally fairly. There is a large case backlog, which leads to lengthy delays in trials. In September 1998, a Molotov cocktail attack on the High Court destroyed case files and other important documents and further hampered the operations of the courts.

In civil courts, women and men are accorded equal rights; however, in traditional and customary courts, certain rights and privileges accorded to men are denied to women (see Section 5). When traditional law and custom are invoked in a court case, a male plaintiff can opt for customary judgments by a principal chief rather than a civil court, and the judgment is binding legally. This system greatly disadvantages women.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law does not fully protect citizens" privacy rights, but there were no confirmed reports that authorities infringed on citizens" privacy rights during the year. Although search warrants are required under normal circumstances, the ISA provided police with wide powers to stop and search persons and vehicles and to enter homes and other places without a warrant. There were no prohibitions against monitoring telephone conversations until 1999, when some restrictions were implemented. Observers believed that the security services continued to monitor telephone conversations of Basothos and foreigners, ostensibly on national security grounds.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. There are several independent newspapers—including one controlled by the Roman Catholic Church, one controlled by the Lesotho Evangelical Church, and four English-language weeklies—that routinely criticized the Government. The official state-owned or state-controlled media consist of one radio station, a 1 1/2 hour daily newscast on a local television channel, and two weekly newspapers. All faithfully reflect official positions of the ruling party. There are four private radio stations, but no private local television station. South African and global satellite television and radio broadcasts are widely available. Despite serious damage to a number of news publications caused by arson and looting in September 1998, these news organizations resumed publishing within months.

Internet services are freely available from a number of private Internet service providers.

There is a lack of free access to government information, which often is described as a limitation on the free press; however, there are no other barriers that affect press coverage of government activities. In 1998 the National Press Association objected to rules established by the Independent Electoral Commission, which barred reporters from entering polling stations on election day.

The Government respects academic freedom. Although the Government owns and administers the country's only university, the academic staff represents the full political spectrum and is free to express its views.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice. Under a 1993 revision of the ISA, a public meeting, rally, or march no longer required prior police permission, only advance notification. Political party meetings and rallies were held regularly and without hindrance from the Government.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. In addition to the LCD, the Basotholand Congress Party (BCP), and the BNP, there were nine smaller, registered political parties.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens generally are able to move freely within the country and across national boundaries. The Government placed no obstacles in the way of citizens who wished to emigrate.

In September 1998, numerous serious incidents and threats to the safety of citizens by opposition supporters who carried out assaults, car-jackings, attacks on residences, and sniper attacks led thousands of foreigners and ruling LCD supporters to flee to South Africa in the weeks immediately following the SADC military intervention. Almost all citizens had returned by the end of 1999; however, a large number of the foreigners who fled have moved across the border and commuted to their jobs in the country.

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In 1994 the Government allowed approximately 25 refugees from Somalia and Uganda registered with the U.N. High Commissioner for Refugees to study in the country. They were expected to return to their countries of first asylum after completing their studies, but had not done so by year's end. Other than these students, there is no resident refugee population. The Government has provided first asylum; however, the issue did not arise during the year.

There were no reports of the forced return of persons to a country where they feared persecution.

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

In the first multiparty democratic elections in 1993, after more than 20 years of authoritarian and military rule, the BCP came to power with complete control of the National Assembly. Despite its landslide electoral victory, the BCP Government had to contend with a number of challenges to its power, including a violent opposition destabilization campaign based on allegations that the BCP had won by fraud. These challenges culminated in August 1994 when King Letsie III unconstitutionally suspended the Parliament and installed a ruling council. Many Basotho responded by demonstrating their support for the democratically elected BCP Government. Organized labor and others held two national demonstrations—stayaways—to express support for the ousted Government, and there were numerous rallies at the National University. As a result of both local and international pressure, the King reversed himself, and the BCP regained control of the Government.

A 1994 Memorandum of Understanding between King Letsie III and Prime Minister Ntsu Mokhehle, which was brokered by South Africa, Botswana, and Zimbabwe, called for the reinstatement of the King's father, Moshoeshoe II, who had been deposed by the previous military Government and exiled in 1990, and for measures to broaden participation in the political process. In early 1995, Moshoeshoe II was reinstated as King. In January 1996, upon the death of his father, King Letsie III was sworn in again as King. The formal coronation of King Letsie III was held in October 1997. The 1994 suspension of the Constitution by Letsie, although short-lived, highlighted the fragility of rule within the constitutional monarchy.

The 1998 crisis was similar to that of the 1993-94 postelectoral period. In both cases, opposition party members alleged electoral fraud, suborned army supporters, sought the King's involvement, and effectively overthrew the elected Government. However, in 1998 the King did not take an active role in the opposition campaign, as he did in 1994, and, based on the 1994 Memorandum of Understanding, Prime Minister Mosisili asked SADC to intervene militarily to stabilize the situation.

In the May 1998 elections, the LCD won 79 of 80 parliamentary seats. The BNP won the other seat. International observers concluded that the elections met international standards for a multiparty election and reflected the will of the voters. Despite opposition coalition claims, the Langa Commission, composed of international observers from four southern African countries, reported no definitive findings of vote rigging or fraud; however, postelection management of electoral and polling station data was poor. The Commission stated that the documentation was in such disarray that it could not prove that fraud had not occurred. This judgement encouraged the opposition to charge that errors short of fraud could have affected the results.

In October 1998, the LCD and the newly formed opposition alliance agreed to hold new elections within 2 years to resolve the ongoing political crisis. Local elections, scheduled to be held late in 1998, were postponed because of the 1998 crisis. Negotiations under SADC supervision resulted in the December 1998 establishment of the Interim Political Authority (IPA) with a mandate to prepare for new elections within 18 months (i.e., during the first half of the year). However, the IPA made little progress in meeting its objectives. The IPA and the Parliament continued efforts to negotiate an electoral arrangement that would be acceptable to all parties.

In February anonymous flyers threatened a return to political violence if an election was not held or an election date announced by May 16. The flyers warned workers to stay away from work from May 10 to 16. Although joint police and army patrols were deployed as a precaution, some workers stayed home due to a fear of reprisals by the opposition. On May 13, the Prime Minister announced that the next national multiparty elections were scheduled for March 2001.

There are no legal impediments to women's participation in government or politics, but women remain underrepresented in both areas. There are 2 women in the 80-member National Assembly, and there are 7 women in the 33-member Senate. A woman serves as the Minister of Environment, Women, and Youth Affairs. In October 1999, the Parliament unanimously elected the first female Speaker of the National Assembly.

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

A number of local and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases, and the Government allowed international organizations to visit the country during the year.

Section 5. Discrimination Based on Race, Sex, Religion, Language, Disability, or Social Status

The Constitution prohibits discrimination based on race, color, sex, language, religion, political or other opinion, national or social origin, birth, or other status, and the Government generally respected these prohibitions in practice; however, the Constitution also recognizes customary law as a parallel legal system, and women's inheritance and property rights are restricted severely under the traditional chieftainship system.

Women.—Domestic violence, including wife beating, occurs frequently. Dependable statistics were not available, but the problem was believed to be widespread. In Basotho tradition, a wife may return to her "maiden home" if physically abused by her husband. Under common law, wife beating is a criminal offense and defined as assault; however, few domestic violence cases were brought to trial. Beatings and violence against women perpetrated by husbands or other male relatives occured frequently; however, increasingly it was considered socially unacceptable behavior. A national conference held in March 1998 on the empowerment of women noted that of 100 cases of human rights abuses, 90 percent of the victims were women who were victims of domestic violence, rape, and sexual harassment.

Both law and custom under the traditional chieftainship system severely limited the rights of women in areas such as property rights, inheritance, and contracts. Women have the legal and customary right to make a will and sue for divorce; however, under customary law, a married woman was considered a minor during the lifetime of her husband. She cannot enter into legally binding contracts, whether for employment, commerce, or education, without her husband's consent. A woman married under customary law has no standing in civil court and may not sue or be sued without her husband's permission. Government officials have criticized publicly this customary practice, which discriminates against women. The tradition of paying a bride price (lobola) is common. Polygyny was practiced by a very small percentage of the population.

Women's rights organizations have taken a leading role in educating women about their rights under customary and common law, highlighting the importance of women participating in the democratic process. In 1998 the Government created a Ministry of Gender Affairs.

Children.—The Government has not addressed adequately children's rights and welfare, although it has devoted substantial resources to primary and secondary education. Education is not compulsory even at the primary levels, and 25 percent of children do not attend school, particularly in rural areas where there are few schools, where children are involved in subsistence activities in support of their family's welfare, or where families cannot afford the costs associated with school attendance (for example, fees for the purchase of uniforms, books, and materials). The

problem of school nonattendance affects boys disproportionately more than girls. In traditional rural Basotho society, livestock herding by young boys is a prerequisite to manhood in the community, and this frequently interferes with their school enrollment. The Government began implementation of a new program that provides free public education through the primary grades (one through six). The program commenced in all schools in the first grade during the year, and it covered the costs of school fees, books, and one meal per day. Expansion of the program to the second grade in all schools is scheduled for 2001.

There is no pattern of societal abuse against children, but many children work at a relatively young age (see Section 6.d.). Familial stress, poverty, the spread of HIV/Aids, and divorce have led to a rise in child homelessness and abandonment, creating a growing number of street children.

People with Disabilities.—Discrimination against physically disabled persons in employment, education, or provision of other government services is unlawful; however, societal discrimination is common. The Government has not legislated nor mandated accessibility to public buildings for the disabled.

Religious Minorities.—Christianity, specifically Roman Catholicism, is the predominant religion. Approximately 90 percent of the population are Christian, and 70 percent of the Christians are Catholic. Muslims, members of other non-Christian religions, and atheists constitute the remaining 10 percent. Christians are scattered throughout the country, while Muslims are found mainly in the northeastern part of the country.

There is generally mutual understanding and cooperation between Christians and Muslims. Although there were some tensions between Christians and Muslims in previous years, there were no reports of such tensions during the year.

National/Racial/Ethnic Minorities.—Most citizens speak a common language and share common historical and cultural traditions. Small numbers of Asians (primarily ethnic Chinese and Indians) and South African whites are active in the country's commercial life. Economic and racial tension between the Chinese business community and the Basotho remained a problem. In past years, civil unrest and riots targeted persons of Asian descent; however, there were no similar incidents reported during the year.

Section 6. Worker Rights

a. The Right of Association.—Under the law, workers have the right to join or form unions without prior government authorization. The Labor Code prohibits civil servants from joining unions. The Government regards all work by civil servants as essential. In a 1997 judgment by the High Court concerning a petition filed by the Lesotho Union of Public Servants (LUPE) against the registrar of law, the Chief Justice dismissed the LUPE's application to form a union on the grounds that it was not consistent with the Labor Code. The LUPE filed an appeal with the Appeals Court, which was dismissed after LUPE failed to file the necessary papers to proceed with the case.

Under the 1993 Labor Code, prepared with the assistance of the International Labor Organization (ILO), all trade union federations require government registration. There are three small trade union federations that rarely cooperate with one another: the Lesotho Trade Union Congress; the Lesotho Federation of Democratic Unions; and the Congress of Lesotho Trade Unions. Unions are not affiliated formally or tied to political parties.

The labor and trade union movement was very weak and fragmented. There are several small unions in the public and industrial sectors, but there was no unified trade union congress. There were cases of unions competitively organizing small numbers of workers in the same sector. Overall unionized workers represent only about 10 percent of the work force. Consequently efforts toward collective bargaining and tripartite policymaking were not amenable to strong trade union influences.

There was credible evidence that some employers prevented union organizers from access to factory premises to organize workers or to represent them in disputes with owners or managers. There were reports that some employers harassed union organizers, intimidated members, and frequently fired union activists (see Section 6.b.). The Commission of Labor, which operates as part of the Labor Ministry, is charged with investigating allegations of labor law violations. Approximately 17 percent of the male labor force works in the gold and coal mines of South Africa, and the majority of those who do not were engaged primarily in traditional agriculture. A majority of Basotho mine workers were members of the South African National Union of Mineworkers (NUM); however, as a foreign organization, the NUM is not allowed to engage in union activities.

No legally authorized strike has occurred since independence in 1966. Because civil servants generally are not allowed to strike, all public sector industrial actions are, by definition, unauthorized. In the private sector, the Labor Code requires an escalating series of procedures to be followed by workers and employers before strike action is authorized. In past years, some small unions and their members have undertaken wildcat strikes or spontaneous industrial actions without following the procedures for dispute resolution; however, there were no reported strikes during the year. Legal protection for strikers from retribution has not always been enforced in cases of illegal strikes. Security forces violently suppressed some wildcat strikes in the textile, garment, and construction industries in 1994, 1996, and 1998.

There were no instances of governmental restrictions on international affiliations or contacts by unions or their members.

b. The Right to Organize and Bargain Collectively.—In principle all legally recognized trade unions in principle enjoy the right to organize and bargain collectively, and the Government generally respected these rights; however, some employers tried to restrict these rights in practice. Employers usually are cooperative; however, some employees are threatened with expulsion and loss of employment if they join unions. There was credible evidence that some employers in the textile and garment sector used blacklists to deny employment to workers who have been fired by another employer within that sector. There were reports that some employers harassed union organizers. Although there was some collective bargaining between unions and employers to set wage and benefit rates, employers generally continued to set wage rates through unilateral action. Employee grievances reportedly were handled promptly by the Labor Commission, and there were no significant backlogs of cases during the year.

In May Parliament passed the Labor Code Amendments Bill; however, it was not implemented by year's end. The bill provides for the establishment of a Directorate of Dispute Prevention and Settlement with full-time arbitrators and conciliators; however, the Directorate was not staffed by year's end due to funding constraints. The bill does not permit public employees to join unions; however, it does allow them to form associations. The country has several industrial zones, in which mostly textile and apparel firms manufacture for export. All national labor laws apply in these industrial zones; however, employers in the zones do not always respect these rights in practice. Employers reportedly harassed and intimidated union organizers, and prevented them from entering the zones. There were reports that union activists often were fired. There were also reports that many companies in the zones paied below minimum wage, enforced long hours, and deducted wages when employees were found talking or taking more than one break a day.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The 1987 Employment Act prohibits forced or compulsory labor, including that performed by children, and there were no reports that it occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment in commercial or industrial enterprises is 15 years, and legal minimum age for hazardous employment is 18 years; however, children under 14 years of age reportedly are employed in family-owned businesses. Although there were allegations of child labor in the textile and garment sector, investigations by the ILO and the Labor Commission found no evidence to support the charges.

There are statutory prohibitions against the employment of minors in commercial, industrial, or nonfamily enterprises involving hazardous or dangerous working conditions, and although enforcement of prohibitions was very lax in previous years, the Ministry of Labor and Employment's Inspectorate was adequately staffed and conducted quarterly inspections during the year. Children under 18 years of age may not be recruited for employment outside of the country. In traditional society, rigorous and occasionally dangerous working conditions for the country's young livestock, herdboys are considered a prerequisite to manhood, essential to the livelihood of families, and a fundamental feature of local culture beyond the reach of labor laws. Child labor laws covered all sectors except for the agricultural sector.

The Government has not ratified the ILO Convention 182 on the worst forms of child labor, although it was being considered by the Cabinet at year's end with the support of the Lesotho Manufacturer's Association.

The Government specifically prohibits forced and bonded labor by children, and there were no reports that it occurred (see Section 6.c.).

e. Acceptable Conditions of Work.—In general wages are low. A national minimum wage is determined annually by the Wage Advisory Board, a tripartite entity, consisting of Government, trade unions, and employers. The monthly minimum wage for unskilled laborers is $67 (467 maloti), and $129 (901 maloti) for heavy vehicle operators. Minimum wages for workers in lower skilled jobs were insufficient to en-

sure a decent standard of living for a worker and family. Most wage earners supplement their income through subsistence agriculture or remittances from relatives employed in South Africa. Many private employers paid more than minimum wages to attract and retain motivated employees. However, there is also reason to believe that some employers, especially in export sectors, treated the minimum wage as a maximum wage. This situation was made possible by the high levels of unemployment and underemployment, which provide a large pool of surplus unskilled labor that bid down wage rates and threatened job security for workers who made demands for better wages and conditions of work.

The Labor Code spells out basic worker rights, including a maximum 45-hour workweek, a weekly rest period of at least 24 hours, 12 days of paid leave per year, and paid public holidays; however, employers did not always respect these rights in practice. Unlike in the previous year, there were no reports of employers locking in workers until an order was finished without overtime pay or of employers refusing sick leave.

Workers generally are unable to obtain an expeditious hearing in court on their complaints. The labor court has a large backlog of industrial dispute cases on the docket; there is only one labor judge to deal with cases filed as early as 1995. However, the Labor Commission is staffed adequately and handled most complaints within a 1-month period, and it cooperated closely with the ILO in establishing inspection regimes. Labor inspectors generally conducted unannounced inspections in factories 4 times per year. The Labor Commission is authorized to order the reinstatement of wrongfully dismissed employees and the payment of back wages, but it does not have the authority to impose criminal fines.

The Labor Code requires employers to provide adequate light, ventilation, and sanitary facilities for employees and to install and maintain machinery in a manner designed to minimize the risk of injury, and in practice employers generally follow these regulations. The Labor Code does not protect explicitly the right of workers to remove themselves from hazardous situations without prejudice to employment; however, Labor Code sections on safety in the workplace and dismissal implied that dismissal in such circumstances would be illegal.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were no reports of trafficking in persons to, from, or within the country during the year. There was a report that illegal immigrant smugglers, primarily from South and East Asia, continued to take advantage of the country's undersupervised borders to pass persons temporarily through the country to transportation hubs in South Africa for onward movement to Europe and North America. There was no clear evidence that these movements included women or children, or that these organizations were recruiting or transporting persons illegally for involuntary servitude, slavery, or forced or bonded labor. It was suspected that most of the persons who are moved by these criminal organizations were primarily economic immigrants seeking employment in other countries. There were no reports or evidence of forced or bonded labor or servitude in the country resulting from these activities.

The Government took no specific action to address trafficking during the year.

LIBERIA

Liberia is a centralized republic, dominated by a strong presidency. The Constitution provides for three branches of government, but no effective system of checks and balances, and presidents traditionally have wielded extraordinary power. Americo-Liberians, descendants of freed slaves from the United States and the Caribbean, who make up approximately 5 percent of the population, dominated the country's government through the True Whig party until 1980. In 1980 Sergeant Samuel K. Doe, a member of the indigenous Krahn ethnic group, seized power in a military coup. Doe was killed by rebels in 1990 early in the 7yearlong, ethnically divisive civil war, which was ended by the Abuja Peace Accords in 1996. Forces led by Charles G. Taylor, who is of both indigenous and Americo-Liberian ancestry, emerged dominant. In 1997, Taylor won the presidential election, and his National Patriotic Party (NPP) won threequarters of the seats in the legislature. The elections were administratively free and transparent, but were conducted in an atmosphere of intimidation, as most voters believed that Taylor's forces would have resumed fighting if he had lost. Most other leaders of the former warring factions subsequently left the country. The bicameral legislature exercised little independence from the executive branch. The judiciary is subject to political influence, economic pressure, and corruption.

The regular security forces include: The Armed Forces of Liberia (AFL); the Liberia National Police (LNP), which has primary responsibility for internal security; the Antiterrorist Brigade (ATB) created in 1999, composed of an elite special forces group; and the Special Security Service (SSS), a large, heavily armed executive protective force. There also are numerous irregular security services attached to certain key ministries and parastatal corporations, the responsibilities of which appear to be defined poorly. The national army, which fought against Taylor's faction during the civil war, has yet to be downsized and restructured as required by the Abuja Peace Accords, due primarily to a lack of funding. By year's end, a commission had been formed with funding allocated at approximately $100,000. Only a few contingents have been deployed to maintain security in parts of rural areas. The ATB absorbed Taylor's most experienced civil war fighters, including undisciplined and untrained loyalists. During the year, the Government revived the National Bureau of Investigation (NBI), which had become defunct during the civil war. Security forces frequently acted independently of government authority, particularly in rural areas. Members of the security forces committed numerous, serious human rights abuses.

Liberia is a very poor country with a market-based economy that has yet to recover from the ravages of the civil war. Average per capita income is estimated at $171, only a small fraction of the prewar level. Prior to 1990, the cash economy was based primarily on iron ore, rubber, timber, diamond, and gold exports. An unemployment rate of 85 percent, a 25 percent literacy rate, the internal displacement of civilians in Lofa and Nimba counties, and the absence of infrastructure throughout the country continued to depress productive capacity, despite the country's rich natural resources and potential selfsufficiency in food. Government officials and former combatants continued to exploit the country's natural resources for personal benefit. Extortion is widespread in all levels of society.

The Government's human rights record remained poor, and there were numerous, serious abuses in many areas. The security forces committed many extrajudicial killings, and they were accused of killing or causing the disappearance of persons. Security forces tortured, beat, and otherwise abused or humiliated citizens. The Government investigated some of the alleged abuses by the security forces; however, offenders were rarely charged or disciplined. Prison conditions remained harsh and sometimes life threatening. Security forces continued at times to use arbitrary arrest and detention, and lengthy pretrial detention remained common. The judicial system, hampered by political influence, economic pressure, inefficiency, corruption, and a lack of resources, was unable to ensure citizens' rights to due process and a fair trial. In some rural areas where the judiciary had not been reestablished, clan chieftains administered criminal justice through the traditional practice of trial-by-ordeal; authorities tacitly condoned this practice. More than 20 political prisoners remained in jail. Security forces violated citizens' privacy rights, conducted warrantless searches, harassment, illegal surveillance, and looted homes. The Government restricted freedom of the press; it detained, threatened, and intimidated journalists into self-censorship and shut down two radio stations, one temporarily. Security forces restricted freedom of movement, using roadblocks to extort money from travelers and returning refugees. Security forces frequently harassed human rights monitors. Violence and discrimination against women remained problems. The welfare of children remained widely neglected, and female genital mutilation (FGM) continued to increase. Societal ethnic discrimination remained widespread, ethnic differences continued to generate violence and political tensions, and the Government continued to discriminate against indigenous ethnic groups that had opposed Taylor in the civil war, especially the Mandingo and the Krahn ethnic groups. Forced labor persisted in rural areas. Child labor remained widespread, and there were reports of forced child labor. Ritualistic killings also persisted.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Security forces continued to commit extrajudicial killings. Human rights organizations estimate the number of such killings to be have increased to several hundred during the year. Many of the abuses were linked to ongoing violence in Lofa county between security forces and antigovernment dissidents who launched a series of crossborder incursions from Guinea. No perpetrators were arrested or convicted for any of these killings.

In February the police shot and killed Nyanqui Luoh, an accused armed robber. The police reported that they acted in selfdefense. A human rights organization called for an investigation of the incident, but none had been undertaken by year's end.

There were credible reports that government forces as well as members of the Lorma ethnic group continued to harass, intimidate, and, on occasion, kill members of the Mandingo ethnic group in Lofa county. For example, in January armed men reportedly killed 18 Mandingos in the town of Bawon. In March security forces arrested and killed five Mandingos on a road linking Voinjama, Lofa County with Guinea. Human rights monitors reported that hundreds of Mandingos were killed during the year.

There was no investigation into nor action taken in the May 1999 death of a security officer allegedly while in detention.

At year's end, the Government had not released a report on its November 1999 investigation of the reported killing of as many as 30 Mandingos in Lofa county in August 1999. In that incident, the authorities initially arrested 19 persons, but they did not charge anyone with a crime.

The trial of nine Krahn AFL soldiers accused of involvement in 1998 violence ended in February; four soldiers were convicted of sedition and sentenced to 10 years in prison; the other five were acquitted and released.

There was no further action taken in the 1998 extrajudicial killings of Mannah Zekay, John Nimely, or others reported during that year.

In 1999 the President Pro Tempore of the Senate told the Interparliamentary Union that the investigation into the 1997 killings of opposition political leader Samuel Saye Dokie and three family members continued. However, there was no active investigation into the case during the year, and the case essentially was dropped.

Since September there were reports of attacks by fighters based in Liberia on the Guinean border towns, which caused several deaths. These attacks generally are perpetuated by a combination of Revolutionary Front United (RUF) rebels from Sierra Leone, Liberian military, and some Guinean rebels; however, some attacks also were perpetuated by armed Liberian dissidents based in Guinea. There was at least one attack reported on a Guinean town close to the Sierra Leonean border.

In November attacks were reported in northeastern Nimba, which resulted in numerous deaths, but it was unclear whether the rebel incursion was from Guinea or Cote d'Ivoire.

In October in Nimba county, a property dispute between Mandigos and members of the Mano and Gio ethnic groups led to rioting, which reportedly killed four persons (see Section 5). A mosque and five other buildings were burned. Police arrested 12 persons in connection with this violence and charged them with arson. The 12 remained in detention pending a trial at year's end.

Incidents of ritualistic killings, in which human body parts used in traditional rituals are removed from the victim, continued to be reported (see Section 5). The number of such killings is difficult to ascertain, since police often described deaths as accidents even when body parts have been removed. Deaths that appear to be natural or accidental sometimes are rumored to have been the work of ritualistic killers (see Section 5). In February there was a riot in the town of Ganta, Nimba county when police released on parole two suspects in the death and mutilation of a 10-year-old girl. The two suspects eventually were charged with her killing. A police investigation launched in August 1999 into alleged ritual killings in Harper resulted in the acquittal of one of four defendants; no information was available on the status of the three remaining defendants.

b. Disappearance.—Security forces were responsible for disappearances. In June security personnel arrested seven refugees returning from Guinea in an UNHCR vehicle after discovering that one of them carried a photograph of a former faction leader who opposed President Taylor during the civil war. The authorities claimed they were dissidents plotting to overthrow the Government. The detainees were charged with treason; however, their whereabouts were unknown at year's end despite legal challenges to the Government to produce them.

Security forces produced suspects whom they had held without charge when the courts issued writs of habeas corpus on the applications of human rights organizations. Their disappearances often were the result of prolonged illegal detention at the Gbartala base (see Section 1.c.).

There were no indications by year's end that the Government carried out its promised investigation of the reported disappearance of Mandingos following the violence in Lofa county in 1999.

There were no developments in the 1998 disappearance case of market woman Nowai Flomo.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and other degrading treatment; however, government police and security forces frequently tortured, beat, and otherwise abused and humiliated citizens. In some cases, security forces produced suspects whom they had

held without charge when the courts issued writs of habeas corpus on the applications of human rights organizations. Detainees continued to charge that they were tortured while in detention, especially at a security training base in Gbatala. Victims and witnesses reported beatings, torture, killings, and sexual abuse at the base. In October 1999, human rights organizations called for the closure of the base because of a number of credible reports of torture there; however, the base remained opened. A local NGO, the Catholic Affiliated Justice and Peace Commission, tried to investigate claims; however, the Government blocked their efforts.

On several occasions, government security personnel harassed, assaulted, and arrested journalists (see Section 2.a.).

Law enforcement personnel, including the security forces, were implicated in numerous reports of harassment, intimidation, and looting. For example, in February SSS members carried out a series of armed robberies and shot and injured an LNP officer in the West Point area of Monrovia. In April armed soldiers clashed with marketers in Monrovia; they confiscated goods and harassed the marketers. There was a series of incidents involving harassment or looting and assault of foreign diplomats and local embassy employees. In February LNP officers pulled a foreign diplomat from his car in Monrovia and assaulted him. In March LNP officers demanded money from an embassy security guard and beat him with metal pipes. After various complaints in March from members of diplomatic corps, the Government called for investigations and punishment for offenders. Meetings with security agencies also were organized to brief them on diplomatic immunity; however, in June another local embassy employee was assaulted, searched for weapons, and robbed by AFL officers.

Paul Mulbah, who was appointed director of the LNP in August 1999, took some steps in 1999 to curb abuse of the LNP; however, in general his efforts were unsuccessful and made no difference in the situation by year's end. In February Mulbah ordered that off-duty armed security men be removed from the streets. However, a human rights organization criticized Mulbah's order to police, issued early in the year, to shoot on sight any robbers resisting arrest.

There were credible reports that government forces as well as members of the Lorma ethnic group continued to harass, intimidate, and, on occasion, kill members of the Mandingo ethnic group in Lofa county (see Section 1.a.).

Rival security personnel occasionally clashed violently. In March there was gunfire at Roberts International Airport between personnel of the antiterrorist brigade and the LNP's special operations division prior to President Taylor's arrival from an official visit abroad. A few persons were injured. There also was shooting between AFL and LNP personnel in downtown Monrovia in March, resulting in injuries to two bystanders.

Security force personnel in rural areas were paid and provisioned inadequately and often extorted money and goods. For example, in March a special task force commander reportedly robbed an army payroll truck in Lofa county. There were many credible reports that security forces harassed returning refugees and displaced persons, especially in the border areas.

The international community publicly criticized the Government's support for the RUF rebels in the civil war in Sierra Leone.

Clan chieftains continued to use the traditional practice of trial-by-ordeal to resolve criminal cases in rural areas. The Supreme Court ruled that trial-by-ordeal—commonly the placement of a heated metal object on a suspect's body in an attempt to determine whether the defendant is telling the truth—is unconstitutional; however, the practice continued under an executive order. A local human rights organization sponsored a conference in March to urge that trial-by-ordeal be abolished throughout the country. A 1994 lawsuit for injuries resulting from a trial-by-ordeal that was pending before the Supreme Court was suspended indefinitely.

Prison conditions remained harsh and in some cases lifethreatening. There were credible reports of unofficial detention facilities, including one at the executive mansion, in which detainees were held without charge and in some cases tortured. The Government did not provide detainees or prisoners with adequate food or medical care. Cells at Monrovia Central Prison are overcrowded, mostly with detainees awaiting trial. Only about 10 percent of the total prison population has been convicted of criminal offenses. Convicted prisoners and detainees awaiting trial are not confined in separate facilities. Similar conditions exist in the Barclay Training Center military stockade. In some counties, the structure that serves as a jail is a container with bars at one end. In May the wives of 13 Krahn political prisoners held at Monrovia's Central Prison publicly complained about denial of medical care and other abuse of the detainees. The Government did not respond to these complaints by year's end.

Women, who constituted about 5 percent of the prison population, are held in separate cells. Their conditions are comparable to those of the male prisoners and detainees. There were no separate facilities for juvenile offenders. Women and particularly juveniles were subject to abuse by guards or other inmates.

In a number of cases, human rights groups and interested individuals achieved the release of detainees and prisoners. However, for the most part, these cases tended to be nonpolitical in nature.

The Government generally permits the independent monitoring of prison conditions by local human rights groups, the media, and the International Committee of the Red Cross (ICRC); however, visits to unofficial detention centers often are denied. For example, despite requests made by NGO's to the Defense Ministry, no independent monitor has been allowed to visit the Gbatala base where victims have been detained and tortured. The ICRC is allowed to visit persons held in prison facilities and police detention centers without third parties present and to make regular repeat visits.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, security forces continued at times to arrest and detain persons arbitrarily. The Constitution provides for the rights of the accused, including warrants for arrests and the right of detainees either to be charged or released within 48 hours. Although the Government generally adheres to these standards, warrants were not always based on sufficient evidence, and detainees, especially those without the means to hire a lawyer, often were held for more than 48 hours without charge. In some cases, persons were detained secretly at unofficial detention centers including one at the executive mansion (see Section 1.c.).

The Constitution provides for the right of a person who is charged to receive an expeditious trial; however, lengthy pretrial and prearraignment detention remained a serious problem. In some cases, the length of the pre-trial detention equaled or exceeded the length of sentence for the crime in question. Five detained soldiers awaiting court-martial for desertion during the September 1998 incident have been incarcerated in the stockade since November 1998. Their courtsmartials still are pending; should they be convicted, the maximum sentence would be 6 months" imprisonment.

The police only have limited logistics and forensic capabilities and cannot adequately investigate many crimes, including murder cases. When the courts release known criminals for lack of evidence, police officers often rearrest them on specious charges.

In August the Government arrested Auditor General Raleigh Seekie and charged him with treason. Police searched Seekie's home and office for subversive documents, arms, and ammunition but did not find anything. Nevertheless, he is charged with aiding armed dissidents trying to overthrow the Government.

Security forces arrested and detained a number of journalists during the year (see Section 2.a.). For example, in August the Government arrested four foreign journalists and charged them with espionage (see Section 2.a.). The four were denied bail but were released a week later in response to international pressure.

The Government did not use forced exile; however, as a result of frequent harassment and threats by the security forces, a number of opposition figures and human rights activists fled the country due to fear for their personal safety or that of their families. These included human rights activist James Torh and Muslim organization leader Lartin Konneh (see Sections 2.e. and 5). During the year, President Taylor publicly alleged that some of these opposition figures had gone abroad to conspire in the overthrow of his Government, which kept numerous prominent opposition figures and former warlords out of the country throughout the year.

e. Denial of Fair Public Trial.—Although the Constitution provides for an independent judiciary, judges are subjected to political, social, familial, and financial pressures, leading to the corruption of the judiciary. Some judges and magistrates are not lawyers. The judiciary has determined that it is not feasible to retire all judicial personnel who are not legally trained, but intends to replace those currently sitting with lawyers as they retire. By statute members of the bar must be graduates of a law school and pass the bar examination. The executive branch continued to exert undue influence on the judiciary. For example, in response to an appeal of the 1999 treason convictions of 13 ethnic Krahn AFL members, the Government demanded in 1999 that their sentences be changed from 10 years" imprisonment to death. In December 10 years was added to their sentences for a total of 20 years" imprisonment.

The judiciary is divided into four levels, with the Supreme Court at the apex. All levels of the court system in Monrovia, including the Supreme Court, functioned sporadically. The Government's efforts to revitalize the court system outside of Monrovia continued to be troubled by lack of trained personnel, infrastructure, and a

lack of adequate funding. Although judges were assigned throughout the country, in some cases they were unable to hold court due to lack of supplies and equipment. Traditional forms of justice administered by clan chieftains remained prevalent in some localities (see Section 1.c.).

Under the Constitution, defendants have due process rights that conform to internationally accepted standards; however, in practice these rights are not always observed. Defendants have the right to a public trial and timely consultation with an attorney; however, there is no effective system to provide public defenders, especially in rural areas. Some NGO's provide legal services to indigents and others who have no free representation. Courts regularly received bribes or other illegal gifts out of damages that they awarded in civil cases. Defense attorneys often suggested that their clients pay a gratuity to appease judges, prosecutors, and police officers to secure favorable rulings. In October the Chief Justice of the Supreme Court stated publicly that delays in salary payments to judicial personnel contributed to corruption in the judiciary.

Human rights organizations reported that 24 political prisoners, including AFL personnel, were sentenced for treason in February and in April 1999; however, this number reportedly includes a few political detainees who have not yet been convicted of a crime (see Section 1.a.).

The Government permits access to political prisoners by international humanitarian organizations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right of privacy and the sanctity of the home; however, authorities regularly infringed on these rights. The Constitution provides that the police must obtain a warrant, or have a reasonable belief that a crime is in progress, or is about to be committed, before entering a private dwelling. In practice police and paramilitary officers frequently entered private homes and churches without warrants to carry out arrests and investigations.

The security forces harassed and threatened perceived opposition figures and their families by conducting illegal surveillance. In some cases, they entered the homes of opposition figures, usually at night. For example, security personnel watched the homes of activists James Torh and Lartin Konneh for several weeks (see Section 2.a.). Fearing for their safety, both activists fled the country. Several student leaders remained under surveillance at year's end (see Section 2.a.). Several journalists and human rights activists resided in the homes of friends or relatives for months at a time due to fear that the security forces might follow through with their threats against them. Incidents of harassment and threats increased with the continuing violence in Lofa county. In rural areas, particularly in remote parts of Lofa county, armed security forces illegally entered homes, most often to steal food, money, or other property (see Section 1.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government restricted this right in practice. Security agents threatened, detained, and assaulted journalists and intimidated many journalists into practicing self-censorship.

In January human rights activist James Torh's sedition trial for criticizing President Taylor began. Decisions made on motions during his trial indicated that an impartial judgement was not possible and, fearing for his safety, Torh fled the country in March. Muslim organization leader Lartin Konneh, charged with treason for calling on Muslim government officials to resign their positions, also fled the country.

With some notable exceptions, government officials are reluctantly tolerant of the press; however, they frequently rebuked the media publicly for what they considered negative reporting of events. Security personnel sometimes interpreted such criticism as a license to harass, threaten, and even assault targeted persons. Reporting that criticized the Government brought threats of violence, closure, or directives from powerful government figures to advertisers that they should discontinue business with that media outlet. For example, another respected newspaper ceased publication, and most of the management left the country after repeated threats were made against them because of editorials written by the newspaper's publisher from his home abroad.

Nevertheless, in general journalists are outspoken and even provocative. However, journalists also practice selfcensorship, especially in regard to information about the President and his immediate family members and particularly after being threatened or harassed.

In April the LNP briefly detained broadcast journalist Isaac Redd of the Liberia Communication Network (LCN) for allegedly making inflammatory remarks against the President.

In August the Government arrested four foreign journalists from Britain's Channel Four network who visited the country to gather material for a documentary about countries in post-conflict stages in West Africa, and charged them with espionage; while in detention, security personnel beat and threatened them. They also were denied bail because the charge was considered a capital offense by the prosecution, although the law did not require such a ruling. The journalists were released a week later after the international community criticized the Government. In October security forces arrested and briefly detained newspaper reporter Philip Moore for alleged treasonous remarks.

In March security forces detained the president of the Press Union of Liberia (PUL), Suah Deddeh, after the organization planned a mass meeting to respond to the closing of two radio stations. The meeting never happened, and nonmembers of the PUL were threatened with arrest. Deddeh was released after spending a night in jail. In May police detained Deddeh a second time when the Press Union, in celebration of World Press Freedom, was planning a march through the center of Monrovia. Security forces also threatened other activists who opposed the radio closings.

No action was taken during the year in the case of the police forces" 1998 flogging of journalist Hassan Bility or the 1999 assault on the editor of the Inquirer newspaper, Philip Wesseh.

In Monrovia eight newspapers were published during the year, although some publish very irregularly. Two are independent dailies and five generally appeared once or more a week; they vary in their political balance. The Public Affairs Bureau of the Ministry of Information, Culture, and Tourism publishes one newspaper, and the communications network owned by the President publishes one weekly newspaper. Several newspapers that had not published regularly, and an alternative press organization became active following the news blackout in March organized by the press union in response to the closure of two radio stations. There were numerous reports that government officials funded these newspapers, and that they generally reported only progovernment news. The ruling party also published a newspaper that circulated frequently during the period following the closures of the radio stations; however, the frequency of its publishing lessened later in the year.

Newspaper availability fluctuated during the year. The two leading independent dailies continued to publish despite being labeled as dissident newspapers after they participated in the news blackout following the closure of two radio stations and after subsequently being criticized by the Government and the ruling party.

The Ministry of Information, Culture, and Tourism did not accept late license payment from two newspapers with the result that they had to cease publication. The Ministry did not renew the annual licenses of two newspapers because the Government believed that they were supported by "agent provocateurs"—persons whom, in the government's view, want to overthrow the Government.

Management of the one printing facility capable of producing newspapers is subject to pressure from the Government. To meet costs of production, the typical newspaper's eight pages include two or three pages of advertisements or paid announcements, further reducing the amount of news reported. Some articles included are the result of "cadeaux," gifts or money that supplement reporters' meager salaries.

Due to the high price of newspapers, the high rate of illiteracy, (estimated at 75 percent), high transportation costs, and the poor state of roads elsewhere in the country, newspaper distribution generally is limited to the Monrovia area. As a result, radio is the primary means of mass communication. A number of independent radio stations existed at the beginning of the year in Monrovia including Star Radio, Radio Monrovia, two commercial stations (DC-101 and Radio Monrovia), and Radio Veritas, which operated under the Catholic Archdiocese. Radio Monrovia closed in January due to insufficient funding. There also is the national station, and FM and short-wave stations operated by President Taylor's private LCN. The President's radio station is the only station with a short-wave frequency strong enough to reach all parts of the country. Radio Veritas has short-wave frequency but a limited broadcast area and antiquated equipment. There is a French broadcast through the national radio facility, a religious station, and a growing number of small local stations in cities around the country. Media practitioners believe that the ruling party funds many of these stations.

Call-in radio talk shows are popular and frequently a forum for both government and opposition viewpoints; however, they sometimes resulted in threats generally from the Government, party leaders and security agents to the radio hosts and station managers. Interviews with prominent persons are broadcast frequently.

Due to the economic situation in the country and the dependence on generators requiring expensive fuel purchases, most of the stations limited broadcasting hours and in some cases ceased operation for short periods.

In March the Government closed two radio stations (Star Radio and Radio Veritas) without due process. Shortly before their closure, both stations had been relicensed by the Ministry of Information. The order to close them came from the President, who said that the two stations' broadcasts threatened the security of the State. Radio Veritas, owned by the Catholic Church, was allowed to reopen a week after its closing, but Star Radio, which was a politically neutral FM station funded primarily through international organizations, remained closed at year's end.

Television is limited to those who can purchase sets, the generators, and fuel to provide electricity. For those persons and businesses with satellite capability, the Cable News Network is available. There are two television stations: the LCN owned by President Taylor, and the Ducor Broadcasting Corporation which is privately owned but assisted by President Taylor's generator.

Government officials criticized journalists who used the Internet to express opinions that the authorities considered too critical of the Government. For much of the year, there was no direct access to information through the Internet. Star Radio's internet operations also were closed in March. Star Radio had supplied daily news summaries to its parent foundation, which put these on the Internet. Copies also were provided to the Ministry of Information, and the Government demanded (contrary to international practice) a special licensing fee for Star Radio's transmission of news on the Internet. During a press conference in March following the Government's closure of Radio Veritas and Star Radio, President Taylor indicated that he believed "cyber-warfare" was being waged as part of an international conspiracy against the country. Many observers believe that the Government blocked the operation of potential Internet providers.

When the closure of Star Radio did not stop the negative propaganda about the country on the Internet, which was generated primarily by opposition figures abroad, the Government and the ruling party began to use the Internet to provide news and sponsored several websites. An Internet provider reemerged mid-year and opened a cybercafe that the few persons with sufficient funds can access. Because of the ties between the provider and the Government, some potential patrons believed that their use of the Internet was monitored by government security personnel and choose not to use it.

The Government generally respects academic freedom at the University of Liberia; however, on occasion the Government detained students who criticized the Government. University administrators were concerned about the militancy of student groups on campus, whose memberships include a high percentage of former combatants; however, actual physical violence was rare. At times students, whom observers believe to be paid informants, reported professors" opinions to various government officials. In July student leaders issued a statement questioning the official accounts of the seriousness of the fighting in Lofa county. In response security forces entered the Monrovia campus, took the student leaders in custody, and offered to fly them to Lofa to tour the conflict area and forced them to visit wounded soldiers hospitalized in Monrovia. The media was urged to cover this visit, after which the students were compelled to offer apologies and were released. In November student leaders released a press statement that strongly criticized the economy and urged the government to forge ties with countries that could assist national growth. They also called for the expulsion of RUF leader Sam Bockarie and for the Government to break ties with Libya and Burkina Faso. LNP director Mulbah subsequently visited the campus with armed police to convince the students they should meet with President Taylor to discuss their complaints and stated publicly that they would not be detained; however, fearing arrests, the students went into hiding. After continued public declarations by Mulbah and President Taylor that the students would not be arrested, the students came out of hiding and met with President Taylor at the end of November to discuss their complaints. The student leaders continued to be under surveillance and received warnings on a regular basis about speaking out.

Students occasionally protested the lack of resources, which they blamed more on central government appropriation practices than on the university administration.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice. In May the LNP, citing security concerns, abruptly stopped a march through downtown Monrovia sponsored by PUL in observance of World Press Freedom Day. The police allowed the commemoration to continue indoors. In November President Taylor warned that while the Government would tolerate different views, it would not tolerate anarchic demonstrations in the streets; however, this warning did not result in the subsequent dispersal of any demonstrations during the year.

The Constitution provides for the right of association, and the Government generally respects this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

There is no established state religion. However, government ceremonies invariably open and close with prayer and may include hymn singing. The prayers and hymns are usually Christian but occasionally are Muslim.

All organizations, including religious groups, must register their articles of incorporation with the Government, along with a statement of the purpose of the organization. However, traditional indigenous religious groups generally need not and do not register. The registration is routine, and there have been no reports that the registration process is either burdensome or discriminatory in its administration.

The law prohibits religious discrimination; however, Islamic leaders complained of discrimination against Muslims. Although there are some Muslims in senior government positions, many Muslims believe that they are bypassed for desirable jobs. Many Muslim business proprietors believe that the Government's decision to enforce an old statute prohibiting business on Sunday discriminated against them. Most Mandingos, and hence most Muslims, allied with factions that opposed Taylor during the civil war and still belong to opposition parties.

In March the Government suspended Radio Veritas broadcasts, pending assurances that the station would confine itself to "purely religious matters." The station reopened a week later and resumed its previous broadcast programming. The closure was believed to be politically motivated rather than prompted by religious discrimination (see Section 2.a.). There were no Islamic-oriented radio stations and little radio broadcasting of any kind in the northern and eastern counties where the Muslim population is concentrated.

In February Muslim activist Lartin Konneh was arrested on charges of treason after he called upon Muslims to resign their government jobs in protest of the Government's inaction since the burning of five mosques in Lofa county in January (see Section 5). Konneh went into hiding and subsequently fled the country. While the Government has not taken actions openly against Muslims, its inaction over reports of abuses in Lofa county contributed to ethnic tension between Muslim and non-Muslim ethnic groups in that area of the country.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement throughout the country as well as the right to leave or enter; however, the Government restricted this right in practice. Security forces maintained checkpoints where travelers routinely were subjected to arbitrary searches and petty extortion. Security forces also extorted money from returning refugees. In February and October, units of the ATB, citing security concerns, set up temporary checkpoints that interdicted traffic and visitors to a foreign embassy in Monrovia.

In June, ostensibly in order to curtail the illegal use of national travel documents, President Taylor issued an executive order that required passport applicants to obtain clearance from the National Security Agency (NSA). Opposition parties and human rights organizations criticized this directive, arguing that it violated the constitutional right of freedom of travel. Reportedly this executive order was not enforced during the year. In November the Government announced that it would no longer accept Economic Community of West African States (ECOWAS) safe conduct documents as valid travel documents for entering the country; however, reportedly this was not enforced.

As a result of the civil war, there were 157,000 IDP's in approximately 36 camps in 1997. International agencies and the Liberia Refugee Repatriation and Resettlement Commission (LRRRC) have been able to resettle approximately 126,243 displaced persons since 1998. In October the fighting in northern Lofa county further increased the number of displaced persons. There were an estimated 15,000 to 20,000 IDP's in the country at year's end. International and local NGO's faced limited funding and resources to assist these IDPs.

In October after some delays approximately 400 Liberian refugees in Guinea were repatriated to the country. By year's end, a total of 5,000 Liberians were repatriated. These refugees, who are mostly Mandingos, were resettled in the Lofa or Nimba counties where political and ethnic clashes still occurred (see Section 5).

The law provides for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government continued to provide first asylum to nearly 86,000 refugees, the vast majority of whom were from Sierra Leone towards the end of the year. The Government generally cooperated with the Office of the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

In June security personnel arrested seven Liberians who were returning from Guinea in a UNHCR truck (see Section 1.b.). The Government claimed that the men

were members of a dissident armed faction based in Guinea. The men have not been seen since their arrest, and NGO's and relatives believe that they were killed.

In October the UNHCR protested the recruitment of refugees by security personnel on behalf of the RUF rebels from Sierra Leone. UNHCR reported that such recruitment ceased after its protest.

Former RUF leader, Sam Bockarie, and several hundred of his supporters took refuge in Liberia early in December 1999. President Taylor denied that the Government was training the RUF fighters or that it has been supplying them with arms. He claimed that the ECOWAS leadership permitted these arrangements in order to advance the implementation of the Sierra Leone peace process. A coalition of civic, religious, and political groups repeatedly have asked for President Taylor to expel the RUF rebels and disassociate the Government from them.

In 1999 after a series of raids and attacks by security forces and dissidents bases in Guinea, a group of Sierra Leonean refugees migrated south from northern Lofa county towards another established refugee camp in Sinje. The Government cooperated with the UNHCR's efforts to assist the migration to the new location. International donors remained unwilling to send any further assistance to Lofa county, and the international and domestic NGO's are reluctant to resume operations there because of security concerns. The Government and the UNHCR established a second refugee camp in Sinje, a location easily accessible from Monrovia, to accommodate the refugees from Lofa county.

There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides for the right to vote in free and fair elections, and citizens exercised this right in 1997 in elections that international observers deemed free and transparent; however, the elections were conducted in an atmosphere of intimidation, as most voters believed that military forces loyal to Charles Taylor would have resumed the civil war if Taylor lost the election. Since the legislative elections were held on the basis of proportional representation, Taylor's National Patriotic Party won control of the legislature by the same 75 percent majority that he received in the popular vote for the presidency. The 1997 legislative and presidential elections were held under a special election law in accordance with the terms of the Abuja Peace Process.

The legislature did not exercise genuine independence from the executive branch. There were 16 opposition parties, most of which had little popular support outside of the capital, and opposition legislators, who held only one-quarter of the seats in the House of Representatives and in the Senate, generally were more passive than members of the ruling NPP. Congressional committees failed to develop expertise in their respective areas of responsibility. No major legislation was enacted during the year. However, during the year, the House of Representatives refused to vote in favor of a government-sponsored rural property tax and strategic commodities act.

In August the Government indicted an opposition leader residing abroad, Ellen Johnson-Sirleaf, for treason for alleged ties to armed dissidents operating in Lofa county.

In June Vice President Enoch Dogolea died, and in July President Taylor selected Moses Z. Blah, a founding member of the ruling party, to fill the position.

The State is highly centralized. The President appoints the superintendents (governors) of the 13 counties. Municipalities and chieftaincies are supposed to elect their own officials, but elections, postponed in 1998 due to lack of funds and disorganization, were not held during the year for the same reason. Local governments at all levels have no independent revenue base and rely entirely on the central government for funds. Education, health services, and public works are provided by the central government. Local officials serve mainly to lobby the central Government.

There are no restrictions on the participation of women in politics; however, women remained underrepresented in government and politics. The number of women in high-ranking positions in the Government and in the various political parties is low. Only 5 of the 26 senators and 5 of the 64 members of the House of Representatives are female. Of the 20 cabinet positions, 4 are held by women. A woman serves as Chief Justice of the Supreme Court, and another chairs the National Reconciliation Commission. There are no women's caucuses, but the ruling party has a women's organization.

There are relatively few Muslims in government and politics; only one cabinet minister is a Muslim.

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

The Government permitted domestic and international human rights groups to operate largely without interference; however, members of the security forces often harassed domestic democracy and human rights activists. During the year, the Government blocked efforts by a local NGO, the Catholic Affiliated Justice and Peace Commission, to investigate claims of torture at Gbatala security training base (see Section 1.c.). Government officials frequently criticized domestic human rights groups publicly. For example, in December at a pro-government rally, President Taylor criticized democracy and human rights activists and opposition leaders of destabilizing the government, and he warned that these individuals would be punished.

In November about 100 men ransacked the offices of the Center for Democratic Empowerment (CEDE) and beat former interim president and human rights defender, Amos Sawyer, and executive director of CEDE, Conmany Wesseh. Preliminary investigation by the Government revealed that former combatants were responsible; however, only seven or eight persons were arrested, and reportedly they were not the primary assailants. Numerous sources reported that the attack commenced from NPP headquarters, and that those arrested were paid by the NPP after they were released on bond. Prosecution still was pending at year's end.

In 1999 legislators from southeast counties sued a child rights advocacy group for defaming the counties reputation in its report on forced child labor (see Section 6.c.). The suit was dropped when the child rights activist who brought the suit fled the country.

Domestic human rights organizations are underfunded, understaffed, and their personnel lacked adequate training. There are three coalitions of human rights groups: The National Human Rights Center of Liberia has eight member organizations; eight other groups comprise the Network of Human Rights Chapters; and four belong to the Federation of Human Rights Organizations. All of these organizations sought to increase public discussion of human rights problems.

Some human rights groups paid regular visits to detainees at police headquarters and prisoners at the Monrovia Central Prison (see Section 1.c.). Several domestic human rights organizations have established branches outside of the capital and perform similar monitoring functions there. No discernible pattern of government interference with these activities emerged.

The Government permits international NGO's and human rights organizations to operate in the country, and a few international organizations did so during the year. In November an international democracy and human rights organization, the Carter Center, terminated its programs in the country and stated in a letter to President Taylor that it was leaving the country because of conditions in the country and the Government's poor human rights record.

The Government's Human Rights Commission, created in 1997, remained largely inactive throughout the year. It received no funding from the Government, and the Senate again failed to confirm the appointments of three of its five commissioners. The chairman of the Commission fled the country in August 1999 and is seeking asylum in another country.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on ethnic background, race, sex, creed, place of origin, or political opinion; however, discrimination exists. There are no laws against gender discrimination, ethnic discrimination, or female genital mutilation. Differences involving ethnic groups, notably the Krahn and Mandingo ethnic groups, continued to contribute to serious political violence and abuses.

Women.—Domestic violence against women is extensive; however, it was not addressed seriously as a problem by the Government, the courts, or the media. Several NGO's in Monrovia and Buchanan continued programs to treat abused women and girls and increase awareness of their rights.

The status of women varies by region, ethnic group, and religion. Before the outbreak of the civil war, women held onefourth of the professional and technical jobs in Monrovia. On the whole, women have not recovered from the setbacks caused by the civil war, when most schools were closed, and they could not carry out their traditional roles in the production, allocation, and sale of food.

Women married under civil law can inherit land and property; however, women married under traditional laws are considered the properties of their husbands and are not entitled to inherit from their husbands or retain custody of their children if their husbands die. Women's organizations continued to press for legislation on behalf of inheritance rights in traditional marriages. There continued to be few pro-

grams to help former combatants reintegrate into society, and there were none specifically to benefit former female combatants. However, several women's organizations advanced family welfare issues, helped promote political reconciliation, and assisted in rehabilitating both former female combatants and women who were victims of the civil war.

Throughout the year, professional women's groups—including lawyers, market women, and businesswomen—remained vocal about their concerns regarding government corruption, the economy, security abuses, rape, domestic violence and children's rights. Government officials often responded negatively to public criticism. There were credible reports of harassment and possible surveillance of outspoken critics (see Section 1.f.). In August the Justice Ministry granted power to the Association of Female Lawyers in Liberia (AFELL) to assist in the prosecution of rape cases.

Children.—The Government generally was unable to provide for the education and health of children, although it continued its nationwide anti-polio vaccination campaign during the year. Due to the poor condition of government schools, most children who attended school went to private institutions. Since many private schools still need to be refurbished due to wartime damage, school fees were increased significantly, thereby making education unattainable for many school-age children. In both public and private schools, families of children often were asked to provide their own books, pencils, and paper. At the end of 1999, 622,645 out of an estimated 1.4 million school age children were enrolled in primary and secondary schools, 263,556 of which were girls. Expenditures on education were estimated at $6.4 million (288 million ld). In 1995 the literacy rate for boys was at 53.9 percent and girls at 22.4 percent.

Young persons were victimized seriously during the civil war. An estimated 50,000 children were killed; many more were wounded, orphaned, or abandoned. Approximately 100 underfunded orphanages operate in and around Monrovia; however many orphans live outside these institutions. The National Military Families Association of Liberia (NAMFA) tries to provide for orphaned military children; it has registered 650 street children. These institutions do not receive any government funding, but rely on public donations. Nearly all youths witnessed terrible atrocities, and some committed atrocities themselves. Approximately 21 percent (4,306) of the combatants who disarmed under the provisions of the Abuja Peace Accords were child soldiers under the age of 17. Many youths remain traumatized, and some still are addicted to drugs. The number of street children in Monrovia and the number of abandoned infants increased significantly following disarmament. NGO's and the U.N. Children's Fund continued retraining and rehabilitation programs for a limited number of former child fighters; however these children were vulnerable to being recruited in subregional conflicts, since most had no other means of support.

Children continued to be incarcerated with adults, and there were long delays in deciding cases involving minors (see Sections 1.c. and 1.e.).

Child advocacy groups reported forced child labor in the rural areas of the country (see Section 6.c.).

Female genital mutilation, which is widely condemned by international public health experts as damaging to both physical and psychological health, traditionally was performed on young girls in northern, western, and central ethnic groups, particularly in rural areas. Prior to the onset of the civil war in 1989, approximately 50 percent of women in rural areas between the ages of 8 and 18 were subjected to FGM. A local organization, Human Rights Watch Women and Children, which does not receive government funding, launched a campaign during the year to eradicate FGM. AFELL also has spoken out against FGM.

Social structures and traditional institutions, such as the secret societies that often performed FGM as an initiation rite, were undermined by the war. While many experts believe that the incidence of FGM dropped to as low as 10 percent by the end of the war, traditional societies are reestablishing themselves throughout the country, and the increase in the incidence of FGM continued. The most extreme form of FGM, infibulation, reportedly is not practiced. The Government has taken no action against FGM.

In January a well-known 17-year-old child rights activist fled the country to escape persistent harassment of himself, his family, teachers, and high school classmates by security personnel (see Section 1.f.). He remained in self-imposed exile at year's end.

People with Disabilities.—As a result of the civil war, a large number of persons have permanent disabilities, in addition to those disabled by accident or illness. It is illegal to discriminate against the disabled; however, in practice they do not enjoy equal access to public buildings. No laws mandate accessibility to public buildings

or services. Disabled persons face discrimination particularly in rural areas. Deformed babies often are abandoned.

Religious Minorities.—Some tensions exist between the major religious communities. The law prohibits religious discrimination; however, Islamic leaders complained of societal discrimination against Muslims. The private sector in urban areas, particularly in the capital, gives preference to Christianity in civic ceremonies and observances, and discrimination against followers of other organized religion spills over into areas of individual opportunity and employment. There is an interfaith council that brings together leaders of the Christian and Islamic faiths.

Ethnic tensions continued in Lofa County between the predominantly Muslim Mandingo ethnic group and the Lorma ethnic group. In January five mosques were burned. There was no report of a government investigation or action taken against the arsonists.

Ritual killings, in which body parts used in traditional indigenous rituals are removed from the victim, continue to occur. The number of such killings is difficult to ascertain, since police often describe deaths as accidents even when body parts have been removed. Deaths that appear to be natural or accidental sometimes are rumored to be the work of ritual killers. Little reliable information is readily available about traditions associated with ritual killings. It is believed that practitioners of traditional indigenous religions among the Grebo and Krahn ethnic groups concentrated in the southeastern counties most commonly engage in ritual killings. The victims are usually members of the religious group performing the ritual. The underlying religious beliefs may be related to incidents during the civil war in which faction leaders sometimes ate (and in which one faction leader had himself filmed eating) body parts of former leaders of rival factions. Removal of body parts for use in traditional rituals is believed to be the motive for ritual killings, rather than an abuse incidental to killings committed by religious group members called "heart men." Since the civil war, common criminals inured to killing also may sell body parts.

In August 1999, the Government sent a high-level delegation of the National Police to the southeastern counties to investigate reports of ritual killings. There were no reports released from this investigation.

National/Racial/Ethnic Minorities.—Although the Constitution bans ethnic discrimination, it also provides that only "persons who are Negroes or of Negro descent" may be citizens or own land. Many persons of Lebanese and Asian descent who were born or lived most of their lives in the country are denied full rights as a result of this racial distinction.

The country is ethnically diverse. The population of about 3 million is made up of 16 indigenous ethnic groups and the Americo-Liberian minority—descendants of freed slaves from the United States and the Caribbean—which until 1980 dominated the government and the public sector through the True Whig party. The indigenous ethnic groups generally speak distinct primary languages, and they are concentrated regionally. No ethnic group constitutes a majority of the population.

Many members of the predominantly Muslim Mandingo minority encountered hostility when they sought to return, after the end of the civil war, to their villages in Lofa, Bong, and Nimba counties. Many Mandingos were unable to reoccupy their homes, which had been taken over by squatters. Members of the Lorma, Gio, and Mano minorities generally held all Mandingos responsible for atrocities committed by the Ulimo-Mandingo faction during the civil war. The lack of competent security forces and a fully functioning judiciary in these areas prevented many Mandingos from seeking redress.

The continuing cross-border violence in Lofa county exacerbated ethnic tensions between the Mandingos and the Lormas (see Section 1.a.).

Recent tension with the Guinean government aggravated unrest in Nimba between the Manos and Mandingos (see Section 1.a.). For example, in October in Nimbia, a property dispute between the Mandingos and members of Mano and Gio ethnic groups led to rioting, which reportedly killed four persons (see Section 1.a.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides that workers, except members of the military and police, have the right to associate in trade unions, and workers are allowed to join unions in practice. The Constitution also provides that unions are prohibited from engaging in partisan political activity. However, government interference in union activities, especially union elections and leaderships struggles, was common both before and during the civil war.

Although most economic activity was interrupted by the war, unions proliferated. There are 32 functioning unions organized loosely under two umbrella groups—the Federation of Liberian Trade Unions and the Congress of Liberian Trade Unions—

with the common objective of protecting the rights of their 60,000 members, who largely were unemployed. The actual power that the unions exercise was extremely limited. Since the country's work force is largely illiterate, economic activities beyond the subsistence level were very limited, and the labor laws tend to favor management.

During the year, the Government strictly enforced the union registration requirements that fell into disuse during the war.

Labor laws provide for the right to strike. A decree passed by the People's Redemption Council in 1984 outlawed strikes, but it was not enforced during the year. Due to the destruction of the economy and the estimated 85 percent unemployment rate, strikes were infrequent.

In a wage dispute in February, workers at a rubber plantation in Bomi county burned some property. The dispute was settled later that month when the management of the plantation agreed to increase wages and to provide other benefits.

Labor unions traditionally have been affiliated with international labor groups such as the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—With the exception of civil servants, workers (including employees of public corporations and autonomous agencies) have the right to organize and bargain collectively. In the past, agreements were negotiated freely between workers and their employers without government interference; however, these rights were largely moot during the year because of the lack of economic activity.

There are no export processing zones. All of those previously existing were destroyed during the civil war.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced labor; however, this prohibition was ignored widely in many parts of the country, such as rural areas where farmers were pressured into providing free labor on "community projects" that often benefited only local leaders. The Government denied allegations that unpaid laborers were forced to harvest crops on President Taylor's private farm.

The Constitution prohibits forced child labor; however, there were reports that it occurred (see Section 5). Some former combatants, including some in the security forces, were accused of forcing children to work in the mining industry. In 1999 a child rights advocacy group released a report on forced child labor in the southeastern counties. The advocacy group's report and that of another prominent human rights group contradicted an earlier government report that failed to find any conclusive evidence of forced child labor. Subsequently legislators from three counties sued the child rights advocacy group for defaming the counties' reputations. At year's end, the case still was pending.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under the age of 16 during school hours in the wage sector, but enforcement traditionally is lax. The Ministry of Labor did not make any inspections during the year and lacks the resources to carry out its mandate. Throughout rural areas—particularly where there were no schools—small children continued to assist their parents as vendors in local markets or on the streets, to take care of younger brothers and sisters, and to work on family subsistence farms.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

The Constitution prohibits forced and bonded labor by children; however, there were reports that it occurred (see Section 6.c.).

e. Acceptable Conditions of Work.—The Labor Law provides for a minimum wage, paid leave, severance benefits, and safety standards, but enforcement was targeted solely against profitable firms that generally observed these standards. Due to the country's continued economic problems, most citizens were forced to accept any work they could find regardless of wages or working conditions.

The 1977 Labor Law requires a minimum wage of approximately $0.25 (10 ld) per hour not exceeding 8 hours per day, excluding benefits, for unskilled laborers. The law requires that agricultural workers are to be paid $1.50 (60 ld) for an 8-hour day, excluding benefits. Skilled labor has no minimum fixed wage, but industrial workers usually received three or four times the wage paid to agricultural workers. The muchsoughtafter minimum wage jobs provided a minimal standard of living for a worker and family; however, there were very few such jobs. Families dependent on minimum wage incomes also engage in subsistence farming, small-scale marketing, petty extortion, and begging.

The Ministry of Labor did not have the resources to monitor compliance with labor laws.

The Labor Law provides for a 48-hour, 6-day regular workweek with a 30-minute rest period per 5 hours of work. The 6-day workweek may extend to 56 hours for service occupations and to 72 hours for miners, with overtime pay beyond 48 hours.

Prior to 1990, there were government-established health and safety standards, enforced in theory by the Ministry of Labor. During the war, these regulations were not enforced. Even under the Labor Law, workers did not have a specific right to remove themselves from dangerous situations without risking loss of employment.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, through, or within the country.

MADAGASCAR

Madagascar held its second presidential election under the 1992 Constitution in 1996, following the impeachment of then-President Albert Zafy earlier that year. The election was accepted widely as free and fair, and the winner, former Second Republic President Didier Ratsiraka, took office in February 1997. An extensive revision of the 1992 Constitution was approved narrowly in a March 1998 constitutional referendum. While observers from the International Foundation for Election Systems concluded that the referendum generally was free and fair, it was marred by significant difficulties in compiling voter lists, distributing electoral cards, and other problems, which led to charges of fraud and manipulation. Although power remains formally divided between the President, his Prime Minister, the Cabinet, and a bicameral legislature (Senate and National Assembly), the revised Constitution significantly strengthened the presidency and weakened the National Assembly. National Assembly elections held in May 1998 generally were accepted as free and fair; however, there were a number of credible complaints of electoral fraud. In November 1999, nationwide communal elections were held that resulted in a near majority for the President's party, the Association for the Rebirth of Madagascar (AREMA). Other parties criticized the elections as poorly organized and fraudulent; a lack of transparency made it difficult to assess reliably the extent of abuses. A number of institutions provided for in the revised Constitution, including the Senate, a restructured judiciary, and autonomous provincial governments, still were pending at year's end. The judiciary is subject to executive influence.

The State Secretary of the Ministry of Interior for Public Security and the national police, which are under the State Secretary, are responsible for law and order in urban areas. The Ministry of Armed Forces oversees the army, the air force, the navy, and the gendarmerie. The gendarmerie has primary responsibility for security except in major cities and is assisted in some areas by regular army units in operations against bandit gangs and cattle thieves. After a number of years of decline, the military force has stabilized at about 22,000 troops, including the gendarmerie. There also are local traditional laws called "dina" that are enforced by village-level law enforcement groups, particularly in areas where the Government's presence is weak. There continued to be occasional reports that police, gendarmes, and dina authorities committed human rights abuses.

Madagascar is a very poor country. The economy relies heavily on agriculture. Agricultural exports, led by shrimp, grew 4.3 percent with vanilla, coffee, cloves, and pepper registering increases. Textiles were another major export. The smuggling of vanilla, gold, precious stones, and cattle continued to be major concerns. Overall economic performance improved, but nearly three-fourths of the population of about 14.7 million live in poverty. Living standards are low, with the annual per capita gross domestic product estimated at $269. Foreign assistance remains a major source of national income. Inflation rose from 6.4 percent in 1998 to 14.4 percent in 1999. Unemployment and underemployment, especially among youth, remained high, although there was significant job growth in Antananarivo during the year. The Government made progress on economic reform, including privatization.

The Government generally respected citizens" human rights in several areas; however, a number of problems remained. There were occasional reports that police or other security forces mistreated prisoners or detainees. Prison conditions were harsh and life threatening. In some prisons, women experienced physical abuse, including rape. Arbitrary arrest and detention remained problems. Lengthy pretrial detention remained a major problem, and suspects often were held for periods that exceeded the maximum sentence for the alleged offenses. The Government continued a major effort to reduce the number of preventive detainees. Dina authorities imposed summary justice—including several executions—in rural areas where the Government's presence was weak, although, overall, government efforts to bring

dina authorities under closer regulation and scrutiny continued to show results. At times the Government pressured the media to curb its coverage of certain events and issues; journalists practiced self-censorship. There was virtually no political violence during the year. Women continued to face some societal discrimination. Child labor remained a problem. Some prisoners were used as forced labor. Unlike the previous year, there were no reports of trafficking in women and girls.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings by government forces; however, harsh prison conditions and the authorities" failure to provide adequate food and medical treatment contributed to an undetermined number of deaths in custody (see Section 1.c.).

Village dina authorities continued to mete out summary justice, and there were several cases of dina executions in the southeast.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution provides for the inviolability of the person; however, there were occasional reports that police or other security forces mistreated prisoners or detainees.

Village dina authorities continued to mete out summary judgments. Dina authorities continued to use torture to gain confessions.

Prison conditions remain harsh and life threatening. Prisoners' diets are inadequate, and family members must augment daily rations. Prisoners without relatives nearby sometimes go for days without food. Prison cells average less than 1 square yard of space per inmate. The authorities do not provide adequate medical care. The prison population of approximately 19,200 suffers a range of medical problems that are treated rarely or inadequately, including malnutrition, infections, malaria, and tuberculosis. These conditions have caused an unknown number of deaths (see Section 1.a.). There were instances in which prisoners were used as forced labor (see Section 6.c.).

Women in prisons suffered abuses, as did children who sometimes were confined with them. Gender segregation was not absolute, and rapes by other prisoners were reported.

The Government permits prison visits by the International Committee of the Red Cross, religious and nongovernmental organizations (NGO's), lawyers, and investigative journalists.

For example, a local Catholic NGO visited prisoners during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides for due process for accused persons; however, arbitrary arrest and detention remain problems. In practice the authorities do not always observe legal safeguards against arbitrary arrest and detention. In particular, excessive investigative detention of suspects resulted in the denial of due process. However, as the result of international pressure, many long-term detainees were released.

By law a criminal suspect must be charged, bound over, or released within 3 days of arrest. An arrest warrant may be obtained but is not always required. Defendants in ordinary criminal cases have the right to be informed of the charges against them, must be charged formally within the specified time permitted, and must be allowed access to an attorney.

Court-appointed counsel is provided for indigent persons accused of crimes that carry a minimum 5-year jail sentence. An attorney or the accused may request bail immediately after arrest, after being formally charged, or during the appeals process, but bail rarely is granted in the case of violent crimes.

Of a prison population of approximately 19,200, about two-thirds of persons held in custody were in pretrial detention. Despite existing legal safeguards, investigative detention often exceeds 1 year, and 3 or 4 years" detention is common, even for crimes for which the maximum penalty may be 2 years or less. The accused may wait years in prison only to be exonerated ultimately in court. Poor record keeping, a lack of resources, and infrastructure problems that leave parts of the country isolated make it difficult to identify long-term pre-trial detainees. The Ministry of Justice continued a program to reduce excessive pretrial detention through case reviews and expedited judgments. Over 665 detainees have been tried and an indeterminate number of others were freed. In May the Ministry of Justice reported that over 71 percent of prisoners detained 2 years or more had been tried and over 1,200 were released. The Ministry stated that its goal was to bring the remaining

long-term detainees to trial during the year.

Although the law allows detainees to sue the Government for damages in cases of unlawful detention, no such suits were reported. By law persons accused of subversive activity may be detained incommunicado for 15 days and are subject to indefinite detention if considered necessary by the Government; however, this law was not invoked during the year.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The revised Constitution provides for an autonomous judiciary; however, implementing legislation has not yet been passed, and the High Constitutional Court is subject to the President's influence.

The judiciary has three levels of jurisdiction: local courts for civil and criminal cases carrying limited fines and sentences; the Court of Appeals, which includes a criminal court for cases carrying sentences of 5 years or more; and the Supreme Court. The judiciary also includes courts designed to handle specific kinds of cases such as cattle theft. The High Constitutional Court is an autonomous court that undertakes technical reviews of laws, decrees, and ordinances, and certifies election results. The establishment of a number of decentralized courts, also provided for in the Constitution, awaits the creation of the Senate, which depends on the as-yet-unscheduled elections of autonomous provincial councils.

The judiciary remained under the control of the Ministry of Justice. In 1999 salaries of magistrates were raised to improve their performance, but reports of corruption in the judiciary persisted. Although efforts were underway to address the problem, a large backlog of cases remained, which contributed to excessive investigative detention. The Ministry of Justice implemented some measures to increase transparency in judicial proceedings, including posting signs outside courthouse offices specifying procedures, regulations, costs, and timelines, in addition to opening a comment and complaint log in all courts.

Trials are public, and defendants have the right to an attorney, to be present at the trial, to confront witnesses, and to present evidence. Defendants enjoy a presumption of innocence under the Penal Code.

The right of traditional village institutions to protect property and public order is codified in the Constitution as well as in earlier laws. Civil disputes within and between villages sometimes are addressed by local traditional laws called dina. Dina also are established in some urban areas. In practice, dina deal with criminal cases because of the isolation of many rural areas, a rise in crime, and the ineffectiveness of the police and the judiciary outside major urban centers. Punishments based on dina were at times severe, including several cases of executions (see Section 1.a.). There also were problems with due process in the administration of dina punishments.

Decisions based on dina are not subject to codified safeguards for the accused, but in some instances, they may be challenged at the appeals court level. Some cases also have been referred to the Office of the Mediator (ombudsman), which investigates and may seek redress from formal judicial authorities. An interministerial committee that includes the Ministries of Justice, Interior, and Armed Forces was established to improve the surveillance of dina authorities and assure their adherence to the law. The committee held a workshop in each of the provinces and drafted a dina to be applied throughout the country. After the bill was submitted to the National Assembly in 1999, the committee was disbanded. The Ministry of Justice has moved away from its earlier permissive approach to dina and emphasized their subordination under the formal judicial system.

The Government continued to combat crime and insecurity in isolated rural regions by augmenting the gendarmerie—traditionally responsible for law and order in rural areas—with army units. Military courts are integrated into the civil judicial system and differ only in the kinds of cases tried and in the inclusion of military officers on jury panels. Such courts have jurisdiction over some cases involving national security, including acts allegedly threatening the nation and its political leaders; invasion by foreign forces; and rioting that could lead to the overthrow of the Government. Defendants in military cases, as in civil law, enjoy an appeals process that reexamines points of law rather than the facts of the case. A civilian magistrate, usually joined on the bench by a panel of military officers, presides over military trials.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, and government authorities generally respect these prohibitions in practice. Violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, at times the Government pressures the media to curb

its coverage of certain events and issues. Opposition politicians rarely are given access to state-run media; while they do have access to private media, these do not provide the nationwide coverage of state media. In addition journalists practice self-censorship.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice; however, local authorities sometimes deny requests by political opposition groups to assemble or march in specified locations.

The Constitution provides for freedom of association, and the Government respects this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

Religious groups must register and obtain authorization from the Ministry of Interior. In January 1998, an organization widely perceived to be affiliated with the Reverend Sun Myung Moon was refused registration, apparently due to concerns about its use of mind-control practices. There is no indication that the organization has reapplied for registration, nor that the Government has changed its decision.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice; however, the fear of crime effectively restricts travel in some areas, especially at night.

The country does not have a law governing refugees nor has it ratified the 1951 U.N. Refugee Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government cooperates closely with the U.N. High Commissioner for Refugees in processing the small number of refugees or asylum seekers in the country. There were no reports of the forced expulsion of persons with recognized or pending claims to refugee status. The issue of provision of first asylum has never arisen.

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

Citizens have the right to change their government through direct universal suffrage by secret ballot. Didier Ratsiraka was elected to a 5-year term as President in 1996 in the second presidential election held under the 1992 Constitution. In May 1998, the National Assembly's 150 members were elected to 5-year terms. In November 1999, communal elections were held in which the President's party, AREMA, won over 40 percent of the mayoral races. The elections were peaceful and well-organized; however, there were numerous reports of fraud. In December 1999, the High Constitutional Court recognized serious irregularities and reordered elections in five communes. The lack of transparency of the electoral process made it difficult to assess reliably the extent of abuses.

On August 25, the National Assembly passed a Law on the Autonomous Provinces, and on August 29, the President promulgated the law. The law provides for the establishment of autonomous provinces and allows for the creation of an upper house of the legislature with provincial representatives.

Under the Constitution, the President has primary responsibility for national defense and foreign policy, while the Prime Minister is the head of government and responsible for domestic policy. The President selects the Prime Minister. The Constitution gives the President the right to dissolve the National Assembly for cause. The revised Constitution retains the possibility of censure by a two-thirds majority of the National Assembly and Senate. The Senate was not established pending the creation of autonomous provinces. In September 1998, the Prime Minister pledged publicly that all of the institutions called for in the Constitution would be created by March; however, this nonbinding target date was not achieved by year's end, and the Government did not make a commitment to implement the institutions by a specified date. In August the National Assembly approved a law defining the powers of autonomous provincial governments, and the President promulgated the law with several implementing decrees. The law allows the Senate to be convened, with representatives from the provinces. However, there is concern about whether the central Government will provide the necessary resources to support the establishment of the provincial councils; furthermore, there still is confusion regarding the specific responsibilities of the provincial governments. Elections were held on December 3 in the provinces to establish provincial councils and governorships; however, the results of the provincial elections were not published and the provincial councils were not established by year's end. Under the revised Constitution,

two-thirds of the Senate's members are to be elected within the autonomous provinces, and one-third of the members are to be appointed by the President. The first senatorial elections were scheduled for March 2001.

There are no legal impediments to women's participation in government or politics, but in practice they are underrepresented in both areas. The Government of 31 ministers and state secretaries appointed in July 1998 includes 4 women. Less than 7 percent of National Assembly deputies (10 of 150) are women.

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

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials usually are cooperative and responsive to their views.

The Government is open to visits by international human rights groups and to domestic and international election observers.

Domestic election observers from local NGO's were active in the country during the year.

The Constitution provides for an independent office to promote and protect human rights. In 1994 the National Assembly assigned that role to the Office of the Mediator (ombudsman), which relies on moral suasion to correct abuses. The office publishes annual reports on its activities and distributes brochures to educate citizens on their rights and responsibilities. Its reports have outlined the rights of women and children and focused public attention on the potential for human rights violations under dina laws.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits all forms of discrimination and outlaws groups that advocate ethnic or religious segregation. No specific government institutions are designated to enforce these antidiscrimination provisions.

Women.—Violence against women is not widespread. Police and legal authorities intervene when physical abuse is reported. Only the law against rape deals specifically with violence against women. Spouses can be tried for nonrape abuses, generally under civil law.

The law neither prohibits nor condones prostitution. The law prohibits the incitement of minors to debauchery. The Government criticizes sexual tourism; however, while it attempts to investigate allegations of exploitation, a lack of resources hampers effective action.

In urban areas, where many women manage or own businesses or hold management positions in state industries, there is relatively little societal discrimination against women. According to one government official, women own 30 percent of the formal sector companies and 53 percent of the informal sector companies. However, discrimination against women in rural areas remained a problem. A number of NGO's focus on the civic education of women and girls to ensure that their rights and legal protections are understood fully and acted upon as appropriate.

Under a 1990 law, wives have an equal voice in selecting the location of a married couple's residence, and they generally receive an equitable share of common property on divorce. Widows with children inherit half of joint marital property. A tradition known as "the customary third" occasionally is observed in some areas. Under this custom, the wife has a right to only one-third of a couple's joint holdings. However, a widow receives a pension, while a widower does not.

Children.—While official expenditures on children's welfare are low, the Government increased the spending levels of the Ministries of Health and Education despite continued fiscal austerity. These levels are not sufficient to maintain adequate public services under current economic conditions. The Government provides education through the secondary or vocational level, and it is compulsory through the age of 14. Although figures vary depending upon the source, approximately 65 percent of primary-school-age children apparently are enrolled in school. However, only 29 percent of working children go to school: rural children drop out to help on family farms, and urban children work as domestics (see Section 6.d.).

There is no societal pattern of abuse of children, although child labor continues to be a pervasive problem. Children sometimes are imprisoned with adults (see Section 1.c.).

People with Disabilities.—There is no systematic discrimination against disabled persons in employment, education, or in the provision of other state services. There is no law mandating access to buildings for persons with disabilities. The National Assembly passed a law to define the rights of the disabled in February 1998, but implementing regulations have not been issued. The Ministry of Population sched-

uled a public consultation exercise for October to discuss the implementation with concerned NGO's prior to submitting draft regulations to the Government. Interministerial review of the draft regulations was still pending at year's end.

National/Racial/Ethnic Minorities.—The Malagasy, who are of mixed Malayo-Polynesian, African, and Arab heritage, include 18 distinct groups differing in regional and ancestral affiliation. Although there are some linguistic differences, nearly all speak a dialect of the Malagasy language. None of these groups constitutes a majority of the population. There are significant minorities of Chinese and Indo-Pakistani heritage, as well as a large number of resident French nationals.

A long history of military conquest and political consolidation raised the political and economic status of highland ethnic groups of Asian origin above that of coastal groups of more African ancestry. Centralized administration and economic planning since independence has reinforced the concentration of economic and political power in the central highlands, where the capital is located. These policies feed enduring tension between coastal and highland persons. Ethnicity, caste, and regional solidarity often are factors in hiring practices.

An Indo-Pakistani community has resided in the country since the early part of the 20th century. Traditionally engaged in commerce, this community now numbers about 20,000. Relatively few of these individuals have made successful claims to Malagasy nationality, which is customarily acquired through a native-born Malagasy mother. Indo-Pakistani merchants are mistrusted widely. In past years, their shops have been looted during civil disturbances.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the 1995 Labor Code provide workers in the public and private sectors with the legal right to establish and join labor unions of their choosing without prior authorization; however, essential service workers, including police and military personnel, may not form unions. Unions are required to register with the Government, and registration is granted routinely. About 80 percent of the labor force of 5 million is engaged in agrarian production. Union members account for only about 5 percent of the total labor force.

There are a number of trade union federations, many of which are affiliated formally with political parties. Neither public nor private sector unions have played a major political or economic role in recent years. The Government exercises very limited control over organized labor.

The Labor Code and the Constitution include the right to strike. This right extends to export processing zones (EPZ's). Workers in essential services have a recognized but restricted right to strike, although in practice short strikes took place without reprisal. The code requires workers to exhaust conciliation, mediation, and arbitration procedures before striking, but this has not been a significant deterrent to legal strikes in practice.

Short and generally nondisruptive strikes took place over fiscal and administrative issues in some cities.

The International Labor Organization (ILO) has noted a number of instances in which the Government has failed to bring law and regulation into conformity with existing conventions or otherwise submit texts for ILO review, including those addressing forced labor, freedom of association, safeguarding of machinery, hygiene in commerce and offices, and weight limits. In most instances, these failures indicated legislative inertia rather than abuses.

Unions freely join and participate in international bodies and may form federations or confederations.

b. The Right to Organize and Bargain Collectively.—Both the Labor Code and the Constitution provide for the right to bargain collectively. The code states that collective bargaining may be undertaken between management and labor on the initiative of either party; however, collective bargaining agreements are rare in practice. The Government often is involved in the bargaining process, in part because of the large percentage of public employees who are union members.

The Labor Code prohibits discrimination by employers against labor organizers, union members, and unions. In the event of antiunion activity, unions or their members may file suit against the employer in civil court. Labor laws apply uniformly throughout the country; however, the Government's enforcement of labor laws and regulations is hampered by a lack of staff and financial resources. Approximately 35 inspectors from the Ministry of Labor visit industrial work sites with some regularity, but most often only those located near the capital.

There are many EPZ's which are, in practice, firms operating under special import and export rules. Such firms are required to follow all pertinent labor laws and regulations, including minimum wage laws; however, the Government allegedly does not enforce its labor laws adequately in EPZ's due to inadequate resources.

c. Prohibition of Forced or Compulsory Labor.—The Labor Code explicitly prohibits forced labor, and generally it is not known to occur; however, there were instances of prisoners being illegally "hired out" by prison officials to private enterprise. There also apparently has been systematic use of detainees and prisoners as personal servants by a substantial number of magistrates, judiciary officials, and local government figures. Some prison officials or judicial authorities have falsified records to ensure a supply of unpaid labor for themselves or other government officials. The Government prohibits forced and bonded labor by children, and it does not occur in practice.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code defines a child as any person under the age of 18 years. The legal minimum age of employment is 15 years, and work by individuals under the age of 18 is prohibited at sites where there is apparent and imminent danger to health, safety, or morals. Night work also is forbidden for individuals below age 18. The Government enforces child labor laws in the small formal economic sector through inspectors of the Ministry of Civil Service, Labor, and Social Laws; however, because inspectors only cover wage earners, the enforcement of child labor laws in the informal sector is pursued through the courts. Nevertheless, child labor continued to be a pervasive problem: nearly one in three children age 7 to 14 works. In the large agricultural sector, young children work with parents on family farms at much younger ages. In urban areas, many children work as petty traders, casual transport workers, and beggars.

The Government has participated in an international program with the ILO to eliminate child labor since 1997. For example, in May over 20 labor inspectors representing all 6 provinces received training regarding the worst forms of child labor.

The law prohibits forced and bonded child labor, and it does not occur in practice (see Section 6.c.).

The age of sexual consent is 14, and although the law does not criminalize prostitution, it forbids "inciting to debauchery" of anyone under the age of 21 (see Section 5). The Labor Ministry in conjunction with the ILO conducted a national survey of child prostitution and trafficking that was ongoing at year's end (see Section 6.f).

Education is compulsory to the age of 14. While approximately 65 percent of primary-school-age children apparently are enrolled, only 29 percent of working children attend school (see Section 5).

e. Acceptable Conditions of Work.—The Labor Code and implementing legislation prescribe working conditions and wages, which are enforced by the Ministry of Civil Service, Labor, and Social Laws. The law makes separate provisions for agricultural and nonagricultural labor.

The Government sets the minimum wage of approximately $24 (FMG 160,156) per month for the nonagricultural private sector. This wage does not provide a decent standard of living for a worker and family and must be supplemented by subsistence agriculture, petty trade, support from relatives, or employment of other family members. Minimum wage rates are not respected always, since high unemployment and widespread poverty lead workers to accept wages at lower levels.

The standard legal workweek in nonagricultural and service industries is 40 hours, and 42° hours in agriculture. At least one consecutive 24-hour rest period each workweek is mandated. The Labor Code sets rules and standards for worker safety and worksite sanitation. An administrative decree forbids women and minors from work that could endanger their health, safety or morals (see Section 6.d.). Ministry of Civil Service, Labor, and Social Laws officials monitor labor conditions; however, they usually are able to cover only the capital region effectively. If violators do not remedy cited violations within the time allowed, they may be sanctioned legally or assessed administrative penalties. In some sectors, safety equipment is not used due to the expense of protective clothing and other safety devices. There have been no published reports on occupational health hazards or accident trends. There is no explicit right for workers to leave dangerous workplaces without jeopardizing their employment.

f. Trafficking in Persons.—The law prohibits trafficking; however, in 1999 there were reports that women and girls were trafficked to the nearby islands of Reunion and Mauritius for prostitution. No arrests or convictions have been made in connection with the trafficking. While the Government expressed concern, it lacked the resources to address this issue effectively. The Government conducted a survey on child trafficking which was ongoing at year's end (see Section 6.d.).

MALAWI

On June 15, 1999 the Republic of Malawi held its second democratic presidential and parliamentary elections since independence in 1964. Independent observers concluded that the elections were "free and substantially fair;" however, there was limited opposition access to media and problems in registration, and the opposition appealed the result to the courts. The six parliamentary by-elections held since June 1999 have been marred by violence, allegations of vote fraud, and contested results. Constitutional power is shared between a popularly elected president and the 193-member National Assembly. In the 1999 elections, President Bakili Muluzi of the United Democratic Front (UDF) party was reelected to serve a second 5-year term, defeating Gwanda Chakuamba, the joint presidential candidate of the two leading opposition parties, the Malawi Congress Party (MCP) and the Alliance for Democracy (AFORD). The UDF has 96 seats in the National Assembly; the MCP has 61 seats; AFORD has 30 seats; and there are 5 independent members in the National Assembly. There is no clear-cut ideological difference among the three political parties. The first local government elections to select councilors and mayors, as mandated under the 1998 Local Government Act, were held on November 21. The ruling UDF won over 70 percent of the seats in the elections, which were marked by low voter turnout and opposition complaints of voter intimidation and lack of media access. The Government respects the constitutional provisions for an independent judiciary; however, the judicial system is inefficient and lacks resources.

The National Police, headed by the Inspector General of Police under the Ministry of Home Affairs, are responsible for internal security. The police occasionally called on the army for support. There continued to be credible allegations that the police committed human rights abuses.

The country is very poor, with a narrow economic base characterized by a small and highly concentrated industrial sector, low levels of foreign and domestic investment, and few mineral resources. Agriculture dominates the economy, contributing nearly half of its gross national product (GNP), and employing over 80 percent of the labor force. Tobacco, tea, and sugar crops together generate over 70 percent of export earnings, with tobacco providing the largest share (about 60 percent). There is little industry and mining, and no known economically viable deposits of gemstones, precious metals, or oil. The country is landlocked, but improved rail service to the Mozambican deepwater port of Nacala, subsequent to the December 1999 privatization of Malawi Railways, is expected to lower significantly the share of transport costs in the country's import bill. The Government continues to move forward with its multisector privatization program, and endorses private sector participation in infrastructure. Wealth remains concentrated in the hands of a small elite. Annual per capita income is approximately $200. Average annual inflation was 44.9 percent in 1999, up from 29.7 percent in 1998.

The Government generally respected the human rights of its citizens in many areas; however, its record in other areas was poor, and serious problems remained. There were extrajudicial killings, including deaths of detainees while in, or shortly after release from, police custody. The police are known to beat and otherwise abuse detainees and to use excessive force in handling criminal suspects. Prison conditions remained harsh and life-threatening and resulted in a large number of deaths. Arbitrary arrest and detention are common, and lengthy pretrial detention is a serious problem. An inefficient and understaffed judicial system and limited resources called into question the ability of defendants to receive a timely, and in many cases, fair trial. Security forces at times infringed on citizens" privacy rights. The print media are able to report freely; however, there were a few exceptions, and there was some self-censorship. The seven private radio stations experienced relative freedom in broadcasting international news and entertainment programming; however, the Government continued to control news coverage and editorial content at the Malawi Broadcasting Corporation's two radio stations. At times police used force against demonstrators. Violence against women is common. Women continued to experience severe societal discrimination. The Government took steps in its economic development programs to assist disadvantaged women. Abuse of children remained a problem. Child labor, including instances of forced child labor, also is a problem. Mob violence triggered by anger over high levels of common crime resulted in mob executions of alleged criminals.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings; however there were extrajudicial killings, including deaths of detainees

while in, or shortly after release from, police custody. These deaths involved possible use of excessive force or possible negligence. There was at least one credible report that prison officials beat a prisoner to death. Both the Inspectorate of Prisons and the Office of the Commissioner of Prisons carried out investigations into the killing, though results of the investigations were not released by year's end. Seven prison guards were charged in the killing and are currently in custody. Inquests into deaths while in custody are not held routinely.

In August 1999, police shot and killed one former Eritrean detainee and wounded six others in a confrontation in Lilongwe. No action was taken against the police (see Section 2.d.).

A large number of prisoners died largely due to harsh prison conditions (see Section 1.c.).

Frustrated by inadequate law enforcement and rising crime, angry mobs sometimes resorted to vigilante justice in beating, stoning, or burning suspected criminals to death. Serial killings during a 3-month period during the year brought international attention to the country. During the course of the investigations in February and March, police detained and held approximately 25 suspects. One of the suspects died while in police custody, allegedly due to police abuse. On May 31, the Director of Public Prosecutions eventually charged 4 suspects with the killings and scheduled 19 suspects for release. Realizing the potential for mob justice or independent acts of violence against the released suspects, police and prosecutors mounted a public information campaign, including town meetings. The 19 suspects were released on June 8 and were able to return to their communities without incident. On September 16, the Director of Public Prosecutions dropped the charges against one of the four charged suspects; on October 6, two of the suspects were sentenced to death and one was acquitted.

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

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and other cruel, inhuman, or degrading treatment; however, police continued to beat and otherwise abuse detainees and to use excessive force in handling criminal suspects. The Inspectorate of Prisons is an investigative body mandated by the Constitution, and the findings of its May report—the most recent document of its kind—are considered indicative of prison conditions by domestic and international nongovernmental organizations (NGO's). The report notes that techniques used by police included beatings, physical assault, and the use of wire instead of handcuffs to restrain prisoners and to force confessions. Police sometimes hide these abuses by keeping prisoners in police custody until wounds heal before turning them over to the prison system for remand. The mistreatment is partly due to the mistaken belief of many police officers that the law requires them to present a case (not just charges) to the court within 48 hours of arrest. Lack of financial resources for appropriate equipment, facilities, and training also contributed to mistreatment.

At Freedom Day celebrations on July 6, police reportedly beat demonstrators outside the official venue (see Section 2.a.).

In May police used force, including tear gas, to disperse demonstrations (see Section 2.b.).

Police continued efforts to improve investigative skills and to introduce the concept of victims" rights though workshops and other training exercises, particularly in the areas of sexual abuse and domestic violence (see Section 5). While higher ranking officials demonstrated familiarity with new standards for the humane treatment of prisoners, their subordinates commonly employed unacceptable techniques. The Government continued to seek community involvement in its comprehensive reform of the police. In 1999 Parliament created a community service alternative for some offenders. Four cities have begun pilot community service programs.

Prison conditions remained harsh and life threatening. Overcrowding, inadequate nutrition, substandard sanitation, and poor health facilities remained serious problems. There was at least one credible report of prison officials beating a prisoner to death (see Section 1.a.).

According to the 2000 Inspectorate of Prisons report, 140 persons died in prison between January and December 1998. Most of the deaths resulted from disease, including tuberculosis and AIDS. Between January and December 1999, a total of 213 prisoners died at Zomba central prison alone. Although women are not kept in separate facilities, they are segregated within the prison compound and tended by female guards. Although four prisons are supposed to have separate facilities for juveniles, in practice the separation is inadequate. In the other prisons, juveniles are incarcerated with adults.

The Inspectorate of Prisons, domestic NGO's, and international NGO's are permitted to make visits to monitor prison conditions without government interference. NGO's report good collaboration with prison authorities.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution grants the accused the rights to challenge the legality of detention, to have access to legal counsel, and to be released on bail or informed of charges by a court of law within 48 hours; however, these rights seldom are respected in practice. The use of temporary remand warrants is widespread and used to circumvent the 48-hour rule. Police often resort to beatings to obtain information deemed necessary to their cases. In cases where the court determines that a defendant cannot afford to supply his own counsel, legal services are provided by the Government. With few persons able to afford legal counsel, the country's five public defenders were not sufficient to represent all indigent detainees in a timely manner. Bail frequently is granted to reduce prison overcrowding. Its use often bears only a tenuous relationship to the merits of an individual's situation. There are now over 8,000 inmates, over half of which are awaiting trial. Police are accused of arbitrary arrests due to political motives.

In February and March, police detained approximately 25 suspects in connection with a series of murders (see Section 1.a.).

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice; however, the judicial system is inefficient and is handicapped by serious weaknesses, including poor record keeping, a shortage of attorneys and trained personnel, a heavy caseload, and a lack of resources. The Constitution provides for a High Court, a Supreme Court of Appeal, and subordinate magistrate courts. The Chief Justice is appointed by the President and confirmed by the National Assembly. The President appoints other justices, following a recommendation by the Judicial Service Commission. All justices are appointed until the age of 65 and may be removed only for reasons of incompetence or misbehavior, as determined by the President and a majority of the Parliament.

By law defendants have the right to a public trial but not to a trial by jury. In murder cases, the High Court nevertheless used juries of 12 persons from the defendant's home district. Defendants also are entitled to an attorney, the right to present and challenge evidence and witnesses, and the right of appeal. However, the judiciary's budgetary and administrative problems effectively denied expeditious trials for most defendants. On July 14,the Department of Public Prosecutions, under the Ministry of Justice, hired 12 paralegals to help reduce the case backlog and assist the very small staff of 9 prosecuting attorneys. The paralegals are to serve as lay prosecutors and to prosecute minor cases in the magistrate courts.

In July 1999, the High Court concluded a training program for 48 lay magistrates and conducted training for 61 lay magistrates from September 1999 through January. Traditional court judges, absorbed into the magistrate court system, also receive some training in court procedure and the body of law that they administer. In August 1999, the High Court began a 2-month refresher-training program for traditional court judges.

In March Parliament passed the Courts Amendment Bill, which was aimed at increasing the civil jurisdiction of magistrates, simplifying small claims procedures, and giving magistrate courts jurisdiction over customary marriages. Although the law was implemented during the year, there were no documented effects of the law by year's end.

Juvenile offenders have special rights under the Constitution, including the right to be separated in custody from adults, to be treated in a manner that recognizes their age and the possibility for rehabilitation, and to be exempt from the punishment of life imprisonment without the possibility of release. However, the protection they are accorded in principle is often denied in practice, and many juvenile offenders are incarcerated with adults (see Section 1.c.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Government authorities generally respected constitutional provisions that protect these rights; however, army and police forces, in carrying out sweeps for illegal weapons, did not always obtain search warrants as required by law.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, there were some exceptions. Limited self-censorship still exists, in part due to habits that evolved during the country's 30-year single party political system, which ended in 1994. A broad spectrum of political and ideological opinion is pre-

sented in the country's two dozen newspapers, usually without government interference. However, the Government still threatened and harassed members of the media. At Freedom Day celebrations on July 6, police confiscated the camera of a photographer with an independent weekly and destroyed her film, allegedly for taking pictures of police beating demonstrators outside the official venue (see Section 1.c.).

At the beginning of August, the DPP dropped a 1999 case involving the arrest and 3-day detention of an editor and senior reporter of the opposition weekly Malawi News for "inciting to mutiny" and "publishing an article prejudicial to public safety." On August 3, the High Court ruled that the arrest was contrary to constitutional press protections.

The editor of the main opposition newspaper, The Daily Times, was suspended in August by the editor-in-chief and subsequently replaced by an acting editor more inclined to refrain from publishing articles critical of the Government.

The state-owned Malawi Broadcasting Corporation (MBC) dominates the radio market with its two stations, transmitting in major population centers throughout the country. News coverage and editorial content are clearly progovernment. In June four employees of MBC allegedly were suspended due to insufficient loyalty to the ruling party (see Section 4). The Office of the Ombudsman began an investigation of the incident, which was ongoing at year's end. The MBC consistently denied opposition candidates equal access to the media during the presidential and parliamentary election campaigns in violation of the law. In contrast, slogans and songs of the ruling UDF party are broadcast throughout the year. The Government began limited television broadcasting in March with editorial control similar to that on MBC radio.

There are five private radio stations. One commercial station began broadcasting in Blantyre in August 1998. A second commercial station began broadcasting in Blantyre in March. There is a rural community radio station run by local women with the help of the Malawi Media Women's Association (MAMWA). A religious station broadcasts in the capital and its environs.

In May 1999, the Government established the Malawi Communication Regulatory Authority (MACRA), an independent regulatory body, to issue broadcasting licenses for radio, television, and Internet service providers. The Government split the state-owned Malawi Posts and Telecommunication Corporation (MPTC) into the Malawi Posts Corporation (MPC) and the Malawi Telecommunications Limited (MTL) in preparation for the privatization of MTL. There are two cellular telephone service providers and seven Internet service providers. Between February and October, MACRA issued licenses to an additional nine providers that had not yet begun operations by year's end.

There were no restrictions on academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice; however, there were instances in which police limited this right.

Authorities routinely granted official permits, which are required by law for large meetings. However, in May, police used force to disperse a peaceful demonstration, firing tear gas into an unarmed crowd that had gathered to protest the World Bank sponsored consultative group meetings in Lilongwe. At Freedom Day celebrations on July 6, police reportedly beat demonstrators outside the official venue (see Section 2.a.).

The Constitution provides for freedom of association, and the Government respects this right in practice. The Government requires organizations, including political parties, to register with the Registrar General in the Ministry of Justice. There were no reports of groups being denied registration during the year.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. Religious groups must register with the Government. There were no reports that the Government refused to register any religious group.

Some opposition politicians and clerics have raised Islam as a political issue. Citing the President's adherence to Islam, his contact with Islamic countries such as Libya and Sudan, and the building of new mosques, some opposition politicians and clerics have accused the ruling party of attempting to "Islamicize" the country. An attempt by the Government early in the year to replace "bible knowledge" in the school curriculum with the more universal "moral and religious education" course has met with widespread criticism from Christian leaders. When the President suspended the introduction of the new curriculum and returned "bible knowledge" to the curriculum, Muslim leaders rebuked him.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens have freedom of movement and residence within the country, and the right to leave and return.

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1961 Protocol; however, there are long delays in the process. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) in providing protection and assistance to refugees. According to the UNHCR, the country hosted over 3,600 refugees, primarily from the Democratic Republic of the Congo and the Great Lakes region, at the country's refugee center in Dowa. The majority of refugees reside at the Dzaleka camp, and the UNHCR estimates that between 300 and 400 new refugees arrived each month. Although the Government grants refugee status, the law does not accept refugees for permanent resettlement and does not permit them to work or study. While no legal framework exists, the Government has allowed refugees to seek both employment and educational opportunities. UNHCR, NGO's, and the Government collaborated to provide children in refugee camps with access to education. A new school was being constructed at the Dowa refugee camp at year's end.

Asylum applicants are granted hearings to make their case for asylum status. The Government denied asylum to many of the Rwandans and Congolese who either had requested asylum in another country or had the opportunity to do so.

In August 1999, the Government denied the UNHCR access to a group of 25 Eritrean detainees with fraudulent visas. Police killed one detainee and forcibly returned the remaining detainees to Ethiopia (see Section 1.a.).

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

Citizens are able to exercise their constitutional right to vote in periodic elections. There is universal suffrage for citizens 18 years of age and older. International election observers found the June 1999 presidential and parliamentary elections to be free and substantially fair; however, the electoral process was flawed, as opposition access to the broadcast media was limited; there were registration problems in some areas of the country; and the Electoral Commission at times displayed bias in favor of the ruling party. The opposition appealed the outcome of the presidential vote, and on May 19, the High Court ruled in favor of the President. In October the Supreme Court of Appeal upheld the High Court ruling in favor of the President (see Section 2.a.).

President Muluzi, First Vice President Justin Malewezi, and a 34-member cabinet exercise executive authority. The second vice-presidency remains vacant. The executive exerts considerable influence over the legislature; the legislature follows the parliamentary system, and consequently a number of cabinet ministers also sit as Members of Parliament (M.P.'s). Although the Government and opposition have never reached agreement on the applicability of the 1997 High Court ruling that cabinet ministers cannot simultaneously sit as M.P.'s, the issue currently is not a topic of debate.

Local government elections were held on November 21 and were conducted in an open and transparent manner according to local and international observers; however, they were marked by low voter turnout, allegations of voter and candidate intimidation, and unequal access to the media. The ruling UDF won over 70 percent of the seats; opposition parties and some NGO's criticized the Government for manipulating the process.

Although the Government does not prevent the operation of opposition political parties, the parties continue to allege that the Government uses bribery and other inducements to encourage opposition party divisions and defections of key personnel to the ruling party.

There are no laws that restrict the participation of women or minorities in the political process; however, there are very few women in prominent government positions, and women are underrepresented in politics and in positions of authority in general. Four of the 34 cabinet members are women; women hold 17 of the 193 seats in the National Assembly. A citizen of European origin and several of Asian descent are sitting members of the National Assembly.

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

A wide variety of domestic and international human rights groups operated without government restriction, training civic educators, advocating changes to existing laws and cultural practices, and investigating and publishing their findings on

human rights cases. Government officials generally are cooperative and responsive to their views.

The Ombudsman is mandated by the Constitution to investigate and take legal action against government officials responsible for human rights violations and other abuses. The Ombudsman's freedom of action is circumscribed by legislation that requires a warrant and a 3-day waiting period to gain access to certain government records. The activities of the Ombudsman are subject to judicial review, and in a June case involving MBC employees allegedly dismissed on political grounds (see Section 2.a.), the Supreme Court upheld a constitutional provision that granted the Ombudsman discretionary authority to investigate any and all cases where it is alleged that a person has suffered injustices, except when there is a judicial remedy available (see Section 2.a.).

The Constitution provides for a National Compensation Tribunal (NCT) to adjudicate claims of criminal and civil liability against the former government. As of September, the NCT had registered over 13,000 claims, of which 4,200 have been awarded interim compensation payments. The NCT's lack of funds limits its ability to settle claims. The constitutionally mandated Human Rights Commission (HRC) is charged to monitor, audit, and promote human rights provided for under the Constitution, and to carry out investigations regarding violations of any human rights. The Human Rights Commissioners have met more than 10 times since February 1999. Despite limited resources, in February the HRC produced and published its first annual report; the report focused primarily on institution-building concerns and the 1999 elections but did not address human rights problems. The HRC also has demonstrated its independence from the Government. For example, in August the HRC released a statement criticizing a presidential decree to round up commercial sex workers, describing the decree as unconstitutional and gender biased in its targeting of women.

In December the international human rights organization, Article 19, released a report that claimed that President Muluzi, senior government officials, and UDF leaders refused to support investigations or the creation of a proposed independent commission of inquiry into human rights abuses during the Banda regime because they feared that they would be implicated.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution specifically provides for equal rights for women; forbids discrimination based on language, culture, or religion; and generally provides for equality and recognition before the law for every citizen; however, in practice the capacity of government institutions to assure equal rights for all citizens is limited.

Women.—Spousal abuse, especially wife beating, is common. Society has begun to take the problem of violence against women seriously. The press published frequent accounts of rape and abuse, and the judiciary continued to impose heavier penalties on those convicted of rape. However, domestic violence seldom is discussed openly by women, reportedly even among themselves, and in part due to the lack of resources. There are no confidential shelters or facilities for treatment of women who suffer physical or sexual abuse. Police do not normally intervene in domestic disputes.

Under the Constitution, women have the right to full and equal protection by law and may not be discriminated against on the basis of sex or marital status; however, in practice discrimination against women is pervasive, and women do not have opportunities equal to those available to men. Women have significantly lower levels of literacy, education, formal and nontraditional employment opportunities, and access to resources to increase agricultural productivity.

Women, especially in rural areas, historically have been unable to complete even a primary education, and are therefore at a serious disadvantage in finding employment. Accepted economic and social practice hampers the ability of women and girls to gain an education. The literacy rate among women between the ages of 15 and 45 is less than 37 percent. Male literacy in the same age group is about 45 percent.

Women often have less access to legal and financial assistance, and wives are often victims of discriminatory inheritance practices in which the majority of the estate is taken unlawfully by the deceased husband's family. Women are usually at a disadvantage in marriage, family, and property rights, but they have begun to speak out against abuse and discrimination. Households headed by women are represented disproportionately in the lowest quarter of income distribution. In a country where 85 percent of the population is rural, the majority of farmers are women; 70 percent of the rural female population farm full time. Typically, women work more hours than men to complete the same farm tasks because they rarely have comparable tools and equipment and remain responsible for all household tasks.

Women have limited access to agricultural extension services, training, and credit. Some progress has been made in all of these areas with gender training for agricultural extension workers and the gradual introduction of rural credit programs for women. The participation of women in the limited formal labor market is particularly constrained; they constitute less than 5 percent of managerial and administrative staff.

The Law Commission has undertaken a review of legislation that discriminates against women and has proposed legislation to bring the law into compliance with new constitutional standards. Based on the Law Commission's recommendations, in 1997 Parliament passed an affiliation bill that raised the minimum level of child support. In 1998 Parliament passed a wills and inheritance bill that increased widows' rights, and in June Parliament debated and passed the Employment Act, which includes a provision granting women the right to maternity leave. These laws were in effect during the year; however, only individuals who utilized the formal legal system benefited from these legal protections.

On May 5, women joined the army for the first time in noncombat positions as a result of a 1994 revision in the government directive that previously had prohibited women from military service. The Law Commission conducted a review and proposed changes in the Army Act to the Cabinet during the year that allow for the recruitment and deployment of women in the armed services. The Government is studying the possibility of allowing women to serve in combat roles.

The Government addresses women's concerns through the Ministry of Gender, Youth, and Community Services.

Children.—The Constitution provides for equal treatment of children under the law, and the Government greatly increased spending on children's health and welfare. The Government established free primary education for all children in 1994, although education is not compulsory. Girls drop out of school more frequently than boys do, and in the final year of primary school, only about 25 percent of students are girls. Despite recent significant gains in girls' access to education, large gaps remain between girls' and boys' achievement levels. However, there have been signs of improvement in education for girls. In 1999, the last year for which data is available, girls entered primary school in the same proportion as boys, although only 39 percent of secondary school entrants were female.

Well over half of the country's children live in poverty, mostly in rural areas. Children in rural households headed by women are among the poorest. A few charitable organizations attempted to reduce the number of child beggars in urban areas and find alternative care for them. The problem of street children worsened as the number of orphans whose parents died from HIV/AIDS increased. A total of 9.2 percent of children under age 15 were estimated to be orphans (426,421) and 61.4 percent of those (251,822) were orphaned due to AIDS. AIDS is expected to result in an estimated 364,450 orphans, or 72.9 percent of all orphans in the country by 2005. Such children and other orphans normally are cared for by extended family members.

Only a third of children have easy access to safe drinking water. Infant mortality is high. Child malnutrition is a serious problem.

Child labor, including instances of forced child labor, is a problem (see Sections 6.c. and 6.d.).

There are societal patterns of abuse of children. There is anecdotal evidence that a few small ethnic groups practice female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health. The Government took no action against FGM during the year. The media also have begun to report on the sexual abuse of children, especially in relation to traditional practices of initiation. While rites to initiate girls into their future adult roles are still secret, information suggests that abusive practices are widespread and quite damaging. Although the age of sexual consent is 14, there is no age specified for the protection of minors from sexual exploitation, child prostitution or child pornography. The belief that children are unlikely to be HIV positive and the widespread belief that sexual intercourse with virgins can cleanse an individual of sexually-transmitted diseases, including HIV/AIDS contributes to the sexual abuse of minors.

People with Disabilities.—The Government has not mandated accessibility to buildings and services for the disabled, but one of the national goals in the Constitution is to support the disabled through greater access to public places, fair opportunities in employment, and full participation in all spheres of society. There are both public and privately supported schools and training centers, which assist individuals with disabilities. There are also several self-supporting businesses run by and for persons with disabilities. In December 1998, President Muluzi established a new cabinet-level position, the Minister of State Responsible for Persons with Disabilities, which currently is held by a disabled person.

Religious Minorities.—There are generally amicable relations between the various religious communities; however, in an isolated incident in April, Muslims and Christians clashed over the efforts of an evangelical preacher to promote an audiotape comparing the Bible and the Koran. Muslims find the tape provocative and blasphemous, and the issue remains an open point of contention between followers of the two religions.

National/Racial/Ethnic Minorities.—Citizens of African heritage are members of indigenous tribes and are not discriminated against by the Government or society. There is no legal discrimination against citizens of Asian heritage, although societal tensions exist between the communities of African and Asian origin.

Section 6. Worker Rights

a. The Right of Association.—The 1996 Labor Relations Act (LRA) governs labor-management relations. Workers have the legal right to form and join trade unions; however, union membership is low due to the small percentage of the work force in the formal sector (about 12 percent), the lack of awareness of worker rights and benefits, and a resistance on the part of many employees to joining unions. Only 13 percent of persons employed in the formal sector belong to unions. Accurate statistics on the numbers of union members are not available. Trade union rights have existed for only 7 years, and labor relations are still evolving. Employers, labor unions, and the Government lack sufficient knowledge of their legitimate roles in labor relations/disputes.

Unions must register with the Registrar of Trade Unions and Employers' Organizations in the Ministry of Labor and Vocational Training (MOLVT). As of September, 22 unions were registered. Army personnel and police may not belong to trade unions, but other civil servants are allowed to form unions. There are no unusually difficult registration procedures. Unions are independent of the Government, parties, and other political forces.

There are no restrictions on the number of union federations. There are two federations in the country: the Malawi Congress of Trade Unions (MCTU), with 19 affiliates, and the Congress of Malawi Trade Unions (COMATU), with 3 affiliates.

The LRA allows members of a registered union to strike only after all dispute settlement procedures established in a collective agreement and conciliation procedures have failed. The law requires a notice in writing to the employer and the MOLVT at least 7 days before a strike. The law also forbids the temporary replacement of labor, and allows peaceful picketing during strikes. However, members of a registered union in "essential services" do not have the right to strike. Essential services are specified as services whose interruption would endanger the life, health, or personal safety of the whole or part of the population; they are determined by the Industrial Relations Court upon application by the Minister of Labor. The law provides similar procedures for lockouts. Laws do not specifically prohibit retaliation against strikers. There is no prohibition on actions against unions that are not registered legally. Arbitration rulings are legally enforceable.

Unions may form or join federations and have the right to affiliate with and participate in international workers' organizations, with the permission of the Government.

b. The Right to Organize and Bargain Collectively.—Unions have the right to organize and bargain collectively. The LRA requires that at least 20 percent of employees (excluding senior managerial staff) belong to a union before such a union can engage in collective bargaining at the enterprise level. The LRA requires at least 15 percent union membership for collective bargaining at the sector level. The law provides for the establishment of industrial councils in the absence of collective agreements for sector-level bargaining. Industrial council functions include wage negotiation, dispute resolution, and industry-specific labor policy development. Collective agreements are binding legally, and both parties must deposit them with the Registrar of Trade Unions.

The law prohibits antiunion discrimination by employers and requires that employers reinstate workers dismissed because of union activities.

Parliament approved legislation to establish export-processing zones (EPZ's) in 1995. At year's end, 25 firms held licenses to operate under EPZ status, and all were operational. The full range of labor regulations applies to the EPZ's.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced labor, and such labor generally is not used; however, there are allegations that some large agricultural estates engage in the practice.

The law does not prohibit specifically forced and bonded labor by children; however, at least one local NGO has reported that in urban areas it is not uncommon to find young girls working as domestic servants, receiving little or no wages, and existing in a state of indentured servitude.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution defines children as persons under 16 years of age. It prohibits the employment of children in work that is hazardous, harmful, or interferes with their education. Significant child labor in agricultural work and domestic service occurs largely as a result of extreme poverty and long-standing cultural traditions. Primary education is free and universal, but not compulsory. Budgetary constraints largely preclude minimum work age and child labor law enforcement by police and MOLVT inspectors. There is significant child labor on tobacco and tea farms, subsistence farms, and in domestic service. There is no special legal restriction on children's work hours.

In October the Ministry of Labor began a 12-month International Labor Organization (ILO) funded study to establish the magnitude of child labor and to use the results as a basis for drafting an action plan to implement ILO Convention 182 on the worst forms of child labor.

The law does not prohibit forced and bonded labor by children specifically, and there was at least one report that it occurs (see Section 6.c.).

e. Acceptable Conditions of Work.—The MOLVT sets separate urban and rural minimum wage rates based on recommendations of the Tripartite Wage Advisory Board (TWAB) composed of representatives of labor, government, and the private sector. However, the TWAB has encountered problems due to inefficient organizational structure and inadequate funding, which hindered timely and accurate revision of the wage rate recommendations. The urban minimum wage amounts to about $0.69 (MK 55) per day; in all other areas it is roughly $0.51 (MK40.70) per day. Although minimum wage rates were raised on December 1, they remain insufficient to provide a worker and family with a decent standard of living. Wage earners tend to supplement their incomes through farming activities. The MOLVT lacks the resources to enforce the minimum wage effectively. However, the minimum wage largely is irrelevant for the great majority of citizens, who earn their livelihood outside the formal wage sector.

The maximum legal workweek is 48 hours, with a mandatory weekly 24-hour rest period. The laws require payment for overtime work and prohibit compulsory overtime. In practice employers frequently violate statutory time restrictions.

The law protects foreign workers in correct legal status. Illegal foreign workers are subject to deportation.

In 1998 the Government issued a revised "policy statement and new guidelines" for the issuance and renewal of employment permits (the temporary employment permit or "TEP") for foreigners that underscored its desire to make such permits readily available to foreigners. The guidelines state that investors may employ foreign personnel in areas where there is a shortage of "suitable and qualified" citizens. The guidelines also mandated that processing times for TEP applications shall not exceed 40 working days. There were no reports of complaints concerning TEP's during the year.

Mechanisms for protecting internationally recognized worker rights are weak. There are serious manpower shortages at the Ministry of Labor; as a result, there are almost no labor standards inspections.

The Workers' Compensation Act includes extensive occupational health and safety standards. Enforcement of these standards by the MOLVT is erratic. Workers—particularly in industrial Jobs—often work without basic safety clothing and equipment. Workers dismissed for filing complaints about workplace conditions have the right to file a complaint at the labor office or sue the employer for wrongful dismissal. Workers have the right to remove themselves from dangerous work situations without jeopardy to continued employment. However, given the low level of education of most workers and the high level of unemployment, they are unlikely to exercise this right.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were no reports that persons were trafficked to, from, within, or through the country during the year.

MALI

Mali is a constitutional democracy, which continued to implement a decentralized form of government. President Alpha Oumar Konare was reelected to a second 5-year term in 1997. A collective of 12 opposition parties boycotted the 1997 presidential and legislative elections, which were administratively flawed but considered generally free and without evident fraud. The opposition parties claimed that the elections were unconstitutional because the Government failed to carry out annual

updates of electoral lists; however, some opposition candidates chose to participate by running as independents. The ruling Alliance for Democracy in Mali (ADEMA), led by President Konare, dominates the National Assembly, which includes representatives of opposition and ADEMA-aligned parties. In August the National Assembly approved changes to the Constitution and approved changes to the electoral law. The process of amending the Constitution, the electoral law, and other texts began during a National Political Forum in January that involved political parties, civil society, and the Government. The Constitution provides for an independent judiciary; however, in practice the Government continues to exert influence on the judiciary.

Security forces are composed of the army, air force, Gendarmerie, the National Guard, and the police. The army and air force are under the control of the civilian Minister of the Armed Forces and Veterans, as are the Gendarmerie and the National Guard. The police are under the Ministry of Security and Civil Protection. The police and gendarmes share responsibility for internal security; the police are in charge of urban areas only. The Government completed the process of integrating elements of former Tuareg rebel forces into its armed forces in 1999.

Mali is a very poor country with a market-based economy. Most of the work force is employed in the agricultural sector, particularly farming and animal husbandry. The country's principal exports are cotton, livestock, and gold. There is a very small industrial sector, largely based on the manufacture of textiles, beverages, and processed food products. The gross national product is approximately $255 per capita, which provides most of the population with a low standard of living. The economy depends heavily upon foreign assistance. Desertification, deforestation, soil degradation, and social limitations, including a current estimated literacy rate of approximately 30 percent (48 percent for men and 12 percent for women) and a high population growth rate (2.8 percent), contribute to poverty. Poor infrastructure, minimal foreign investment, administrative inefficiency, and corruption are also important factors in limiting economic growth.

The Government generally respected its citizens" human rights; however, problems remained in several areas. Security forces reportedly tortured and killed two suspects in custody. The Government did not release the results of an investigation into the incident by year's end. Prison conditions remained poor. Prolonged pretrial detention is sometimes a problem. The judicial system's large case backlog resulted in long periods of pretrial detention and lengthy delays in trials. The judiciary continued to be subject to executive influence, and there were reports of corruption in the courts. Domestic violence against women was widespread. Discrimination against women persisted, and social and cultural factors continued to limit sharply economic and educational opportunities for most women. Female genital mutilation (FGM) is widespread, although educational campaigns against FGM are underway. Child labor is frequent in agriculture and domestic areas. Children were trafficked into forced labor in Cote d'Ivoire; the Government returned a number of these children to their families during the year. Hereditary servitude relationships continued to link different ethnic groups.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings by security forces during the year; however, there was a report that security forces committed extrajudicial killings. Following the February murder of 3 tourists in Kidal, the Government questioned at least 40 persons and detained 9 in connection with the murders. Three suspects reportedly died while being transported to jail; there were reports that soldiers tortured and killed two of the suspects (see Section 1.c.). Three other suspects remained in detention at year's end (see Section 1.d.). The Government initiated an investigation into the incident, but it had not released the results by year's end; no action had been taken against the soldiers.

Individuals accused of seeking to disrupt the June 1998 elections in Segou by throwing a grenade into the courtyard of the regional representative of the electoral commission were released from prison in 1999. During that 1998 attack, a deputy chief commissioner's daughter was killed and several other persons were wounded. On October 12, 1999, the detainees were released provisionally to await arraignment and trial; during the year, the case was dismissed.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were reports that soldiers tortured and killed two suspects arrested in connection with the February murder of three tourists (see Section 1.a.).

Some police and gendarmes extorted bribes at vehicle checkpoints (see Section 2.d.).

Prison conditions are poor. Prisons continued to be overcrowded, medical facilities were inadequate, and food supplies were limited. In Bamako juvenile offenders usually are held in the same prison as adult offenders, but they are kept in separate cells. Women are housed in the same prison facility as men, but they live in a separate compound. In regional prisons outside the capital, men and women are housed in the same building but in separate cells. In these facilities, children share cells with adult prisoners of the same sex; however, there were no reports that women or juveniles were abused by other inmates or by guards. The Judiciary Forum meeting of civil society representatives held in 1999 concluded that prison conditions remained poor; however, the 1999 Democracy Forum noted that the Government had taken some steps to improve the conditions for detainees, including opening separate facilities for the reeducation of young offenders and training programs for guards on the rights of detainees. The Democracy Forum again discussed prison conditions at its December 10 meeting, although not in extensive detail. It noted improvements in medical attention and food quality.

The Government permits prison visits by human rights monitors. Several organizations, including the Malian Association of Human Rights, the Malian Association of Women Jurists, and other nongovernmental organizations (NGO's) have visited prisoners and are working with women and juvenile prisoners to improve their conditions. The International Committee of the Red Cross (ICRC) continued to visit imprisoned leading members of the former government.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and, in general, the Government does not employ them. However, in February authorities questioned at least 40 persons and arrested 9 suspects in connection with the murder of 3 tourists. According to unconfirmed reports, soldiers tortured and killed two of the suspects (see Section 1.a.); three of the suspects remained in detention. The Government issued warrants for murder, but the investigation continued at year's end.

The Constitution provides that suspects must be charged or released within 48 hours and that they are entitled to counsel; however, in practice detainees are not always charged within the 48-hour period. Moreover, administrative backlogs and insufficient lawyers, judges, and courts often caused lengthy delays in bringing persons to trial. In extreme cases, individuals have remained in prison for several years before coming to trial.

Judicial warrants are required for arrest. Local lawyers have estimated that about half of prison inmates are pretrial detainees. This judgment was confirmed in March 1999 during the Judiciary Forum seminar. Limited rights of bail or the granting of conditional liberty exist, particularly for minor crimes and civil matters. On occasion the authorities released defendants on their own recognizance.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the executive branch continues to exert influence over the judicial system. The Ministry of Justice appoints and has the power to suspend judges; it supervises both law enforcement and judicial functions. The President heads the Superior Judicial Council, which oversees judicial activity. Domestic human rights groups alleged that there were instances of bribery and influence peddling in the courts. The Government launched a campaign against corruption early in the year that led to the detention of many government senior civil servants, businessmen, and political leaders from all parties. At year's end, they still were detained and under investigation.

The Supreme Court has both judicial and administrative powers. The Constitution established a separate Constitutional Court that oversees issues of constitutionality and acts as an election arbiter. The Constitution also provides for the convening of a High Court of Justice with the power to try senior government officials in cases of treason.

Except in the case of minors, trials are public, and defendants have the right to be present and have an attorney of their choice. Defendants are presumed innocent and have the right to confront witnesses and to appeal decisions to the Supreme Court. Court-appointed attorneys are provided for the indigent without charge. The village chief in consultation with the elders decides the majority of disputes in rural areas. If these decisions are challenged in court, only those found to have legal merit are upheld.

In 1997 former President Traore, his wife Mariam, and former customs commissioner Douah Abraham Sissoko, who were placed under detention following the fall of the Traore regime in 1991, were charged with "economic crimes," including "abuse of a position of power" and "illicit enrichment." They had been convicted and

sentenced to death in 1993, but President Konare commuted their sentences to prison terms in December 1997. The trial in their cases and similar cases involving five other senior officials of the Traore regime began in October 1998. Traore, his wife Mariam, and Sissoko were convicted and sentenced to death in January 1999; these sentences also were commuted in 1999, and they are serving life sentences. In August Traore and his wife were released in order to travel to Algiers for medical treatment; they returned after they received treatment, and they remained in prison at year's end. Imprisoned former government leaders also receive nondiscriminatory medical treatment.

There were no other reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the home, and the Government generally respects this right in practice. Police searches are infrequent and require judicial warrants. However, security forces maintain physical and technical surveillance of individuals and groups believed to be threats to internal security, including surveillance of telephone and written correspondence of individuals deemed by a magistrate to be a threat to national security. There were no reports of such government surveillance during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The Superior Council of Communication (CSC) was installed officially in 1994, although it was created in 1992. The CSC's primary function is to regulate the media, both protecting and controlling journalists. The Committee of Equal Access to State Media is activated during election campaigns. Mandated by the Constitution, it oversees equal access to the government- controlled media for all political parties.

There are more than 100 private newspapers and journals in French, Arabic, and local languages throughout the country, and there are as many as 30 newspapers in Bamako. There are seven daily newspapers: six are privately owned, of which one, Les Echoes, is allied with the ruling party, and one is government controlled (L'Essor). All newspapers must be registered with the Ministry of Communications; however, registration not complicated and can be completed quickly.

The Government controls the only television station and 1 of more than 100 radio stations; however, all present a wide range of views, including those critical of the Government, the President, the Prime Minister, and other politicians. The relative expense of newspapers and television, coupled with a low literacy rate, makes radio the most prevalent medium of mass information and communication. There are as many as 15 private radio stations in Bamako, and there are approximately 115 additional stations throughout the country. As well as commercial radio stations, private radio broadcasters include those run by associations and others directed toward smaller villages (the latter two radio services enjoy special tax advantages).

A number of foreign broadcasters operated in Bamako either through local media or a chosen affiliate. These included Radio France International, African No. 1, the British Broadcasting Corporation, Voice of America, and Radio Netherlands; all have FM frequencies.

There are no private television stations that broadcast domestically produced programs. The legal framework for private television has been in place since 1992; however, the Government still is developing the fee schedules. The Government made no progress toward private television licensing during the year.

The Government does not censor print, broadcast, or electronic media, which frequently offer editorials critical of both the Government and the opposition. Laws passed in 1993 regulate the press and provide for substantial criminal penalties, including imprisonment, for libel and for public injury to the Head of State, other officials, and foreign diplomats; these laws leave injury undefined and subject to judicial interpretation. However, the Government never has prosecuted journalists on criminal libel charges. No journalists were arrested on libel charges during the year. In August the National Assembly approved a proposal to eliminate imprisonment as a punishment for libel charges; however, at year's end, the proposal had not been implemented as law.

Domestic reception and distribution of foreign satellite and cable television is permitted and fairly widespread, especially in Bamako. Eight domestic servers provide access to the Internet. Licenses to operate Internet servers are granted freely and are not prohibitively expensive.

The Government generally respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice; however, there were a few exceptions. The law requires groups that wish to hold

public meetings to obtain the mayor's permission; however, such permission was granted routinely during the year.

The Constitution provides for freedom of association, and the Government respects this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The law allows for religious practices that do not pose a threat to social stability and peace. The Constitution declares the country a secular state.

The Government requires that all public associations, including religious associations, register with the Government. However, registration confers no tax preference and no other legal benefits, and failure to register is not penalized in practice. The registration process is routine and is not burdensome. Traditional indigenous religions are not required to register.

The Minister of Territorial Administration and Security can prohibit religious publications that he concludes defame another religion; however, there were no reports of instances in which publications were prohibited.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice. The Government generally does not restrict internal movement and does not restrict international travel; however, police routinely stop and check both citizens and foreigners to restrict the movement of contraband and to verify vehicle registrations. Some police and gendarmes use the occasion to extort bribes.

A 1998 law conforms to the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. As a follow-up to this law, in December 1998 the Government created a national committee in charge of refugees. The committee began operations in January 1999 with institutional assistance from the office of the U.N. High Commissioner for Refugees (UNHCR). The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The Government provides first asylum for refugees.

According to both UNHCR and government estimates, there were approximately 11,000 Mauritanians refugees, mostly Fulani herders, living in the Kayes region of western Mali at year's end. However, the UNHCR, Mauritania, and Mali never have agreed on recognition of the refugee status of these persons, who have lived in the country for nearly a decade; members of these pastoralist border groups historically make cross-border migrations. Throughout 1998 the UNHCR provided some limited material assistance and incentives to pastoralists of Mauritanian origin to return to Mauritania. In June 1999, the UNHCR completed its assistance to such persons, which consisted of community support at their living sites as opposed to repatriation assistance. Mauritanians may register for refugee status, although few actually do.

The country hosted approximately 1,900 urban refugees as of November 1999; four-fifths are from Sierra Leone and 90 percent are in Bamako. The Government opened a transit center in 1998 located 120 miles from Bamako, where it hosts approximately 100 of the most vulnerable refugee and asylum applicants. The center has a capacity of approximately 300 persons that could be expanded to hold 900.

There were no reports of the forced return of persons to a country where they feared persecution.

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

Citizens have the right to change their government and do so through periodic elections. In 1997 citizens elected President Alpha Oumar Konare to a second 5-year term by secret ballot in elections that were open to all and free of evident fraud and manipulation. Konare won 96 percent of the vote, but voter turnout was reportedly 20 to 25 percent; most opposition parties boycotted the election, citing flaws in the voter registration system. The opposition continued to contend that the Government failed to carry out constitutionally mandated annual electoral list revisions and that, therefore, the elections should be declared invalid; however, the issue was not pursued during the year.

All political parties agreed to participate in and to prepare for elections scheduled for 2002. The process of amending the Constitution, the electoral law, and other texts began during a National Political Forum in January that involved political parties, civil society, and the Government. In August the National Assembly approved changes to the Constitution and approved changes to the electoral law. Pursuant to these changes, legislative elections will provide a mixed system that allows for 110 deputies to be elected by majority vote from electoral district lists and 40 to be elected on a proportional basis from a national list. The constitutional amend-

ments and the revised electoral law must be approved by referendum; the referendum is scheduled for September 30, 2001.

Under the Constitution, the President is Chief of State and Commander in Chief of the armed forces and is elected for a term of 5 years with a limit of two terms. The President appoints the Prime Minister. Additionally, the President appoints other members of the Government and sets limits on their powers. He names civil servants (national directors, regional government delegates, and others) and high military officers as mandated by the Constitution. The President also promulgates laws within 15 days, following transmission to the Government of a final adopted text. He can veto and return legislation to the National Assembly for reconsideration. There is no provision for the National Assembly to override a presidential veto. The President may submit any question of national interest to a referendum after consultation with the Constitutional Court. He exercises the power of pardon and can grant amnesty. The President may dissolve the National Assembly and call for new elections, although not in the year following legislative elections. Theoretically, he can declare a state of emergency and rule by decree, although President Konare has never done so.

National Assembly members were elected in 1992 and 1997. The Constitutional Court cancelled the results of the initial 1997 legislative elections, citing flaws in the electoral process. These elections were repeated later in 1997, and the results were implemented. Citing problems in the voter registration process, a collective of 18 opposition parties boycotted these elections, which, although administratively flawed, were considered by most independent observers to be generally free and without evident fraud. ADEMA holds 130 of 147 seats in the National Assembly, with 12 held by allied parties and 5 held by opposition parties.

The Government instituted far-reaching administrative reforms during 1999. As of September 1999, governing authority is shared by elected mayors in the 701 communes (including the 19 cities), and appointed officials ("commissaires du gouvernement") who are the representatives of the central Government in the District of Bamako, the regions, and the cercles (districts roughly equivalent to counties). Local governments benefit from central government subsidies, but they also are able to collect local taxes to support their operations. Decentralization is still a controversial issue. The process has changed traditional power relationships between government and governed and has relieved formerly powerful civil servants of their authority. The new administrators often are inexperienced and undereducated. Despite governmental pressure to move ahead with decentralization, the nonparliamentary opposition says that the Government is moving too fast, and it should implement the process step by step as administrators lack adequate funding to govern effectively.

After local elections in 1998 held to choose council members (who oversee the activities of mayors in the communes and suggest procedures and policies) for the 19 urban communities, the long-awaited rural elections were carried out in May and June 1999. Several opposition parties that had boycotted earlier elections participated in the rural elections with considerable success. In two communities (Kidal and Almoustarat), council members could not elect a mayor due to intercommunity disputes. In Kidal local traditional authorities prevented the woman who was elected as mayor from assuming office. These conflicts were solved during the year, and in June the local communities in Kidal and Almoustarat appointed mayors by consensus.

There are no restrictions, legal or otherwise, on voting by women or minorities; however, women are underrepresented in government and politics. A total of 18 women hold seats in the 147-member National Assembly, compared with 3 elected in 1992. There are 7 female cabinet members of a total of 21. Members of historically marginalized pastoralist ethnic minorities, including the Fulani and the Tuaregs, occupy seats in both the Cabinet and National Assembly. The President of the Assembly is Fulani (see Section 5).

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

Independent human rights organizations—including the Malian Association for Human Rights (AMDH), a smaller Malian League of Human Rights, and a local chapter of Amnesty International (AI)—operate openly and without interference from the Government. The ICRC has offices in Bamako, Tomboctou, and Gao.

Since 1994 the Government has held an annual Democracy and Human Rights Forum in December to which it has invited citizens to voice discontent and grievances against the Government publicly in the presence of the media and international human rights observers. The events are well attended by local citizens from all walks of life, and discussion is free and open. Held on December 10, the Democ-

racy Forum convened to review the previous year's work and to make recommendations to the Government. The topics for discussion included women's rights, access to government services, and judicial reform. The Forum called on the Government to make these issues a priority in the coming year.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on social origin, color, language, sex, or race, and the Government respects these provisions in practice; however, social and cultural factors give men a dominant role.

Women.—Violence against women, including spousal abuse, is tolerated and common; however, no statistics were available on the extent of the problem. Assault in marriage is a crime; however, police were reluctant to enforce laws against domestic abuse.

Women's access to employment in the professions and government, and to economic and educational opportunities, traditionally has been limited. A 1995-96 national demographic and health survey found that 81 percent of women (compared with 69.3 percent of men) between the ages of 15 and 49 received no education. A 1998 report indicated that national literacy rate was 12 percent for women over 15 years of age. Women constitute approximately 15 percent of the labor force. The Government, the country's major employer, pays women the same as men for similar work. Women often live under harsh conditions, especially in rural areas, where they perform difficult farm work and do most of the childrearing. Despite legislation giving women equal rights regarding property, traditional practice and ignorance of the law prevent women from taking full advantage of the law. Prospective spouses choose between polygynous and monogamous marriages; both parties must consent to the marriage. However, when no preference is specified in the marriage certificate, judges assume that the marriage is polygynous. A community property marriage must be specified in the marriage contract. Traditional practice discriminates against women in inheritance matters.

Women have equal access to military service, and there are approximately 2,500 women and 8,000 men in the armed forces. Service in the armed forces is not obligatory; there is alternative national service available both to men and women.

In 1996 the Government launched a 4-year national plan of action for the promotion of women. The plan, financed by national, regional, and local community budgets, seeks to reduce inequalities between men and women in six target areas, including education, health, and legal rights. Despite its initial 4-year mandate, the plan is not close to completion, and it was not extended officially during the year; however, it continued to influence government project development.

There are numerous, active women's groups that promoted the rights of women and children. Women have very limited access to legal services. They are particularly vulnerable in cases of divorce, child custody, and inheritance rights, as well as in the general protection of civil rights.

Children.—Although by law primary education is compulsory and free through the sixth grade, only 50 percent of children receive a basic education. Literacy rates among females remain significantly lower than for males. There is a low degree of adherence to the requirement for compulsory education, a lack of primary schools, poverty, cultural tendencies to place less emphasis on education for girls, and the fact that most of the population live in rural areas.

There is no constitutional or legal provision to protect the interests and rights of children, and there is no juvenile court system. However, the Malian Social Services Department investigates and intervenes in cases of reported child abuse or neglect. According to local human rights organizations, reported cases are rare; however, statistics are unreliable.

There were credible reports that children were sold into forced labor in Cote d'Ivoire (see Sections 6.c. and 6.f.).

Female genital mutilation, which is condemned widely by international health experts as damaging to both physical and psychological health, is still common, especially in rural areas, and is performed on girls at an early age. According to domestic NGO's, approximately 95 percent of adult women have undergone FGM. The practice is widespread among most regions and ethnic groups, is not subject to class boundaries, and is not religiously based. There are no laws against FGM, and the Government has not proposed legislation prohibiting FGM. The Government is pursuing a program of public awareness rather than legal prosecution of women involved in the practice. It supports educational efforts to eliminate the practice through seminars and conferences and provides media access to proponents of its elimination. In 1997 the Ministry for the Promotion of Women created a National Committee Against Violence Towards Women that links all the NGO's active in pre-

venting FGM. Throughout the year, various NGO's campaigned against FGM. In 1999 the Government instituted a two-phased plan to eliminate all forms of FGM by 2008. The first phase, scheduled for 1999-2004, is intended to be one of education and dissemination of information. There has been some public dissemination of information in urban areas, but the program has developed slowly.

People with Disabilities.—There is no specific legislation protecting the rights of the physically or mentally disabled, nor mandating accessibility. The Government does not discriminate against the physically disabled in regard to employment, education, and other state services; however, the Government has not made provision for the disabled in these areas. There is no societal discrimination against the disabled; however, in view of the high unemployment rate, the physically disabled often are unable to find work.

National/Racial/Ethnic Minorities.—The population of about 10 million is ethnically, culturally, and regionally diverse. Major ethnic-cultural groups include: the Mande, concentrated in the southwest, which constitutes about half the population and includes the Bambara and Malinke ethnic groups; the Voltaic, concentrated in the south and comprising the Bobo and Senoufo groups; the Sudanic, concentrated in the central regions and comprising the Sarakole, Songhai, Dogon, and Bozo groups; and the pastoralist, comprising the Tuaregs and Moors of the northeast and northwest, respectively, and the Peul (or Fulani) widely dispersed from east to west across the southern third of the country.

Longstanding tensions between the long-marginalized Moor and Tuareg pastoralist groups and the more populous nonpastoralist groups have been a leading source of political instability and violence, including the Tuareg rebellions of the early 1990's. In June and July 1999, there were two violent incidents over natural resource management between Fulani herders and Sarakole farmers in the western region of Kayes bordering Senegal and Mauritania. A dozen persons were killed, and several were wounded. Clashes between Arab and Kounta communities in September 1999 resulted in the death of 33 persons, with several others wounded. In both cases, traditional and parliamentary mediators negotiated peace between the parties in conflict. There were no further incidents during the year.

No single ethnic group predominates in either the private sector or the public sector. All three presidents since independence have been affiliated with the Bambara group, which accounts for roughly half of the country's population, but no ethnic group holds disproportionate numbers of government positions or predominates in the military or civil service. Political parties, by and large, do not have readily identifiable ethnic bases, but some reflect regional constituencies.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code specifically provide for the freedom of workers to form or join unions and protect freedom of association. Only the military, the Gendarmerie, and the National Guard are excluded from forming unions. Virtually all salaried employees are organized. Workers have established independent unions for teachers, magistrates, health workers, and senior civil servants, and most are affiliated with the National Union of Malian Workers (UNTM) confederation. The UNTM has maintained its autonomy from the Government.

There are two major labor federations, the UNTM and the Syndicated Confederation of Malian Workers (CSTM). The UNTM, formerly the only major labor body, split in late 1997, dividing the country's 12 labor organizations into 2 federations.

The Constitution provides for the right to strike, although there are restrictions in some areas. For example, civil servants and workers in state-owned enterprises must give 2 weeks' notice of a planned strike and must enter into mediation and negotiations with the employer and a third party, usually the Ministry of Labor. The Labor Code prohibits retribution against strikers, and the Government respects this requirement in practice. The International Labor Organization (ILO) requested the Government to amend Section 229 of the 1992 Labor Code to restrict the Minister of Labor's authority to impose arbitration to end strikes that were liable to cause an acute national crisis. The Government noted in its report to the ILO that it was undertaking an in-depth, tripartite discussion on Section 229 to make the legislation fully consistent with the principles of freedom of association; at year's end, the review was ongoing.

During the year, there were strikes in the transportation, cotton growing, and public sectors for better conditions and higher wages. In all cases, the Government negotiated in good faith, and the strikes ended peacefully. In July judges went on strike to demand better working conditions. The strike ended when the Government agreed to renegotiate salaries and provide security for judges who believed that they were threatened because of their work.

Unions are free to associate with and participate in international bodies. The union representing salaried employees regularly participated in programs sponsored by French labor unions. Other unions have participated in various programs sponsored by international unions.

b. The Right to Organize and Bargain Collectively.—The growth of independent unions has led to more direct bargaining between these unions and their employers. However, wages and salaries for workers belonging to the UNTM unions are set by tripartite negotiations between the Ministry of Labor, labor unions, and representatives of the federation of employers of the sector to which the wages apply. Salary levels are pegged nationally to an index established by the Government on which civil service pay is based. These negotiations usually set the pattern for unions outside the UNTM. The Ministry of Labor acts as a mediator in labor disputes. The 1997 split in the UNTM did not change the basic procedures of these negotiations.

Neither the Constitution nor the Labor Code addresses the question of antiunion discrimination, but there have been no reports or complaints of antiunion behavior or activities. If the parties cannot come to agreement, the dispute goes to the Labor Court for decision.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, including that performed by children; however, organized traffickers sold Malian children into forced labor in Cote d'Ivoire (see Section 6.f.).

The law prohibits the contractual use of persons without their consent; penalties included a fine and hard labor. The penalties increased significantly if a minor, defined as someone under 15 years of age, was involved.

Although there have been no other reports of forced or bonded child labor, apprenticeship, often in a family member's or a parent's vocation, begins at an early age, especially for children unable to attend school.

There were some reports that the de facto slavery long reported to have existed in northern salt mining communities has evolved toward wage labor in recent years; however, reliable current evidence about labor conditions in those remote facilities remained unavailable. Hereditary servitude relationships link different ethnic groups, particularly in the north. For example, there is a hereditary service relationship between members of the Bellah ethnic group and other Tuareg populations.

d. Status of Child Labor Practices and Minimum Age for Employment.—The 1996 Labor Code has specific policies that pertain to child labor. The authorities enforce the Labor Code provisions through the use of labor inspectors from the Ministry of Employment, Public Service, and Labor who conduct surprise inspections and complaint-based inspections; however, resource limitations restrict the frequency and effectiveness of oversight by the Labor Inspection Service, and the Service operates only in the modern sector.

The Labor Code permits children between the ages of 12 and 14 to work up to 2 hours per day during school vacations with parental approval. Children between the ages of 14 and 16 may work up to 4° hours per day with the permission of a labor inspector, but not during nights, holidays, or Sundays. Children between the ages of 16 and 18 may work in jobs that are not physically demanding; boys may work up to 8 hours per day and girls up to 6 hours per day.

These regulations often are ignored in practice. Moreover, the Labor Code has no effect on the vast number of children who work in rural areas, helping with family farms and herds, and on those who work in the informal sector, for example, as street vendors. These children are not protected by laws against unjust compensation, excessive hours, or capricious discharge.

The Government ratified ILO Convention 182 on the worst forms of child labor on July 14. The Programme National de Lutte contre le Travail des Enfants au Mali, led by the International Program for the Elimination of Child Labor (IPEC)-Mali, is responsible for investigating abusive forms of child labor. IPEC relies on labor inspectors appointed by the Government in Bamako and in regional offices in the country. IPEC also was assisted by NGO's combating child labor and government regional offices in charge of the promotion of women and children. Government resources include inspectors, NGO's, and IPEC funding. There is no predetermined number of inspections per year; however, investigations are held when information is provided by NGO's or the media that there is an instance of abusive child labor.

Education is free and, in principle, is open to all, although the majority of students leave school by the age of 12. Students must provide their own uniforms and school supplies to attend public schools. While primary school is compulsory, only 50 percent of children receive a basic education. Child labor predominates in the agricultural sector and, to a lesser degree, in crafts and trades apprenticeships, and cottage industries.

The Labor Code prohibits forced or bonded child labor; however, Malian children were sold into forced labor abroad by organized traffickers, and apprenticeship begins at an early age (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The Labor Code specifies conditions of employment, including hours, wages, and social security; however, in practice many employers either ignore or do not comply completely with the regulations. The national minimum wage rate, set in 1994, is approximately $40 (26,000 CFA francs) per month. Workers must be paid overtime for additional hours. The minimum wage does not provide a decent standard of living for a worker and family. The minimum wage is supplemented by a required package of benefits, including social security and health care. While this total package could provide a minimum standard of living for one person, in practice most wage earners support large extended families and must supplement their income by some subsistence farming or work in the informal sector.

The normal legal workweek is 40 hours (45 hours for agricultural employees), with a requirement for at least one 24-hour rest period. The Social Security Code provides a broad range of legal protection against hazards in the workplace, and workers' groups have brought pressure on employers to respect parts of the regulations, particularly those affecting personal hygiene. However, with high unemployment, workers often are reluctant to report violations of occupational safety regulations. The Labor Inspection Service of the Ministry of Labor oversees these standards but limits enforcement to the modern, formal sector. It was not effective in investigating and enforcing workers" safety and was funded insufficiently for its responsibilities. Workers have the right to remove themselves from dangerous work situations and request an investigation by the Social Security Department, which is responsible for recommending remedial action where deemed necessary.

f. Trafficking in Persons.—While the law does not specifically prohibit trafficking in persons, there are laws that prohibit the contractual use of persons without their consent; however, children are trafficked for forced labor in Cote d'Ivoire. An estimated 15,000 Malian children between the ages of 9 and 12 have been sold into forced labor on the cotton, coffee, and cocoa plantations of northern Cote d'Ivoire over the past few years; an even greater number have been pressed into domestic service. Organized networks of traffickers deceive the children and their families into believing that they will be given paid jobs outside of their villages. They then are sold to plantation owners for sums ranging from $20 to $40 (10,000 to 20,000 CFA). According to media reports the children are forced to work 12 hours per day without pay, and often they are abused physically.

Penalties for violations of the law prohibiting forced contractual labor include a fine or hard labor; penalties increase if a minor is involved; however, these penalties were not applied during the year. The problem of trafficking is handled by both the Ministry for the Promotion of Women, Children, and the Family and the Ministry of Employment, Public Services, and Labor; however, there is no specific program of protection for victims. Both ministries in coordination with the Ministry of Foreign Affairs and the Ministry of Territorial Administration have developed a program designed to operate until the end of 2001 to identify and rehabilitate victims, educate the population, and strengthen the legal system with regard to the movement and trafficking of minors. However, at year's end, the program was still being organized.

The Government took some steps to halt child trafficking and repatriate children to the country from Cote d'Ivoire; however, there was no estimate of the number of children in Cote d'Ivoire. In the spring, more than 50 children were returned to their families from Cote d'Ivoire. In August the Governments of Mali and Cote d'Ivoire signed a treaty to cooperate in combating trafficking; however, no traffickers were prosecuted during the year.

The Government assisted repatriated workers in communicating with family members; however, the total of those assisted was unknown, partly because the number of trafficked persons in neighboring countries could not be determined.

MAURITANIA

Mauritania is a highly centralized Islamic Republic dominated by a strong presidency. The 1991 Constitution provides for a civilian government composed of a dominant executive branch, a senate, and a national assembly. President Maaouya Ould Sid'Ahmed Taya has governed since 1984, first as head of a military junta, and since the 1992 multiparty election as head of a civilian government. In December 1997, Taya was reelected President, receiving over 90 percent of the vote. The elec-

tion, which was contested by four opposition candidates but boycotted by the five-party Opposition Front coalition, was regarded widely as fraudulent. Most opposition parties also boycotted earlier parliamentary elections but participated in senate elections in 1994 and 1996; they gained only one seat. In the country's first multiparty elections to the 79-member National Assembly held in 1996, 1 opposition and 6 independent candidates were elected; candidates of the ruling Republican, Democratic and Social Party (PRDS) won 72 seats. The outcome of these elections was marred by fraud on all sides and pervasive government intervention. Senate elections held in April generally were considered free and fair by international observers; however, some opposition parties boycotted the election, and only the governing party and the parties associated with it presented candidates. The elections resulted in the one sitting opposition member being reelected along with three independents. The Constitution provides for an independent judiciary; however, the judiciary is subject to significant pressure from the executive through its ability to influence judges.

The Government maintains order with regular armed forces, the National Guard, the Gendarmerie, and the police. The Ministry of Defense directs the armed forces and Gendarmerie; the Ministry of Interior directs the National Guard and police. The armed forces are responsible for national defense. The National Guard performs police functions throughout the country in areas in which city police are not present. The Gendarmerie is a specialized paramilitary group responsible for maintenance of civil order in and outside metropolitan areas. Security forces are under the full control of the Government and are responsible to it. Some members of the security forces committed human rights abuses.

Mauritania, which has an estimated population of 2.5 million, has a generally market-oriented economy based on fishing, mining, subsistence farming, herding, and a small commercial sector. Fish and iron ore are the country's main export-earners. Drought, desertification, and insect infestation have contributed to rapid urbanization, extensive unemployment, pervasive poverty, and a burdensome foreign debt. The concentration of much of the country's wealth in the hands of a small elite, including the President's tribe and related Moor tribes, as well as a lack of transparency and accountability in certain areas of governance, also impedes economic growth. Annual per capita national income is estimated at $440. Mauritania receives foreign assistance from bilateral and multilateral sources.

The Government's human rights record remained generally poor; there was some improvement in a few areas, but problems remained in others. Democratic institutions remain rudimentary, and the Government circumscribes citizens' ability to change their government. Police used excessive force, beat or otherwise abused detainees, and used arbitrary arrest and detention, incommunicado detention, and illegal searches; however, reports of police abuses decreased during the year. The Government failed to bring to justice most officials who committed abuses, although some abuses were sanctioned during the year. Prison conditions remained harsh and unhealthy; however, a new men's prison was completed in Nouakchott which improved overcrowding and unsanitary conditions. Pretrial detention continued; however, the length of pre-trial detentions were shorter due to improved organization of the courts. The Government continued its program of judicial reform and training; however, the executive continued to exercise significant pressure on the judiciary, and in practice the right to a fair trial was not always realized. At times the Government restricted freedom of speech. While the Government tolerates a critical independent press, it continued to censor individual editions. The Government restricted freedom of assembly and used excessive force in breaking up demonstrations by the major opposition party. In May during a period of widespread public unrest, the Government banned all public demonstrations. The Government limited freedom of assembly and religion. The Government continued to refuse to recognize officially some nongovernmental organizations (NGO's) and human rights organizations. Discrimination against women continued, and female genital mutilation (FGM) remained a serious problem despite government efforts to halt the practice. Ethnic tensions continued to ease, but the largely southern-based ethnic groups, including the Halpulaar (also called Fulani or Peuhl), Soninke, and Wolof ethnic groups, remained underrepresented in political life and some of their members feel excluded from effective political representation. Child labor in the informal sector is common. A system of officially sanctioned slavery in which government and society join to force individuals to serve masters does not exist; however, there continued to be reports that slavery in the form of forced and involuntary servitude persists in some isolated areas, or that unofficial, voluntary servitude persists and that former slaves continue to work for former masters or others for food, shelter, and clothing, although they were under no legal compulsion to do so.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other forms of cruel or inhuman punishment; however, the police reportedly continued on occasion to beat criminal suspects while in custody. Police used undue force in controlling public crowds and breaking up peaceful demonstrations (see Section 2.b.). In April authorities forcibly disrupted political opposition demonstrations in Nouakchott and Nouadhibou and beat some demonstrators protesting the detention of an opposition leader (see Sections 1.d and 2.b.). On June 17 and 18, police used excessive force in breaking up demonstrations by Black Moors protesting land redistribution, which resulted in some demonstrators being beaten and injured (see Sections 1.d., 1.f., and 2.d.). The Government sanctioned the Governor and the head of police by removing them from their posts.

In 1999 the Director of Security traveled to each region of the country to meet with police forces to inform their members that the Government would not tolerate the use of torture or undue force and that violators would be prosecuted. These visits reportedly were successful. The Government has continued its in-service training of police and other security personnel, which has shown some positive results. Reports of the use of excessive force, requests for payoffs, or other abusive behavior decreased during the year, and some violators were sanctioned.

In July 1999, two Halpulaar political refugees in France charged Mauritanian Captain Ely Ould Dah, a Black Moor in France as part of a military cooperation program, with having tortured them during events in 1990 and 1991. A French judge in Montpellier had Ould Dah arrested under the International Convention against Torture. The arrest sparked a lively debate among opinion leaders from all ethnic groups, which was covered extensively in the press, on how to further national reconciliation (see Section 4). While awaiting trial in France, Ould Dah forfeited bail and returned to Mauritania on April 4, apparently with the aid of the Government of Mauritania.

In past years, the National Guard has fired on fish poachers causing at least one injury. In July the Government signed an agreement with the Government of Senegal to allow and regulate through licensing the fishing of small craft fishermen in each others" waters. Since the agreement, there have been no further incidents of police shootings.

Prison conditions remained harsh; however, conditions in Nouakchott's prison continued to improve due to the opening of a newly constructed section of the men's prison, which put an end to serious overcrowding. The former men's prison is used to provide space for educational and sports programs for children. In other prisons, overcrowding persisted and sanitation facilities remained inadequate and reportedly have contributed to diseases such as tuberculosis, diarrhea, and dermatological ailments. Medical supplies, mainly provided by an international NGO, remained insufficient in all prisons. Some prisoners received special treatment based on family and position. Prisoners with high-level connections and families to bring them food, medicines, and reading material fared better than the less privileged or citizens from other countries. New guard force management continued to enforce instructions against beatings and torture; however, there were reports of beatings of detainees at the Commissariat outside of the prison. The overall prison capacity is 700 and the prison population was 1,352 in 1999. The prison population in Nouakchott was 567, a decrease of 100 from 1998 as a result of shorter pretrial detention. There were 517 men, 24 women and 26 minors; minors are held in separate facilities. In May 1999, female prisoners were moved to a new upgraded facility that contained a communal garden. Children of female prisoners remain with their mothers or the Ministry of Justice gives temporary custody of the children to another family member. The Noura Foundation, an NGO working in the prison, continued to provide a program of education and microenterprise projects to the female prisoners. UNICEF in collaboration with the French organization CARITAS has been providing increased services including training and sports in the juvenile detention centers. The Government cooperated with an NGO to provide training for female guards to replace the male guards currently at the women's prison; in March the Ministry of Justice appointed 15 women to serve as prison guards in the women's prison as a protective measure for female prisoners. A doctor and nurse assigned to the men's prison also provide medical care for the women's and children's prison, but the infirmary remains understaffed.

The new prison administration instituted in August 1997 has improved markedly the conditions of prison food, health, hygiene, and family contacts; however, last year's budget funding for increased expenditures per prisoner for improved food and nutrition, medical services and supplies, and new bedding and cleaning supplies was not met.

The Government permits prison visits by domestic and international diplomats and human rights monitors. Foreign diplomats visited some prisons during the year. The International Committee of the Red Cross (ICRC) has access to prisons, but did not conduct prison visits during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution stipulates that authorities cannot arrest, detain, prosecute, or punish anyone except as provided for under the law; however, at times police arbitrarily arrested and detained citizens. The actual application of the constitutional safeguards continued to vary widely from case to case.

The law requires that courts review the legality of a person's detention within 48 hours of arrest. The police may extend the period for another 48 hours, and a prosecutor or court may detain persons for up to 30 days in national security cases. Only after the prosecutor submits charges does a suspect have the right to contact an attorney.

Human rights activists report that police showed greater respect for legally mandated procedures and that prison administration continued to show improvement; however, pretrial detention after arraignment often is prolonged. An estimated 15 to 20 percent of those in prison have not yet been tried, or were awaiting sentencing following their trials. In May the Government and an NGO sponsored a 10-day seminar for 50 police officers to inform them of the rights of children and the legal treatment of detained suspects.

Some indicted detainees are released before trial without explanation; familial, tribal, or political connections may explain some of these cases. There is a provision for granting bail, but it is used rarely.

Security forces continued to use arbitrary arrest, detention, and intimidation against the banned opposition party. Police detained Ahmed Ould Daddah, leader of the banned opposition party Union of Democratic Forces-New Era (UFD-A) and held him for 5 days in April; police arrested Ould Daddah again in December and held him incommunicado for 3 days before releasing him (see Section 2.b). Ould Daddah never was charged, but was questioned by the Government about his contacts with foreign and local political groups. Other party leaders and members in Nouakchott and Nouadhibou protesting his detention in April were beaten and detained (see Sections 1.c. and 2.b.).

There continued to be occasional reports of arbitrary arrest and detention by security forces against those protesting the redistribution of land and against returned refugees in communities in the south along the Senegal River (see Section 1.f and 2.d.) The reform has met with resistance from those who had part of their traditional landholdings that had lain fallow confiscated. On June 18, police arrested and beat 13 people in the Brakna region, who protested the redistribution of their traditionally held land to relatives of the Wali (Governor); they were released 2 weeks later (see Section 1.c.). The Governor and the head of police were removed from their posts in September. At year's end, the land still had not been restored to its original owners. In some cases the fallow land was granted to wealthy Moors who developed commercial agricultural enterprises (see Section 1.f.).

There were no reports of forced exile. The Government continued to welcome the return of any citizens who had been expelled or who had fled from 1989 to 1991.

e. Denial of Fair Public Trial.—Although the Constitution provides for the independence of the judiciary, in practice the executive branch exercises significant pressure on the judiciary through its ability to appoint and influence judges. In addition poorly educated and poorly trained judges who are susceptible to social, financial, tribal, and personal pressures limit the judicial system's fairness. However, the Government is carrying out a program to improve judicial performance and independence.

There is a single system of courts with a modernized legal system that conforms with the principles of Shari'a (Islamic law). The judicial system includes lower-, middle-, and upperlevel courts, each with specific jurisdictions. Departmental, regional, and labor tribunals are the principal instances at the lower level. The 53 departmental tribunals, composed of a president and magistrates with traditional Islamic legal training, hear civil cases involving sums less than $41 (10,000 UM) and family issues, such as domestic, divorce, and inheritance cases. Thirteen regional tribunals accept appeals in commercial and civil matters from the departmental tribunals and hear misdemeanors. Three labor tribunals, composed of a president and two assessors (one who represents labor and one who represents employers), serve

as final arbiters for labor disputes. At the middle level, three courts of appeal, each with two chambers (a civil and commercial chamber, and a mixed chamber) hear appeals from the regional courts and have original jurisdiction for felonies. Nominally independent, the Supreme Court is headed by a magistrate appointed to a 5-year term by the President. The Supreme Court reviews decisions and rulings made by the courts of appeal to determine their compliance with the law and procedure. Constitutional review is within the purview of a six-member Constitutional Council, composed of three members named by the President, two by the National Assembly President, and one by the Senate President. Annual review of judicial decisions is undertaken by the Supreme Council of Magistrates, over which the President presides; the president and senior vice president of the Supreme Court, the Minister of Justice, three magistrates, and representatives from the Senate and National Assembly are members of this Council. The annual review is intended to determine whether courts applied the law correctly and followed proper procedures. The most recent review was used as a basis for evaluating the reform process, providing for retraining of judges, and making reassignments based on their qualifications.

The minimum age for children to be tried is 12. Those between the ages of 12 and 18 are tried and sentenced to the juvenile detention center (see Section 1.c.). In April a special court to hear the cases of children under the age of 18 became operational. Children appearing before the court received more lenient sentences than did adults, and extenuating circumstances were considered.

In March the Government continued its education program to upgrade the qualifications and training of judicial personnel. In September the Government convened a Congress under the auspices of the Minister of Justice for government and nongovernmental lawyers, magistrates, and other judicial professionals. Thirty judicial personnel, out of a total of 224, received overseas training to qualify them for one of the specialized courts: Children, civil, administrative, commercial, or correctional.

The Constitution provides for due process and the presumption of innocence until proven guilty by an established tribunal. All defendants, regardless of the court or their ability to pay, have the legal right to representation by counsel during the proceedings, which are open to the public. If defendants lack the ability to pay for counsel, the court appoints an attorney from a list prepared by the National Order of Lawyers, which provides defense free of charge. The law provides that defendants may confront witnesses, present evidence, and appeal their sentences, and these rights generally are observed in practice.

Shari'a Islamic law provides the legal principles upon which the law and legal procedure are based, and because of the manner in which Shari'a is implemented in the country, courts do not in all cases treat women as the equals of men (see Section 5). For example, the testimony of two women is necessary to equal that of one man. In addition in awarding an indemnity to the family of a woman who has been killed, the courts grant only half the amount that they would award for a man's death. For commercial and other modern issues not specifically addressed by Shari'a, the law and courts treat women and men equally.

With international assistance, the Government continued a program to improve judicial performance and independence, which consists of organizing all laws and statutes into a single reference text and training officials throughout the justice system. Separate tribunals established in 1999 for specific types of disputes held court sessions more frequently, and in July, as a result of dropping of the requirement to have three judicial personnel present for each trial, pre-trial detention periods generally were shorter. The Government continued to hold security officials accountable and prosecuted officials for abuses. This has improved the public perception of the judicial system.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law requires judicial warrants in order to execute home searches; however, the authorities reportedly often ignore this requirement.

Government surveillance of dissidents and the political opposition is believed to continue, although the extent to which the Government used informants is unknown.

There were a number of reports that some Government officials were misappropriating land under the land reform system, confiscating the land of southern ethnic groups or the land traditionally held by Haratines, and distributing it to their own friends and family (see Section 6.c.). The Government began implementation of the 1983 land reform law in 1990. The reform aimed at providing land for rural landless persons, including victims of desertification in the northern and central regions (both White Moors and Black Moors) and also, in recent years, for returning southerners who had been expelled from 1989 to 1991. The reform also aimed to increase the amount of land under cultivation by leasing uncultivated land to those with the

means to cultivate it. The unconfirmed reports of confiscation may reflect abuses in the program's implementation; the proper implementation of the land reform does not leave families landless, and the program is not explicitly discriminatory. However, there may have been a net redistribution of land from southerners and Haratines to White Moors under that program, since the south has been less affected by desertification than the more northerly regions historically inhabited by the Moors. There also were some reports that some southerners who had been expelled or fled from the country from 1989 10 1991 were unable either to regain possession of the land they had farmed before 1989 or to gain possession of other land from the Government, although other reports indicate that all those previously on the land were granted some land rights (see Sections 1.d. and 6.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government continues to restrict these rights through prepublication press censorship by the Interior Ministry. NGO's and the privately owned press openly criticized the Government and its leaders. Antigovernment tracts, newsletters, and petitions circulated widely in Nouakchott and other towns.

The Press Law requires publishers to submit copies of newspapers to the Ministries of Interior and Justice before distributing them. The Ministry of the Interior reviews all newspaper copy prior to publication and usually authorizes sales and distribution within 2 to 3 days. However, the Press Law provides that the Minister of the Interior can stop publication of material that discredits Islam or threatens national security. During the year, the authorities seized 13 individual issues of different journals and, on December 16, banned the weekly newspaper Al Alam. In November the GIRM suspended the accreditation of a Middle East Information Agency representative. The Government provided no specific reasons for the seizures, the censure or the banning other than to cite Article 11 of the Constitution, which prohibits materials that undermine national sovereignty, territorial integrity, or national unity.

All newspapers must register with the Ministry of the Interior. There are over 400 journals and newspapers registered with the Ministry of the Interior, a third of which do not publish regularly, some never having issued an edition. There only are approximately 20 privately owned newspapers that publish on a regular basis. These journals are weeklies and reach limited audiences. The Government issues press cards to journalists and requires that they show this identification for participation in official press events. Private journals reported openly and critically on both the opposition and the Government and published party declarations and tracts without government censure or restraint during the municipal elections. Publications are exempt from all taxes on materials used to produce newspapers, journals, or books for the private press.

All broadcast media (radio and television) and two daily newspapers, Horizons and Chaab, are government-owned and operated. Radio is the most important medium in reaching the public, and the official media strongly support government policies. During the April senatorial election campaign, the Government provided all candidates with equal access to its two newspapers and to the electronic media, allowing citizens to hear and read criticism of the Government in these media in addition to in the private press. Opposition parties' access to government radio broadcast facilities at other times is limited. Citizens can receive foreign television broadcasts including from France and from Arab countries; however, in October the Government requested that the Government of Qatar discontinue its Al Jazeera broadcast in the country, which had aired several programs highly critical of the GIRM. In November the Government also discontinued broadcasts of Radio France International for the same reason. The Government continued to deny private applications to establish domestic radio stations.

There are five domestic Internet servers, which operate without governmental restrictions. Internet connections exist in Nouadhibou, the major commercial center, and five other regional capitals.

Academic freedom generally is respected, and there were no cases in which the Government prevented research or publication or censored lectures. The country's one university is governmentfunded and operated.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice and forcibly dispersed some demonstrations by the opposition (see Sections 1.c and 1.d.). The law requires that all recognized political parties and NGO's apply to the local prefect for permission for large meetings or assemblies.

In April authorities forcibly disrupted demonstrations by the political opposition protesting increased prices in Nouakchott and Nouadhibou. Authorities used teargas and batons to forcibly disperse demonstrators and injured three people in Nouakchott and two in Nouadhibou (see Section 1.c. and 1.d.).

Beginning in May, in response to widespread demonstrations on price increases and the situation in the Middle East, the Government banned all public demonstrations and dispersed some demonstrations. The Government also refused to grant permits to demonstrators.

Citizens in the southwest demonstrated on June 17 and 18 to protest land redistribution policies in their region. Police forcibly disrupted the demonstrations and detained and beat 13 persons (see Sections 1.c., 1.d., and 1.f.).

A number of public marches in November and December protesting violence in the Middle East became violent. The authorities used force, injured protestors, and prohibited all further public demonstrations.

The Constitution provides for freedom of association; however, the Government limited this right in practice and circumscribed the efforts of some groups by denying them official recognition. All political parties must register with the Ministry of the Interior. The number of political parties, labor unions, and NGO's continued to increase. Some 23 political parties and a wide array of NGO's, many of them highly critical of the Government, functioned openly, issued public statements, and chose their own leadership. Since September 1998, the Government has recognized 75 new NGO's and associations, bringing the total of such organizations to more than 600. The Government has not yet granted some NGO's official standing but did not prevent them from functioning. Among these are the Mauritanian Association for Human Rights (AMDH) and SOS-Esclaves (an antislavery NGO), which the Government claims are potentially divisive in that they appeal to specific ethnic groups, namely the southern and Black Moor communities respectively. However, in October the Government dissolved the major opposition party, the Union of Democratic Forces (UFD), claiming it threatened security by inciting violence.

Following diplomatic confrontation with Iraq, resulting from Mauritania's opening full diplomatic relations with Israel, the Government accused Iraq of undertaking subversive action against it, fomenting violent antigovernment demonstrations, and financing the Taliaa (Vanguard) political party. The Government disbanded the Taliaa party, whose officials had been meeting with Iraqi Ba'ath party representatives, citing constitutional prohibitions against "cooperation with a foreign party, accepting foreign funds for political propaganda, and carrying out illegal acts."

c. Freedom of Religion.—The Constitution establishes the country as an Islamic republic and decrees that Islam is the religion of its citizens and the State, and the Government accordingly limits freedom of religion.

There is no religious oath required of government employees or members of the ruling political party, except for the President and the members of the 5-person Constitutional Council and the 10-person High Council of Magistrates presided over by the President. The Constitutional Council and the High Council of Magistrates advise the President in matters of law and the Constitution. The oath of office includes a promise to God to uphold the law of the land in conformity with Islamic precepts.

All but a small number of citizens are Sunni Muslims and are prohibited by their religion from converting to another religion. Shari'a, proclaimed under a previous government in 1983, includes the Koranic prohibition against apostasy; however, it has never been codified in civil law or enforced. The small number of known converts from Islam suffered no social ostracism, and there were no reports of societal or governmental attempts to punish them.

Although there is no legal codification of a prohibition against proselytizing by non-Muslims, in practice the Government prohibits proselytizing by non-Muslims under Article 11 of the Press Act, which bans the publication of any material that is against Islam or contradicts or otherwise threatens Islam. The Government views any attempts by Christians to convert Muslims as undermining society. There are no known non-Muslim groups engaged in proselytizing; foreign Christian NGO's limit their activities to humanitarian and development assistance.

Christians in the foreign community and the few Christian citizens practice their religion openly and freely. Under Article 11 of the Press Law, the Government may restrict the importation, printing, or public distribution of Bibles or other non-Islamic religious literature, and in practice Bibles are neither printed nor sold publicly in the country. However, the possession of Bibles and other Christian religious materials in private homes is not illegal, and Bibles and other religious publications are available among the small Christian community.

In addition to privately-run Koranic schools that nearly all children attend, the public schools include classes on religion. These classes teach both the history and

principles of Islam and the classical Arabic of the Koran. Although attendance at these religion classes is ostensibly required, many students, the great majority of whom are Muslims, decline to attend these classes for diverse ethno-linguistic and religious reasons. They nevertheless are able to advance in school and ultimately to graduate with diplomas, provided that they compensate for their failure to attend the required religion classes by their performance in other classes.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement and residence within all parts of the territory, and provides for the freedom to enter and leave, and the Government generally respects these rights in practice. Historically there were few restrictions on travel in Mauritania's nomadic society. With urbanization and automobile travel, the Government has set up regular road checkpoints where the Gendarmerie checks the papers of travelers, and reportedly often solicits bribes. During the year, the Government reduced the number of road checkpoints, and reduced the time taken in questioning and conducting vehicle searches; however, there were reports that searches conducted in the southern border areas continued to be more stringent.

Of the approximately 70,000 members of largely southern-based ethnic groups who were expelled by the Government or fled to Senegal and Mali during the 1989-91 crisis, and of those born abroad since that time, the U.N. High Commissioner for Refugees (UNHCR) documented 33,248 returnees to four provinces along the Senegal River. Both the UNHCR and the Government agreed that many others have returned on their own to the larger towns and cities. Many more returnees among nomads, who are difficult to document, and urban dwellers are not included in UNHCR's figures. Informed observers estimate that the actual number of returnees ranges between 40,000 and 65,000. Entire villages as well as almost all Peulh (nomadic herders of the Halpulaar ethnic group) have returned. The Government has stated since 1993 that any citizen outside the country may return; however, the Government, the countries of asylum, and the UNHCR have signed no tripartite repatriation agreement. The UNHCR terminated programs to help returnees at the end of December 1998. The UNHCR estimated that there are 15,000 to 20,000 Mauritanian refugees remaining in Senegal, although refugees have continued to return independently in small numbers and have benefited from small-scale agroforestry, health and sanitation projects continued by NGO's and humanitarian workers.

Cooperation by local authorities in addressing restitution and citizenship matters varies greatly, depending on individual officials and the returnee's region. Repatriation efforts achieved greater results in the Trarza and Brakna regions than in Gorgol and Guidimaka to the east; however, observers noted that the situation in Gorgol improved considerably. Many returnees received their original homes, some property, and all or a portion of their land (see Section 1.f.). Timely restoration of identity papers varied, and some of those who returned in 1995 have not yet received identification cards. In some regions, persons lacking identity cards could not travel freely.

The law does not contain provisions for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in practice the Government accepts UNHCR recommendations on the granting of asylum and refugee status. The Government, which has cooperated with the UNHCR and other humanitarian organizations in assisting refugees since 1989 signed a local headquarters agreement with the UNHCR in May 1999. In recent years, the Government has provided first asylum to refugees from neighboring countries including Liberia, Sierra Leone, Senegal, Ivory Coast, Mali, and Guinea Bissau. The Government also has accepted the UNHCR's registration of some 200 asylum seekers, mostly from Sierra Leone and Liberia.

Mauritania is host to over 50,000 nationals of other West African countries who seek refuge and employment, primarily in Nouakchott and Nouadhibou. An estimated 60 percent of Mauritania's small craft fishermen are Senegalese. There is a population of approximately 300 Sierra Leoneans living in Nouakchott. Some arrived more than 10 years ago and are fully employed. Approximately 225 of these have been granted refugee status and receive UNHCR assistance. The Sierra Leoneans held protest demonstrations at the U.N. compound on several occasions throughout the year demanding increased assistance and refugee status for all members of the group, including those with full-time employment, and resettlement in the West.

Approximately 2,000 former refugees from Mali who could repatriate have remained in the country and largely have been integrated into the local population. Nearly all these Malian refugees are Moors. The UNHCR no longer considers them refugees.

There were no reports of refugees being forced to return to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government; however, the Government circumscribes this right in practice. The 1992 multiparty election of a civilian president ended 14 years of military rule; however, both the opposition and international observers concluded that the elections were fraudulent. Although civilians fill all ministerial-level positions, some members of the Military Council that ruled from 1984 to 1992, in addition to President Taya, remained in positions of power within the executive branch, the National Assembly, the armed forces, and government-owned enterprises. The armed forces avoided involvement in politics during the year; by law members of the military must resign if they wish to participate in partisan politics. Except during the election campaign, the Government denied elements of the opposition the opportunity to receive full access to government media and to compete on an equal footing.

The country's first multiparty legislative elections were held in 1996 and the ruling PRDS party won by an overwhelming majority; subsequent elections are scheduled to be held every 5 years. President Taya won an overwhelming victory in the 1997 presidential elections, although his opponents fared much better in the cities than in the rural areas. The official turnout of 75 percent and the winning percentage of 90 percent were inflated, since many individuals voted more than once. The Government distributed four voter registration cards to some persons, including government employees, instructing them to vote repeatedly for the incumbent. The opposition also distributed multiple voter registration cards to some persons, instructing them to vote repeatedly. The outcome of the elections was marred by fraud on all sides including pervasive government intervention to support candidates from the ruling party. The 1997 Presidential elections were boycotted by a coalition of four opposition parties that had demanded enhanced media access, an opposition role in election preparation, creation of an independent electoral commission, enlargement of the commission charged with revision of the electoral list, and provision of official copies of the voting report from each polling station to representatives of each candidate. During the election campaigning, the Government granted the opposition equal access to the official media, but did not meet the other demands.

One-third of the Senate is elected by the indirect balloting of municipal councils every 2 years; the latest elections were held on April 17. The elections generally were well-organized and were considered free and fair by international observers. However, four parties of the Political Opposition Front boycotted the national elections. As a result, only the governing party and parties affiliated with the governing party presented candidates. The ruling parties gained 14 of 18 seats being contested with one independent retaining his seat and three members of the ruling PRDS gaining seats as nominal independents. The first female candidate was elected to the Senate.

Elections are held by secret ballot. At polling places on election day, registered citizens receive a package of color-coded cards, containing one card for each candidate. Each citizen votes by entering a booth where they place the card of their candidate of choice into a sealed envelope. Voters then deposit the envelope into a sealed ballot box in front of observers from each political party. The unused cards are discarded on the floor. Although voters could in theory take the unused cards out of the polling place with them, the ready availability of many unused cards on the floor makes unused cards worthless as evidence of how a voter has voted and effectively eliminates the potential for abuse in such a multiple ballot system. A countrywide census, taken at the end of 1998, designed to register all citizens and standardize the current complex system of names, also was aimed in part at providing the basis for free and fair elections. In April the Government began the distribution of identity cards which is intended to form the basis for voter registration in future elections.

The country is divided into 12 provinces that are divided further into prefectures. The Government appoints the Walis (governors) and Hakems (prefects). Municipal councils are elected by general ballot, and they elect their mayors, usually the head of the majority party's list. Most government services are provided by the central Government. The elected councils are responsible for some public services, such as sanitation, and have fiscal autonomy and taxing power. Their administrative staff is independent of the Government. The councils elect the national Senate.

Women have the right to vote, and formed the majority of voters in the 1997 presidential election; however, women are underrepresented in government and politics. Women occupy some senior government positions: Four cabinet level posts including

the cabinet-level post in charge of informatics, one secretary-general post, two senior presidential advisors (including a Halpulaar), and four senior advisors to ministers. Women are well represented in the Secretariat of Women's Affairs, including a number from minority ethnic groups. There are four female members of the National Assembly, and one newly elected Senator. Three of the 14 members of the Executive Bureau of the ruling PRDS are women, and a woman heads the UDP party, a part of the ruling coalition.

Haratines, Halpulaars, Soninkes, and Wolofs are underrepresented in senior government positions. Of the Government's 20 ministerial posts, 3 incumbents are Haratine, 2 are Halpulaar,

1 is Soninke, and 1 is mixed White Moor/Soninke; the remaining 13 are of either White Moor or mixed White Moor/Haratine ethnicity (see Section 5). The full 28-member Cabinet, including secretaries of state, has 4 Haratines, 3 Halpulaars,

1 Soninke, and 1 mixed White Moor/Soninke. The 56-member Senate has 3 Haratines, 4 Halpulaars, 3 Soninkes, and the remaining 46 are of either White Moor or mixed White Moor/Haratine heritage. The 79-member National Assembly has 2 Haratines, 7 Halpulaars, 2 Soninkes, and 1 Wolof.

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

There are three human rights organizations concerned with overall human rights issues, only one of which operates with official government registration. The oldest is the Mauritanian League for Human Rights (LMDH), an independent, government-recognized body. A second organization, the Mauritanian Human Rights Association (AMDH), is still unrecognized (see Section 2.b.). While not affiliated with the opposition, the AMDH has many opposition members. The AMDH has been more critical of the Government than the LMDH, particularly on the unresolved abuses of the 1989-91 period. The International Study and Research Group on Democracy and Economic and Social Development in Africa (GERDDES-Africa) established a branch in Mauritania in 1994 that has not been officially recognized. The Government has not responded to the applications of these organizations, on the grounds that they are ethnically based organizations that are in violation of the law and divisive; however, the unrecognized organizations continued to carry out their activities unimpeded.

Other organizations, including 14 unregistered associations, also address human rights issues. Two groups, SOS-Esclaves and the National Committee for the Struggle Against the Vestiges of Slavery in Mauritania, focus their efforts on overcoming the country's vestiges of slavery (see Section 6.c.). SOS-Esclaves is particularly active in claiming that slavery remains pervasive and appealing to national and international audiences to contribute to its eradication. SOS-Esclaves leader Boubacar Ould Messoud traveled abroad freely in 1999 and made such claims during a speaking tour; however, during the year, Messoud did not conduct speaking tours and there were no reports of SOS-Esclaves activities.

Attention to the events of 1989 through 1991 resurfaced following the arrest on July 3 of Captain Ely Ould Dah in France and his subsequent return on April 4 to the country. Ould Dah, who had been undergoing training at the French Army College, was accused by two Mauritanians resident in France of torturing them in 1990 (see Section 1.c.). He was arrested under the International Convention Against Torture despite a general amnesty passed by Parliament in 1993. The Government reacted strongly to what it considered an infringement on its sovereignty by a French court and refused entry to a French prosecutor who sought to gather information to support the charges. Ould Dah was released on bail in September 1999 and was awaiting trial when he returned illegally on April 4 to Mauritania. The arrest and Dah's subsequent return engendered public debate on ways to further national reconciliation (see Section 1.c.).

The Committee of Solidarity with the Victims of Repression in Mauritania is concerned with the plight of the 1989 expellees. The Consultative Group for the Return of the Refugees was founded to promote the return of the remaining Mauritanian refugees in Senegal. The Collective of Worker Victims of the 1989 Events seeks redress for government employees who lost their jobs in the events of 1989. The Committee of the Widows and the Collective of Survivors focus on the sufferings of the victims of the 1990-91 military purge and their families. The Collective of Survivors of Political Detention and Torture was established in 1996 to seek redress for abuses committed during the 1986-87 period. These groups and other groups of individuals with common concerns function openly and actively, but their efforts are circumscribed somewhat because they are not recognized officially (see Section 2.b.). The Coalition of Human Rights NGO's is an umbrella organization for 12 of these

organizations; it represents the group in various forums, including representations to foreign embassies.

The only international association concerned with human rights to visit the country during the year was the ICRC, which makes routine annual visits. In July after consulting with international developmental NGO's, both houses of the Parliament passed legislation governing the procedures and conditions under which international NGO's can conduct business in the country. The Executive signed the legislation in July, and at year's end legislation was awaiting a decree that would put it into force. This legislation would facilitate the legal right for NGO's to conduct their work by providing for duty free imports, licensing of vehicles, and other provisions. International development NGO's have been working without governing legislation.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equality before the law for all citizens, regardless of race, national origin, sex, or social status, and prohibits racial or ethnic propaganda. In practice the Government often favors individuals on the basis of ethnic and tribal affiliation, social status, and political ties. Societal discrimination against women, strongly rooted in traditional society, is endemic, although the situation continued to improve.

Women.—Human rights monitors and female lawyers report that physical mistreatment of women by their husbands is rare, particularly among the Moor population. The police and judiciary occasionally intervene in domestic abuse cases, but women in traditional society rarely seek legal redress, relying instead upon family and ethnic group members to resolve domestic disputes. The incidence of reported rape is low; it occurs, but newspaper accounts of attacks are rare.

Women have legal rights to property and child custody, and, among the more modern and urbanized population, these rights are recognized. By local tradition, a woman's first marriage, but not subsequent marriages, requires parental consent. In accordance with Shari'a (Islamic law) as applied in the country (see Section 1.e.), marriage and divorce do not require the woman's consent, polygyny is allowed, and a woman does not have the right to refuse her husband's wish to marry additional wives. In practice polygyny is very rare among Moors but common among other ethnic groups. Arranged marriages are also increasingly rare, particularly among the Moor population. Women frequently initiate the termination of a marriage, which most often is done by husband or wife by repudiation rather than divorce. It is also common in Moor society for a woman to obtain, at the time of marriage, a contractual agreement that stipulates that her husband must agree to end their marriage if he chooses an additional wife. The rate of divorce among Moors is estimated to be 37 percent, and the remarriage rate after divorce is 72.5 percent.

Women still face some legal discrimination. For example, the testimony of two women is necessary to equal that of one man, and the value placed on women's lives in court-awarded indemnities is only half the amount awarded for a man's death (see Section 1.e.). However, women do not face legal discrimination in areas not specifically addressed by Shari'a. The Secretariat for Women's Affairs works with many NGO's and cooperatives to improve the status of women. A booklet published late in 1996 advises women of their rights. The Government, women's groups, and national and international NGO's organized meetings, seminars, and workshops throughout the year to publicize women's rights.

The Government seeks to open new employment opportunities for women in areas that traditionally were filled by men, such as health care, communications, police, and customs services. Women became more involved in the fishing industry and established several women's fishing cooperatives. In 1999 for the first time, women were hired by the army to serve as police inspectors and customs officials. In June the first female Acting Police Commissioner was appointed in the capital; she was also serving as Chief Investigator in the same police station at year's end. Seventy jurists and female lawyers established an association of female jurists and, under the auspices of the Ministry of Justice, organized their first national congress dedicated to the legal concerns of women.

The law provides that men and women receive equal pay for equal work. While not universally applied in practice, the two largest employers, the civil service and the state mining company, respect this law. In the modern wage sector, women also receive family benefits, including 3 months of maternity leave.

Children.—The Government does not require attendance at school, primarily because it lacks the financial resources to provide educational facilities and teachers throughout the country, especially in remote areas; however, education receives the largest share of the national budget at 11.3 percent. The Government has made uni-

versal primary education a priority; however, there was no increase in attendance from the previous year, in which the school enrollment rate was 86 percent. There are no legal restrictions on the education of girls. Girls constituted 48.8 percent of all children enrolled in school in 1998. Some 84 percent of school-age girls attended elementary school in 1998 and 1999, up from 44.8 percent in 1990 (compared with 88 percent for boys, up from 58.3 percent). At the secondary level, female students constituted 37.4 percent of those enrolled. Despite these increases, enrollment in eastern Mauritania, the Brakna, and along the Senegal River remained at a lower level. The Government introduced a special countrywide program in 1995and 1996 to boost female enrollment at the elementary level. Female students made up 17 percent of the university's 1998-99 enrollment, compared with 9 percent in 1990. Female students also constituted 30.5 percent of students enrolled in technical schools, compared with 2 percent in 1990. The literacy rate for women is 36 percent compared with 50 percent for men. Almost all children, regardless of sex or ethnic group, attend Koranic school from the ages of 5 to 7 and gain at least rudimentary skills in reading and writing Arabic (see Section 2.c.)

The law makes special provision for the protection of children's welfare, and the Government has programs to care for abandoned children; however, these programs are hampered by inadequate funding. Local NGO's estimate that there are over 253 street children. The Government relies on foreign donors in such areas as child immunization. Moreover it does not enforce existing child labor laws, and children perform a significant amount of labor in the informal sector in support of family activities (see Section 6.d.).

Traditional forms of mistreatment of females continue, mostly in isolated rural communities, but these practices appear to be on the decline. One form of such mistreatment is the forced feeding of adolescent girls (gavage) which is practiced only among the Moors. Experts previously estimated that between 60 and 70 percent of women experienced gavage but now conclude that very few Moor women continue to experience gavage. The change in figures appears to reflect both prior overestimation and a significant decline in the practice in recent years. While there is no law prohibiting gavage, the Government has made it a policy to end the practice. The Government continued intensive media and educational campaigns against gavage during the year in the Government print and broadcast media and through public seminars.

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced among all ethnic groups except the Wolof. It is performed most often on young girls, often on the seventh day after birth and almost always before the age of 6 months. A March 1996 report by the United Nations Population Fund and a study published in 1997 by Jeune Afrique Economie cited the country as one in which 25 percent of women undergo FGM. Among Halpulaar women, over 95 percent undergo FGM. Preliminary results of a foreign-funded study indicate that 66 percent of those who perform FGM recognize that the practice is detrimental to women's health, and 54 percent of imams agree that the practice is dangerous. Local experts agree that the least severe form of excision is practiced, and not infibulation, the most severe form of FGM. The practice of FGM has decreased in the modern urban sector.

The Government continued intensive media and educational campaigns against FGM during the year. It is a clear public policy of the Government, through the Secretariat of Women's Affairs, that FGM should be eliminated, and the Government bars hospitals from performing it. Public health workers and NGO's educate women to the dangers of FGM and to the fact that FGM is not a requirement of Islam. For example, a 1996 officially produced Guide to the Rights of Women in Mauritania (with religious endorsement) stresses that Islam does not require FGM and that, if medical experts warn against it for medical reasons, it should not be done. The campaign against FGM appears to be changing attitudes towards the practice, according to several women's rights experts.

People with Disabilities.—The law does not provide specifically for the disabled, and the Government does not mandate preference in employment or education or public accessibility for disabled persons. However, it does provide some rehabilitation and other assistance for the disabled. NGO's have become increasingly active in raising public awareness of issues affecting the disabled. In 1974 the Government opened the first school for the deaf and the blind in Nouakchott. It became more active in 1986, and during the year it operated 6 classrooms and enrolled 35 students (20 girls and 15 boys); however, they lack trained staff. During the year, the school obtained the services of a volunteer expert who provided professional training for the staff.

There is no societal discrimination against the disabled.

National/Racial/Ethnic Minorities.—Ethnic minorities and low-caste individuals among all ethnic groups confront societal discrimination. Ethnic and cultural tension and discrimination arise from the geographic and cultural line between traditionally nomadic Arabic-speaking (Hassaniya) Moor herders and Peuhl herders of the Halpulaar group in the north and center, and sedentary cultivators of the Halpulaar (Toucouleur), Soninke, and Wolof ethnic groups in the south. Although culturally homogeneous, the Moors are divided among numerous ethno-linguistic clan groups and are racially distinguished as Beydane and Haratine, or White Moors and Black Moors, though it is often difficult to distinguish between the two groups by skin color. The majority of those known as Black Moors are Haratine, literally "one who has been freed," although some Black Moor families never were enslaved. "White" Moors, large numbers of whom are dark-skinned after centuries of intermarriage with members of Sub-Saharan African groups, dominate positions in government and business. The Halpulaar (the largest non-Moor group), the Wolof, and the Soninke ethnic groups are concentrated in the south and are underrepresented in the military and security sectors.

A number of accounts indicate that redistribution of southern farmland to Moors since the acceleration of desertification in the 1970's has contributed to tensions between Moors and southern-based ethnic groups. Although much of the Government's redistribution of land has been from southerners to southerners, some Moors have been resettled in the south. Ethnic tensions surfaced dramatically in the mass expulsions of southern-based ethnic groups—mostly Halpulaars—in 1989 and 1990 and the purge of Halpulaars from the military in 1991. Few regained their positions; however, tensions have lessened.

The Constitution designates Arabic along with Pulaar, Soninke, and Wolof as Mauritania's national languages. However, successive governments—both civil and military—have pursued various policies of "Arabization" in the schools and in the workplace. Non-Arabic-speaking ethnic groups have protested this policy, as have Arabic-speaking groups that want their children to obtain a bilingual Arabic-French education.

In April 1999, the National Assembly approved educational reforms to replace the separate track Arabic-French system of education, which had been in place for 20 years, with a unified system for all citizens in which both French and Arabic would be the languages of instruction for all students. Under the separate track system, Moors generally attended Arabic language schools, while Halpulaars, Soninke, and Wolof attended French-language schools. The Government concluded that the separate track system had contributed to ethnic divisions. Reversion to the previous unified system, with all students attending the same schools, is expected to promote social cohesion. The reform also provides for English and civics to be introduced at an early stage. The promotion of other national languages, previously included at the elementary level, was moved to the university level.

Ethnic rivalry contributed significantly to political divisions and tensions. Some political parties tend to have readily identifiable ethnic bases, although political coalitions among them are increasingly important. The acceleration of desertification during the 1970's that destroyed much of the traditional economic basis of Moorish society, and an upsurge of Arab nationalism among White Moors during the 1980's, contributed to explosive ethnic violence precipitated by a dispute with Senegal during 1989-91; this violence entailed the expulsion or flight of many non-Moors living in the south and occupation of much of their land by Moors, including Black Moors. Interethnic bitterness and hostility persists, and continues to be aggravated by climatic, land, and population pressures.

A number of accounts suggest that some members of the long-dominant White Moor community, which traditionally enslaved darker skinned groups, may continue to expect or desire servility on the part of members of the generally darker Black Moors and southern ethnic groups, and that such attitudes may impede efforts to build a nondiscriminatory society and to eliminate the vestiges and consequences of slavery, goals to which both the Government and major opposition parties are committed. There are indications that racism on the part of some White Moors may have contributed both to the persistence of vestiges and consequences of past White Moor enslavement of Black Moors, and to the expulsions and reported dispossession of members of darker southern ethnic groups with no tradition of servility to White Moors. However, southern-based ethnic groups and Black Moors have manifested little racial solidarity socially or politically, and racial differences did not contribute either to historical slavery or to the persistence of its vestiges and consequences among southern-based ethnic groups.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association and the right of citizens to join any political or labor organization. All workers except members of the military and police are free to associate in and establish unions at the local and national levels.

Prior to the 1993 amendment of the Labor Code, which repealed provisions restricting trade union pluralism, the governmentcontrolled labor confederation, the Union of Mauritania Workers (UTM), was the only labor confederation allowed by law. However, there are now three labor confederations; the Union of Mauritanian Workers (UTM), the General Confederation of Mauritanian Workers (CGTM), and the Free Confederation of Mauritanian Workers (CLTM). There are also four unaffiliated professionally based labor unions. The oldest of the three confederations, UTM, still is viewed by many workers as closely allied with the Government and the PRDS. It has lost ground to the CGTM, which was recognized in 1994 with 23 member unions, and the CLTM, which was founded in 1995 and recognized in 1998. The CGTM is not affiliated with any party, although most of its members tend to favor the opposition. The CLTM is associated with the opposition party, Action for Change.

The Government provides funds to the confederations in proportion to their memberships. All three confederations supplied representatives to the country's four labor tribunals, and were included in most government deliberative or consultative bodies. Several independent trade unions, in particular three for teachers at the elementary, secondary, and university levels, also were active.

The bulk of the labor force is in the informal sector, with most workers engaged in subsistence agriculture and animal husbandry; only 25 percent are employed in the wage sector. However, nearly 90 percent of industrial and commercial workers are organized. The law provides workers with the right to strike. It also provides for tripartite arbitration committees composed of union, business, and government representatives. Once all parties agree to arbitration, the committee may impose binding arbitration that automatically terminates any strike. There were no strikes or work stoppages during the year. In September a dockers" union of the CLTM threatened a strike during negotiations, but a settlement was reached before the date set for the strike.

International trade union activity increased. The Government included CGTM, UTM, and CLTM representatives in its delegation to the International Labor Organization (ILO) in June. The national syndicates continued to organize training workshops for their memberships throughout the country.

Unions are free to affiliate internationally. The UTM participates in regional labor organizations. The CGTM and UTM are both members of the International Confederation of Free Trade Unions (CFTU). The UTM has been accepted into the Organization of African Trade Union Unity (OATUU), but the CGTM's application was not accepted, as the OATUU only accepts one member union from each country.

b. The Right to Organize and Bargain Collectively.—The law provides that unions may organize workers freely without government or employer interference. General or sectoral agreements on wages, working conditions, and social and medical benefits are negotiated in tripartite discussion and formalized by government decree. Wages and other benefits also can be negotiated bilaterally between employer and union and the results of such negotiations are filed with the Directorate of Labor.

Laws provide workers with protection against antiunion discrimination and employees or employers may bring labor disputes to three-person labor tribunals administered jointly by the Ministries of Justice and Labor with the participation of union and employer representatives.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of slavery and forced and bonded labor; however, the Government does not enforce this prohibition effectively. Citizens continue to suffer the effects and consequences of the practice of slavery over generations and of caste distinctions including the traditional existence of a slave caste in both Moor and southern communities. Slavery was abolished officially three times in Mauritania, most recently by the post-independence government in 1980. Even before 1980, the practice of slavery among the traditionally pastoralist Moors had been greatly reduced by the accelerated desertification of the 1970's; many White Moors dismissed their former Black Moor slaves because the depletion of their herds left them unable either to employ or to feed slaves. However, widespread slavery also was traditional among ethnic groups of the largely nonpastoralist south, where it had no racial origins or overtones; masters and slaves alike were black. The south has suffered less from desertification, and some reports identify it as the region in which vestiges and consequences of slavery may persist most strongly.

A system of officially sanctioned slavery in which government and society join to force individuals to serve masters does not exist. There has been no open trading in slaves for many years; however, there continued to be unconfirmed reports that slavery in the form of forced and involuntary servitude may persist in some isolated areas. Unofficial voluntary servitude persists, with some former slaves continuing to work for former masters in exchange for monetary or nonmonetary benefits such as lodging, food, or medical care. Many persons, including some from all ethnic groups, still use the designation of slave in referring to themselves or others. The reasons for the persistence of such practices appear to be economic, psychological, and religious, although they vary widely and may be quite different among pastoralist or formerly pastoralist Moors from what they are among the southerners and the less numerous nonpastoralist Moors. Poverty, persistent drought, and a weak economy provide few economic alternatives for many and leave some former slaves vulnerable to possible exploitation by former masters. There are reports that some former slaves in some sedentary communities have continued to work for their former masters or others in order to retain access to the land they traditionally farmed, although the law provides for distribution of land to the landless including to former slaves, and this law has been enforced in many cases (see Section 1.f.). In addition to their usual compensation, some former slaves, who continue to work for former masters, also receive gifts on important family occasions such as births, marriages, and deaths. Deeply embedded psychological and tribal bonds also make it difficult for many individuals who have generations of forebears who were slaves to break their bonds with former masters or their tribes. Finally, because of the belief that their slave status had been religiously ordained, some individuals continue to link themselves to former masters for fear of religious sanction if that bond is broken.

Adults cannot be obliged by law to remain with former masters nor can they be returned if they leave. However, adult females with children may have greater difficulties and may be compelled by pressures other than physical force to remain in a condition of servitude. For example, in some cases, especially where the former master claims to be the father, former masters refuse to allow children to accompany their mothers when the mother leaves the master. In most cases involving custody disputes between former masters and former female slaves the courts have been instructed by the Minister of Justice to rule in favor of the women, and in virtually all custody cases the courts have ruled for the women. In other cases, the greater economic responsibility of supporting a family may be the principal impediment to a woman seeking a new life. Children's legal status is more tenuous than that of adults. There have been no reports of sales or "transfer" of children or other individuals from one employer or master to another since 1996, when there were occasional confirmed cases of transfers; however, reports of sales are rare, cannot be confirmed, and appear to be confined to past years.

The legacy of caste distinctions continues to affect the status and opportunities available to various groups. In some groups, for example, individuals of a higher caste who seek to marry someone of a lower caste may be barred by their families or by the community, and in Soninke communities members of the slave caste cannot be buried in the same cemetery as other castes.

NGO positions on the existence of slavery are not uniform. For example, SOS-Esclaves in an April 1997 report characterized slavery as a persistent social reality, whose occurrence among disadvantaged classes is far from negligible (see Section 4). The Organization of African Unity's (OAU) African Commission on Human and People's Rights issued a report in June 1997 that disputed the conclusions of the April 1997 SOS-Esclaves report. While allowing for the possibility of isolated cases of slavery in the remote countryside, the Commission concluded that slavery does not exist as an institution and that the persistence of vestiges of slavery was the more convincing explanation of social relations. Anti-Slavery International has stated that there is insufficient evidence one way or the other to conclude whether or not slavery exists, and that an in-depth, long-term study was required to determine whether the practice continues.

Problems related to the vestiges and consequences of slavery usually enter the public domain in judicial cases, most often in the form of child custody and inheritance disputes between former masters and former slaves or their descendants. However, court adjudication of such cases is rare. Several inheritance disputes between Haratines and the descendants of their former master were adjudicated in court in recent years. Most such disputes were decided in accordance with the law, as the courts ruled that the descendants of the former slaves should inherit their property. However, in some cases involving land tenure, courts reportedly did not uphold the property rights of former slaves. In June the land of several Black Moor families, some of whom were former slaves, in the Dar El Barka and Boghe communes was

confiscated by the Wali (Governor) for redistribution to his relatives and supporters. The Haratines held protest demonstrations during which several of them were beaten and detained by the police (see Sections 1.c., 1.d., and 1.f.). The Government sanctioned the Governor by removing him from his post. The new Governor was considering returning the land to the Haratine communes, but had not done so by year's end.

A case involving a former master, who was awarded custody of three children in early 1997 because he was deemed to be the father, was resolved by mediation in 1999, with the children living with their mothers in Nouakchott. The determination of such cases is problematic in a country where there is polygyny, "secret" marriages, no written records, and divorce by repudiation. The courts are prepared to pursue the concept of genetic testing to determine paternity, but no such cases have yet been brought.

Three NGO's—SOS-Esclaves, the National Committee for the Struggle Against the Vestiges of Slavery in Mauritania, and the Initiative for the Support of the Activities of the President—focused on issues related to the history of slavery in Mauritania. Of these SOS-Esclaves was particularly active in bringing to public attention cases in which it found the rights of former slaves to have been abridged and in assisting former slaves in their difficulties with former masters. Other human rights and civic action NGO's also follow this issue closely. The independent press, which includes journals that are published by Haratines and southern-based ethnic groups who emphasize issues of importance to these ethnic groups, is also quick to report any incident that comes to its attention in which the rights of former slaves have not been respected.

The Government focuses on education, literacy, and agrarian reform as the main means to eradicate the vestiges of slavery and deal with its consequences. The Government has raised the level of primary school attendance from 45 percent in 1986 to 85 percent in 1999. Classes are fully integrated, including boys and girls from all social and ethnic groups. In recent years, the Government's record in cases in which an individual's civil rights were adversely affected because of status as a former slave was weak. When complaints were filed with the Government to remedy cases involving detention of individuals against their will, the Government intervened in accordance with the law, although sometimes only after considerable prodding and passage of time. In May 1999, the Government created a new cabinet post, the Commissariat for Human Rights, Poverty Alleviation, and Integration. A major focus of the commissariat is to address the vestiges and consequences of slavery.

The law prohibits forced and bonded labor by children and, unlike in the previous year, there were no reports that it occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code states explicitly that children must not be employed before the age of 14 in the nonagricultural sector unless the Minister of Labor grants an exception due to local circumstances. The Government has a functional labor inspectorate empowered to refer violations directly to the appropriate judicial authorities. The Government lacks sufficient resources to enforce existing child labor laws (see Section 5).

Labor law specifies that no child under the age of 13 may be employed in the agricultural sector without the permission of the Minister of Labor, nor under the age of 14 in the nonagricultural sector. The law states that employed children between the ages of 14 and 16 should receive 70 percent of the minimum wage, and that those between the ages of 17 and 18 should receive 90 percent of the minimum wage. Young children in the countryside commonly pursue herding, cultivation, fishing, and other significant labor in support of their families' activities. In keeping with longstanding tradition, many children serve apprenticeships in small industries and in the informal sector. There is no child labor in the modern industrial sector.

On July 12, the Government signed ILO Convention 182 against the worse forms of child labor; the Convention was ratified in December by the Parliament. The Government organized a national campaign in August to publicize the rights of children including pertinent labor regulations and the objective of universal education.

The Government prohibits forced and bonded labor by children, and, unlike in the previous year, there were no reports that it occurred.

e. Acceptable Conditions of Work.—The minimum monthly wage for adults is $48.36 (9,872 ouguiya). It is difficult for the average family to meet minimum needs and maintain a decent standard of living at this salary.

The standard, legal, nonagricultural workweek may not exceed either 40 hours or 6 days without overtime compensation, which is paid at rates that are graduated according to the number of supplemental hours worked. Domestic workers and certain other categories work 56 hours. The Labor Directorate of the Ministry of Labor

is responsible for enforcement of the labor laws, but in practice inadequate funding limits the effectiveness of the Directorate's enforcement.

The Ministry of Labor also is responsible for enforcing safety standards but does so inconsistently, due to inadequate funding. In principle workers can remove themselves from hazardous conditions without risking loss of employment; in practice, they cannot.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked through, to, or within the country.

MAURITIUS

The Republic of Mauritius, a parliamentary democracy since 1968, is governed by a prime minister, a council of ministers, and a national assembly. The President, who is nominated by the Prime Minister and confirmed by the National Assembly, serves as Head of State, with largely ceremonial powers. National and local elections, supervised by an independent commission, take place at regular intervals. According to international and local observers, the national elections, held on September 11, were free and fair, and resulted in a victory for an opposition coalition, the Mauritian Socialist Movement/Militant Mauritian Movement (MSM/MMM). There are numerous political parties, and partisan politics are open and robust. The judiciary is independent.

A paramilitary Special Mobile Force under civilian control is responsible for internal security. This force, commanded by the Commissioner of Police, is backed by a general duty police force. Both forces are largely apolitical, but were criticized for being inadequately trained to prevent and control rioting that broke out nationwide in February 1999. Some members of the security forces committed serious human rights abuses.

The economy is based on labor-intensive, export-oriented manufacturing (mainly textiles), as well as sugar and tourism. The standard of living is high, with a per capita gross domestic product of $3,274 per year. The Government is diversifying the economy by promoting investment in new sectors such as information technology and financial services.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There was at least one extrajudicial killing by police, and judicial inquiries were ongoing in at least eight cases of deaths in police custody. There continued to be occasional reports that police abused suspects and detainees and delayed suspects" access to defense counsel. The Government's monopoly in broadcasting local news and programming continued. In some cases, police restricted freedom of assembly. Although the law to establish a national human rights commission to investigate complaints against the police, including allegations of police brutality, went into effect in February 1999, the commission was not established by year's end. Violence and discrimination against women and abuse of children continued to be problems. There were some restrictions on the rights of workers in the export processing zone (EPZ). Child labor and forced child prostitution remained problems.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of politically motivated killings; however, police committed at least one extrajudicial killing.

In January in the southern part of the country, police shot and killed Rajen Sabapathee, a prisoner who escaped in August 1999; two police officers were wounded in the exchange of shots. No action was taken against the police officials.

In November four men were found guilty and sentenced to life in prison for setting a May 1999 fire at a Chinese social club in Port Louis that resulted in seven deaths (see Section 5).

On March 23, 1999, the Prime Minister responded to a parliamentary question and stated that eight detainees had been found dead in police cells between January 1, 1998, and February 28, 1999. The deaths were under investigation at year's end (see Section 1.c.). Additionally, three persons died in prison in August and November 1999, and three more persons died in prison in February and April (see Section 1.c.). None of these deaths were reported as involving police abuse; all investigations have been closed; however, at year's end, the Government had made no official response.

The judicial inquiry continued into the February 1999 death in police custody of a popular Creole singer, Kaya. Kaya's death sparked 3 days of rioting in February 1999 during which police shot and killed three protesters, one police officer died of cardiac arrest, and shops, homes, and churches were burned and looted, resulting in an estimated $50 million (1,250 million rupees) in damages. Following a second inquiry into the death of another Creole musician, who was shot and killed by police during the February 1999 riots, the Director of Public Prosecutions recommended in May that disciplinary proceedings be introduced against the three police officers accused of the killing of the second musician. In October the Government released a report on the riots compiled by a judicial commission. The report criticized the previous Government and the police for their handling of the riots; it also criticized some opposition politicians and Creole activists for inciting some of the riots. Although the commission did not investigate Kaya's death, it criticized the police for holding the musician in a high security area although the crime he was accused of did not warrant it (see Section 5.) At year's end, the investigation into the death of Kaya continued; however, no actions were taken with regard to any of the deaths that occurred during the riots.

Little progress was made in resolving the case of a person who died in police custody in 1996. An April 1998 preliminary inquiry into the case did not result in any charges being filed against police officers. Human rights lawyers asserted that the police were attempting to conceal the facts surrounding the death and were not conducting thorough, unbiased investigations.

On December 4, authorities arrested Hizbullah leader Mohammad Fakemeeah (also known as Cehl Meeah) and charged him with the killings of three rival Muslim political activists during the 1996 municipal election campaign (see Sections 1.c. and 2.c.). By year's end, police had arrested three other Hizbullah members in connection with the killings. In two separate incidents in December, four other suspects committed suicide rather than surrender to police. Trials for all four suspects were pending at year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and inhuman punishment, and authorities generally respected this prohibition; however, there continued to be complaints of abuses by the police. The most frequent form of alleged police abuse is the use of force to coerce a suspect to sign a confession.

On December 4, police arrested Hizbullah leader Cehl Meeah for a 1996 killing (see Section 1.a.). Supporters alleged that police mistreated Meeah in detention; Meeah was hospitalized on December 6 for observation and x rays. The police commissioner appointed a high-level committee to investigate the allegations (see Sections 2.b. and 2.c.).

In October and November, approximately a dozen individuals detained by the Central Investigative Division (CID) of the police on suspicion of crimes including armed robbery and murder reported that police had beaten them during interrogation. In December the Commissioner of Police opened an investigation into the complaints; however, at year's end, no results had been announced.

In November officials of an antidrug squad detained a foreign national for 2 days, verbally abused him, and subjected him twice to intrusive body cavity searches and drug testing (see Section 1.d.).

A judicial inquiry was ongoing into the circumstances behind the February 1999 death in police custody of the popular singer Kaya (see Section 1.a.).

In response to the eight reported deaths in police custody between January 1, 1998, and February 28, 1999 (see Section 1.a.), the Commissioner of Police established in October 1999 a Complaints Investigation Bureau (CIB) to investigate complaints against police; it is funded and staffed by the police. Since its inception, the CIB has received 587 complaints. The National Human Rights Commission (see Section 4), mandated by law in 1998 and scheduled to supervise the CIB, had not been formed at year's end.

Prison conditions generally are adequate; however, there were some deaths in prison. Food, water, and medical care were available to all prisoners; sanitation was adequate. Women were held separately from men, and juveniles were held separately from adults. There were no reports of abuse of women or juveniles in prison.

In February a terminally-ill prisoner died of pneumonia in the central prison outside Port Louis; at the time of his death, the prisoner's body reportedly was covered with bruises and scratches of unknown origin. In April a prisoner in police custody in the southern part of the country died of burns that he received when the mattress in his cell caught fire. Also in April, a prisoner died in the central prison; the cause of death initially was listed as death by cerebral pulmonary edema, but later was amended to be death by poisoning after authorities concluded laboratory anal-

ysis. Authorities still were investigating this death at year's end. In all of the other cases of deaths in prison subsequent to February 1999, police conducted investigations, and there were no reports of abuse or neglect (see Section 1.a.).

The Government has permitted prison visits by foreign diplomats, the national Ombudsman, a team from the U.N. Human Rights Commission, and the press. The Government stated in 1999 that it would investigate conditions and treatment in police holding cells; however, it did not begin an investigation by year's end.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. In most cases, suspects are provided prompt access to family and defense counsel; however, police in some cases delayed suspects" access to defense counsel. Minors and those who did not know their rights were more likely not to be provided prompt access.

In November officials of an antidrug squad detained a foreign national for 2 days, verbally abused him, and subjected him twice to intrusive body cavity searches and drug testing. The officials refused to allow him access to embassy officials; ultimately he was released without charge. No action was taken against the antidrug officials (see Section 1.c.).

In April an investigation by the Director of Public Prosecutions revealed that authorities in the southern part of the country held a man suspected of murder in police custody for 2 years without formally charging him with a crime. A judicial inquiry is ongoing, but at year's end there were no results.

In January the Government passed the Public Security Act, which would allow police with the rank of assistant superintendent and above to detain individuals without a warrant in any situation where the delay in obtaining a warrant may be prejudicial to public safety; however, the Government did not implement the law in response to public opposition. The then political opposition, which also opposed the bill, became the Government in September (see Section 2.b.) and, at year's end, had taken no action on the law.

The Constitution prohibits forced exile, and the Government does not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice.

The judicial system consists of the Supreme Court, which has appellate powers, and a series of lower courts. Final appeal may be made to the Privy Council in the United Kingdom.

The Constitution provides for the right to a fair trial, and the judiciary vigorously enforces this right. Defendants have the right to private or court-appointed counsel. In December the National Assembly passed a Dangerous Drugs Act, which allows law enforcement authorities to hold suspected drug traffickers for up to 36 hours without access to bail or legal counsel. At the same time, the National Assembly passed a constitutional amendment to permit the 36-hour detention of suspects without legal counsel. A similar Dangerous Drugs Act was passed in 1995, but it had been undergoing judicial review because of its alleged conflict with the Constitution.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, government authorities generally respect these provisions, and violations are subject to legal sanction. Both human rights lawyers and police authorities stated that illegal entry by the intelligence service had ceased. The acting Commissioner of Police stated that police do not use illegal wiretaps on telephones.

In January the Government passed the Public Security Act, which would allow police of the rank of assistant superintendent and above to search any premises without a warrant in any situation where the delay in obtaining a warrant may be prejudicial to public safety; however, the Government did not implement the law in response to public opposition (see Sections 1.d. and 2.b.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice.

More than a dozen privately owned newspapers presented varying political viewpoints and expressed partisan views freely. The Government has the ability to counter press criticism by using strict libel laws; however, the Government has not invoked these measures to inhibit the press. Libel suits between private parties are common.

The government monopoly in broadcasting local news and programming continued. In August the National Assembly passed legislation, the Independent Broadcasting Authority Act, which created the Independent Broadcast Authority (IBA).

The IBA's mandate is to regulate and license all radio and television broadcasting, and the law provides for private ownership of broadcasting stations and the independence of the IBA. However, the IBA is to be composed of representatives of several government ministries and will be chaired by an appointee of the Prime Minister. The IBA is also subject to the Prime Minister on matters of national security and public order; however, at year's end, it had not been created. One private news organization began local news broadcasts in July 1998 on the Internet, thereby circumventing the ban on private party television or radio local news broadcasts. Foreign international news services, such as the United Kingdom's Sky News, France's Canal Plus, and Cable News Network, are available to the public by subscription.

Opposition and media observers criticized the state-owned Mauritius Broadcasting Corporation (MBC) for supporting the governing alliance in the September 11 election campaign. The new Government stated following the elections that it would depoliticize the MBC. Representatives of the Mauritian Journalists Association noted in October that broadcast journalists reported less governmental pressure on their reporting, and the directors of the MBC met in November to discuss ways to make the MBC more apolitical; however, at year's end, no specific action had been taken.

In 1999 the then opposition MSM/MMM, in a judicial challenge to the results of a September 1999 by-election, formally accused the MBC of providing biased coverage favoring the Government's candidate during the by-election campaign; the MBC rejected this charge. The Supreme Court postponed a hearing on this matter, which was scheduled for November 1999. The hearing was not rescheduled by year's end; and the MSM/MMM victory in the September election made further legal action unnecessary.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice; however, police permission is required for demonstrations and mass meetings, and such permission was refused in certain cases during the year. However, there is a right of judicial appeal, and in one high-profile case in August during the election campaign, the Supreme Court overturned a decision not to permit a demonstration. In this case, police refused to allow a public gathering to discuss alleged corruption by then-government ministers. The Supreme Court overturned this refusal, stating that the threats of defamation and disturbing the peace were not sufficiently compelling to prohibit the gathering. While groups have the right to challenge denials, one group went ahead with its demonstration without police permission; police verbally reprimanded its organizer.I11In December supporters of Hizbullah leader Cehl Meeah demonstrated on two occasions to protest his alleged mistreatment while in police custody (see Sections 1.a., 1.c., and 2.c.). Police did not interfere with the demonstrations.

The Constitution provides for freedom of association, and the Government respects this right in practice.

In January the Government passed the Public Security Act, which would allow the Commissioner of Police to proscribe any organization believed to promote or engage in terrorism. The act also would allow police to arrest any group of 10 or more persons who riot or threaten to riot and to arrest any individual present at the scene of a riot. The Government did not implement the law in response to public opposition (see Section 1.d.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

The Government is generally secular in both name and practice; however, the previous administration favored the Hindu majority of the population.

Foreign missionary groups are allowed to operate on a case-by-case basis. There are no government regulations detailing the conditions of their presence or limiting their proselytizing activities. Groups must obtain both a visa and a work permit for each missionary. Foreign missionaries sometimes are prohibited from residing in the country beyond 5 years (which would permit them to seek Mauritian citizenship), but religious organizations are permitted to send new missionaries to replace them.

d. Freedom of Movement Within the Country, Foreign, Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice.

The Government does not grant asylum to refugees in general on the grounds that the country is small, has limited resources, and does not wish to become a haven for large numbers of refugees. In 1999 the Government allowed a Seychelles citizen and his family to remain in the country while they sought asylum in another country; they were granted asylum in another country in March. In June two refugees from the Democratic Republic of the Congo sought asylum. The U.N. High Commis-

sioner on Refugees refused to grant them refugee status, and the Government expelled them to Zimbabwe at the end of July.

There were no reports of the forced return of persons to a country where they feared persecution.

In November a group of citizens who are natives of the Chagos Archipelago (also known as the British Indian Ocean Territory) won a lawsuit against the British Government that claimed they had been removed illegally from their homeland in 1971. In response to the lawsuit, the British Government ruled that the Chagossians could return to the outer islands of the archipelago but not to Diego Garcia. The Chagossians planed to visit the islands in 2001 in preparation for their eventual return.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice. According to international and local observers, free and fair national elections based on universal suffrage were held on September 11, and the opposition MSM/MMM federation defeated the governing Labor Party/Parti Mauricien Xavier Duval coalition. In December 1998, the National Assembly passed legislation granting voting rights in the general elections to the 300 residents of the island of Agalega; previously, they had not been represented in the National Assembly. This leaves only the residents of the island of Saint Brandon without suffrage. There are approximately 100 fishermen on 6- to 12-month contracts living on Saint Brandon.

Women continued to be underrepresented in government and politics. Of the 70 National Assembly seats, 4 are held by women, and there is 1 female minister. In the National Assembly, up to eight members are appointed through a "best loser" system to ensure that all ethnic groups are represented; there are eight such members.

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

A number of human rights groups operate without government restriction and actively investigate and publish their findings on human rights cases; these groups include Amnesty International, Transparency International, and SOS Femmes. Government officials cooperated with and responded to the views of human rights groups.

The constitutionally mandated, autonomous Ombudsman investigates complaints of human rights abuses. The Ombudsman receives approximately 500 complaints a year and presents an annual report to the Government that details the status of investigations into these complaints. A National Human Rights Commission, provided for by a 1998 law, had not been established by year's end. Authorities have not nominated a president of the commission, who according to the law, must be a former Supreme Court judge. The commission is to have three other members, of whom one must be a lawyer or a judge with 10 years of experience, and the other two must have experience in the human rights field. The commission is to investigate abuses by any public servant, but it cannot investigate complaints that are already the subject of an inquiry by the Ombudsman, the Director of Public Prosecutions, the Public Service Commission, or the Disciplined Forces Service Commission. The commission is to have the authority to visit centers of detention or prisons to assess and make recommendations on conditions. The commission first tries to resolve complaints through conciliation. If not successful, the commission can forward cases to the Director of Public Prosecutions (if criminal in nature), to the service commissions for disciplinary measures, or to the responsible authority in question.

Numerous international NGO's were active during the year, including Amnesty International, Transparency International, Rotary International, Soroptomist, and many others.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution specifically prohibits discrimination on the basis of race, caste, place of origin, political opinion, color, religion, or sex, and the Government generally respected these provisions.

Women.—Violence against women, particularly spousal abuse, is a problem according to the Ministry of Women's Rights, Child Development, and Family Welfare, attorneys, and NGO's. The Protection from Domestic Violence Act, partially enacted in 1997, came into full force in 1998; it criminalized domestic violence and provided the judicial system with greater powers to combat this problem. In November the Ministry of Women's Rights, Child Development, and Family Welfare released a

study on domestic violence conducted by independent consultants. The study stated that 6,367 cases of domestic violence were reported to authorities between September 1998 and August 1999. According to the study, 1,242 protection orders were issued against abusive partners in 1999. According to officials, the number of reported spousal abuse cases has risen primarily due to a greater awareness of women's rights and the Government's readiness to enforce them. Nevertheless, many victims still choose not to prosecute or report their attacker, primarily due to cultural pressures. A UNICEF-funded study from 1998 reported that alcohol was a contributing factor in 56 percent of domestic violence cases.

Since women often depend on their spouses for financial security, many remain in abusive situations for fear of being unable to provide for their children as single parents. While a magistrate can order a spouse to pay child support, some spouses have stopped working in order to avoid payment. However, in 1998 several amendments to the Criminal Code were enacted that made it a crime to abandon one's family or a pregnant spouse for more than 2 months, not to pay court-ordered food support, or to engage in sexual harassment.

Traditionally women have played subordinate roles in society, and societal discrimination continues; however, women have access to education, employment, and government services. The Minister of Women, Family Welfare, and Child Development stated in August 1999 that 25.8 percent of managers are women.

Children.—The Government placed strong emphasis on the health and welfare of children and displayed a commitment to expand educational opportunities for children. Education is free and mandatory until the age of 12; attendance at the primary level is 100 percent, but only 60 percent of children attend school at the secondary level (which includes the ages from 12 to 19). In 1998 the former Government set a goal to increase this to age 15 once 60 new schools were authorized and built. The new Government has stated that it plans to increase mandatory education to the age of 16. The new Government confirmed plans for school construction, and sites for 20 new schools were identified during the year; however, no new schools had been built by year's end.

In 1998 the Government began preparing a curriculum for human rights education to be introduced into social studies courses at the primary and secondary levels. The original goal was to implement the curriculum at the primary level in 1999 and at the secondary level in 2002; however, the curriculum had not been implemented at either level by year's end.

In 1998 the legislature passed additional provisions to the Protection of the Child Act, making certain acts compromising the health, security, or morality of children a crime. Under the act, child prostitution is criminalized, but only the adult is an offender and the child involved is given social aid. Child pornography also is criminalized, and the child is offered social aid while the adult offender is prosecuted.

Although incidents of child abuse are reported, private voluntary organizations claim that the problem is more widespread than is acknowledged publicly. Most government programs are administered by the state-funded National Children's Council and the Ministry of Women's Rights, Family Welfare, and Child Development, which provides counseling, investigates reports of child abuse, and takes remedial action to protect affected children. In June the Ministry of Women's Rights, Child Development, and Family Welfare announced that 3,350 cases of child abuse have been reported since 1997.

People with Disabilities.—There is no discrimination against disabled persons in employment, education, or in the provision of other government services. The law requires organizations that employ more than 10 persons to set aside at least 3 percent of their positions for the disabled. There is no law mandating access to public buildings or facilities. The law does not require that work sites be accessible to the disabled, making it difficult for persons with disabilities to fill many jobs.

Religious Minorities.—Tensions between the Hindu majority and Christian, Creole, and Muslim minorities persisted; however, there were no violent confrontations during the year.

Mauritius is a small island nation, and ethnic groups, known as "communities," are quite tightly knit. Intermarriage is relatively rare. An individual's name easily identifies his or her ethnic and religious background. There is a strong correlation between religious affiliation and ethnicity. Citizens of Indian ethnicity are usually Hindus or Muslims. Citizens of Chinese ancestry usually practice Buddhism and Catholicism. Creoles and citizens of European-descent are usually Catholic. However, there is a growing number of Hindu converts to evangelical Christian churches, a fact that is of growing concern to Hindu organizations.

In December police arrested and charged the leader of the local chapter of Hizbullah, an international Shia Muslim group, Cehl Meeah and three others for

the 1996 killing of three rival Muslim political activists (see Section 1.a.). On December 5 and 6, Hizbullah supporters demonstrated to protest the alleged mistreatment of Meeah while in custody (see Sections 1.c. and 2.b.). Despite fears of unrest, there were no violent confrontations as a result of the arrest.

In the wake of violent confrontations in February and May 1999 that were partially the result of ethnic tensions, the Government took steps to foster unity, including the establishment in October 1999 of an annual National Unity Award, which is given to individuals who have implemented programs that promote national unity. In April 1999, the President also formed a Committee for the Promotion of National Unity, which organized activities to foster goodwill between ethnic groups. In April 1999, the heads of the Catholic Diocese and the Hindu House recommended that the President establish an interreligious council; however, such a council had not been created by year's end.

Some minorities, usually Creoles and Muslims, allege that a glass ceiling exists within the upper echelons of the civil service that prevents them from reaching the highest levels.

National/Racial/Ethnic Minorities.—Tensions among the Hindu, Creole, Muslim, European, and Chinese communities persisted; however, there were no violent confrontations during the year. In February 1999, there were several days of rioting and interethnic confrontations after a popular Creole singer died in police custody, resulting in four deaths and approximately $50 million (1,250 million rupees) in property damage. In October the Government released a report on the riots compiled by a judicial commission. The report criticized the previous government and the police for its handling of the riots; it also criticized some opposition politicians and Creole activists for inciting some of the riots. The commission made general recommendations to the Government and the police for handling similar future incidents (see Section 1.a.).

In November four men were found guilty and sentenced to life in prison for setting a fire at a Chinese social club in Port Louis in May 1999 that resulted in seven deaths.

As a result of the ethnic violence that occurred in February and May 1999, several initiatives were taken in 1999 to improve relations between ethnic groups.

In April 1999, the President established a Committee for the Promotion of National Unity, which consists of 20 members from a wide cross section of the public and private sectors. The committee has sponsored a variety of activities to promote goodwill between ethnic groups. The Mauritian Council of Social Service (MACOSS), which serves as an umbrella group for NGO's in the country, created a conflict resolution working group to address ethnic tensions. The Mauritius Peace Initiative held a second conflict resolution seminar in July, and the MACOSS working group held meetings throughout the year. In addition a group of citizens based in the northern part of the country formed an NGO in March 1999 geared toward promoting ethnic unity. During the year, they organized community events around religious holidays in which residents of all faiths participated.

In June 1999, the Rodrigues Government Employees Association sued the Public Service Commission and the Government for placing different service conditions on those civil servants who were born and live on Rodrigues, an island 360 miles off the country's east coast with a population of 36,000, compared with civil servants who were born on the main island of Mauritius and work on Rodrigues. In December the Supreme Court rejected the association's suit; however, the group appealed. Under the law, a Supreme Court decision may be appealed to the Privy Council of the United Kingdom; a Privy Council appeal in this case is scheduled for October 2001.

Section 6. Worker Rights

a. The Right of Association.—The Constitution explicitly protects the right of workers to associate in trade unions, and there is an active trade union movement. Approximately 335 unions represent 111,231 workers, or 21.5 percent of the work force. Many unions are small, having fewer than 1,000 members. Ten major labor federations serve as umbrella organizations for these smaller unions. With the exception of members of the "disciplined force," namely, the police and the Special Mobile Force, and persons in state services who are not public officers such as contractors, workers are free to form and join unions and to organize in all sectors, including in the export processing zone. Although only 10 percent of EPZ workers are unionized, these workers are covered by national labor laws (see Section 6.b.). The Mauritian Labor Congress asserts that union membership is low in the EPZ in part because employers in the EPZ intimidate employees and restrict access to union organizers. The International Confederation of Free Trade Unions (ICFTU) alleged that employers have established employer-controlled work councils for workers in

the EPZ. Labor unions are independent of the Government, and they have established ties to domestic political parties and addressed political issues.

Under the Industrial Relations Act (IRA), unions have the legal right to strike; however, the IRA requires a 21-day cooling-off period, followed by binding arbitration, which has the effect of making most strikes illegal. The IRA states that worker participation in an unlawful strike is sufficient grounds for dismissal, but workers may seek remedy in court if they believe that their dismissals are unjustified. There were no strikes during the year. The IRA grants the Prime Minister the prerogative to declare any strike illegal if he considers that it "imperils the economy."

Under the law, unions may establish ties with international labor bodies, and some unions have done so.

b. The Right to Organize and Bargain Collectively.—The law protects the right of employees to bargain collectively with their employers. The ICFTU reported that the law does not protect trade unions adequately against acts of interference by employers. The International Labor Organization (ILO) reported that the Government began a labor law reform project with ILO technical assistance; however, no new legislation was enacted during the year. Minimum wages for nonmanagerial level workers are set by the National Remuneration Board (NRB), whose chairman is appointed by the Minister of Labor; however, most unions negotiate wages higher than those set by the NRB. Almost 13 percent of the labor force works for national or local government. The IRA prohibits antiunion discrimination. There is an arbitration tribunal that handles any such complaints.

Approximately 90,765 persons work in the EPZ. Workers in EPZ firms enjoy the same basic protections as workers in other firms; however, there are some EPZ-specific labor laws, including the provision for 10 hours per week of mandatory, paid overtime at a higher wage than for ordinary working hours. The Mauritian Labor Congress asserts that union membership is low in the EPZ in part because employers in the EPZ intimidate employees and restrict access to union organizers.

The ICFTU 2000 report stated that there was very little collective bargaining in the EPZ and that the National Renumeration Board determined wages after representations by employers and workers" representatives.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor, including that by children, is prohibited by law outside the EPZ; however, there are reports of forced child prostitution, which the Government has targeted as a top law enforcement priority (see Section 6.d.). Labor laws that cover the EPZ allow for 10 hours of compulsory overtime a week and compulsory work on public holidays, although at a higher hourly wage (see Sections 6.b. and 6.e.).

According to the ILO Committee of Experts, the Merchant Shipping Act contains provisions that are not compatible with international standards regarding forced labor. Certain breaches of discipline by seamen are punishable by imprisonment. The Government indicated that it proposed to amend the Merchant Shipping Act to make it compatible with ILO Convention 10; however, it took no action during the year.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under age 15 and limits the employment undertaken by youth between ages 15 and 18; the Government respects this law in practice.

The legal minimum age for the employment of children is 15 years; however, children unable to attend secondary school often seek apprenticeships in the trades. Six vocational schools were opened in 1998 to train students who fail the primary education certificate exam taken by students at the end of the sixth year of primary education.

The Ministry of Labor is responsible for the enforcement of child labor laws and conducts frequent inspections. According to the Ministry of Women's Rights, Child Development, and Family Welfare, 2,000 children between the ages of 12 and 14 were employed or looking for work in 1998. Child labor in homes, on farms, and in shops is common on the island of Rodrigues. Forced or bonded labor involving children is prohibited by law; however, forced child prostitution exists. In October the new Minister of Women's Rights, Child Development, and Family Welfare released a 1998 study on the sexual exploitation of children that the previous government had withheld. Although it did not provide the number of child prostitutes, the study reported that children enter into prostitution as early as age 13; their clientele included industrialists, professionals, police officers, parliamentarians, and ministers. The Government has targeted child prostitution as a top law enforcement priority; however, at year's end, it had not taken specific action.

In June the Government ratified ILO Convention 182 on the worst forms of child labor. The Ministry of Labor is responsible for investigating reports of child labor abuses; 30 inspectors are employed by the Ministry to investigate all reports of labor

abuses, including those of child labor. The inspectors performed approximately 5,000 inspections during the year.

e. Acceptable Conditions of Work.—The Government administratively establishes minimum wages, which vary according to the sector of employment, and it mandates minimum wage increases each year based on inflation. The minimum wage for an unskilled worker in the EPZ is $13.27 (345 rupees) per week, while the minimum wage for an unskilled factory worker outside the EPZ is about $14.94 (388 rupees); these sums do not provide a decent standard of living for a worker and family, but the actual market wage for most workers is much higher due to a labor shortage and collective bargaining. The standard legal workweek in the industrial sector is 45 hours. Labor laws that cover the EPZ allow for 10 hours of compulsory overtime a week and compulsory work on public holidays, although at a higher hourly wage. According to the Mauritian Labor Congress, 10 hours of overtime a week is mandatory at certain textile factories in the EPZ (see Section 6.b.).

In October the Minister for Training Skills Development and Productivity reported that there are 24,292 foreign workers in the country, 20,081 of whom work in the textile sector. Since they often do not speak English, French, or Creole, it is difficult for them to demand their rights, which are the same as those of citizen employees, including the right to belong to a union. There were cases in which foreign workers obtained local legal counsel to redress their grievances.

The Government sets health and safety standards, and Ministry of Labor officials inspect working conditions and ensure compliance with the law. The small number of inspectors limits the Government's enforcement ability; however, through voluntary compliance, the number of occupational accidents has been cut. Workers have the right to remove themselves from dangerous situations without jeopardy to continued employment.

f. Trafficking in Persons.—The law prohibits trafficking in children, but does not specifically mention trafficking in adults. In 1999 there were reports from the nearby island of Madagascar that women and children were trafficked to the islands of Reunion and Mauritius for prostitution; however, there were no further reports of this nature during the year. The penalties for those found guilty of child trafficking are a minimum fine of $370 (10,000 rupees) or imprisonment for up to 5 years.

MOZAMBIQUE

Mozambique's constitutional Government, headed by President Joaquim Chissano, held its second general multiparty elections in December 1999. President Chissano was reelected, and his party, the Front for the Liberation of Mozambique (FRELIMO), won 133 seats in the 250-seat Assembly of the Republic, with the remaining 117 seats going to the opposition coalition of the Mozambique National Resistance—Electoral Union (RENAMO-UE). According to international observers, the elections were generally free and fair; however, they were marred by allegations of vote-counting irregularities. Chissano and the leadership of FRELIMO, which have ruled the country since independence in 1975, dominate policymaking and implementation. The Assembly is a multiparty parliament that provides increasingly useful debate on national policy issues and generates some proposals independently. During legislative sessions, the Assembly influenced the executive branch on some policy issues, and RENAMO had some limited influence on the executive. Opposition parties in the Assembly boycotted most parliamentary activities during most of the year to protest the election results; however, they resumed full participation in October. Despite the boycott and the contentious atmosphere in the Assembly, the FRELIMO majority accepted several proposals from opposition parties, including one that established ad hoc commissions to revise the electoral law and aspects of the Constitution. The Constitution provides for an independent judiciary; however, the executive branch dominates the judiciary, which lacks adequate resources, and is chronically understaffed, susceptible to corruption, and largely ineffectual.

The forces responsible for internal security under the Ministry of Interior include: the Criminal Investigation Police (PIC), the Mozambican National Police (PRM), and the Rapid Reaction Police (PIR). The State Information and Security Service (SISE) reports directly to the President. The military continued to suffer from a lack of money and long term strategy. Many former military personnel of all ranks work in other government security forces. Members of the security forces committed numerous serious human rights abuses.

Mozambique is a very poor country. Approximately 80 percent of the population is employed in agriculture, mostly on a subsistence level, and approximately 75 percent of the population lives in poverty. The primary exports are shrimp, sugar, cot-

ton, cashew nuts, and bulk electric power. The transition to a market economy continued during the year. The gross domestic product (GDP) continued to be approximately $3.9 billion. Inflation was approximately 11.4 percent, an increase from the 1999 level of 6.2 percent. The economy and government budget remained heavily dependent on foreign aid. The economy had a $848 million trade deficit, down from a $929 million deficit in 1999. Annual per capita income was $222. High unemployment and underemployment in the formal and informal sectors continued. Corruption continued to be a problem in the public and private sectors. Flooding caused by heavy rains and cyclones in February and March severely damaged crops, livestock, and rural infrastructure in the south-central portion of the country. The damage, estimated in the hundreds of millions of dollars, negatively impacted economic growth.

The Government's human rights record was generally poor. Police continued to commit numerous abuses, including extrajudicial killings, disappearances, excessive use of force, torture, and other abuses. Police officers tortured and beat persons in custody, and abused prostitutes and street children. In September the president of the League of Human Rights (LDH), a local non-governmental organization, noted that the LDH documented an overall decline in the respect of human rights by police forces during the year. Police violently dispersed demonstrations by opposition supporters. Prison conditions remained extremely harsh and life-threatening; many prisoners died due to the harsh conditions, including more than a hundred RENAMO demonstrators who suffocated to death in an overcrowded jail cell. Police continued to use arbitrary arrest and detention, and lengthy pretrial detention was common. Fair and expeditious trials were not possible due to an inefficient, understaffed, and underfunded judiciary, which is dominated by the executive and subject to corruption. There were reports of some infringements on the right to privacy. The Government generally respected freedom of the press; however, one journalist was killed and many others were harassed during the year by unknown assailants. Media outlets owned by the Government and State enterprises largely reflected the views of the ruling party; however, the number and diversity of independent media increased, and their criticism of the Government, its leaders, and their families largely is tolerated. Human rights violations received extensive coverage in both government and independent media during the year. The law restricts freedom of assembly, and security forces forcibly dispersed some demonstrations during the year. Both the Government and the law imposed some limits on freedom of association. The Government, at times, infringed on freedom of movement. Domestic violence against women as well as widespread discrimination against women in employment and property rights, remained problems. The abuse and criminal exploitation of street children, including child prostitution, increased in urban areas. Discrimination against the disabled and child labor remained problems. There were reports that women were trafficked to South Africa for forced prostitution and forced labor. Occasional mob violence resulted in several deaths.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were several unconfirmed reports of political killings by security forces; RENAMO officials claimed that security forces killed party members Eduardo Foao, Ricardo Moaine, and Geraldo Carvalho in Sofala Province in February. Police denied that the three were killed by security forces and claimed that an autopsy showed that Moaine died of natural causes. There were also reports of extrajudicial killings by security forces.

On March 31, police arrested Tomas Paulo Nhacumba and Gildo Joaquim Bata in Maputo for possession of an illegal firearm. On April 1, police visited the families of the two men and demanded $750 for their release; the families were unable to pay the sum. When Nhacumba's family visited him that same day they witnessed police officers torturing detainees. On April 2, family members were informed that the two men had been transferred to the Criminal Investigative Unit but were unable to locate them. In April the bodies of the two men were identified by family members at the Maputo Central Hospital morgue, listed under false names. The bodies were delivered to the morgue by police officers, who attributed their deaths to natural causes despite the presence of bullet wounds in their upper torsos.

On May 5, police fired upon and reportedly killed at least six civilians at a police station during a confrontation between supporters of a jailed RENAMO member and the police (see Sections 1.c. and 2.b.).

The LDH reported a possible pattern of execution-style killings committed by uniformed police in the Marracuene area. In June police allegedly took Emidio Raul Nhancume from his family's home in Matola. The family located his body more than

a month later in Marracuene, Maputo Province. Local residents stated that police shot and killed Nhancume on the day of his disappearance, and then buried his body. The Government had not investigated the incident nor taken other action by year's end. On July 5, Eliseu Geraldo Muainga disappeared after visiting his girlfriend's house. The girlfriend observed uniformed police hiding outside; she was later advised by neighbors that he was being held at a police station. She visited the facility, but the police denied that they were holding Muainga. His body was found on July 18 in Marracuene by residents of the area. The Government had not investigated the incident nor taken other action by year's end.

On August 23, soldiers of the Presidential Guard who were guarding a VIP guesthouse shot and killed an unarmed citizen who had reportedly become argumentative when told he could not walk down the street. The Government defended the soldier's actions as appropriate under existing security laws and took no action to address the incident by year's end.

On November 9, as many as 54 persons were killed during violence related to rallies and marches held throughout the country to protest the outcome of the December 1999 elections (see Sections 1.c., 1.d., 1.e., and 2.b.). The total number of persons killed remains in dispute among human rights groups, the opposition, and the National Assembly. The LDH reported that police in Nampula province and the Balama district of Cabo Delgado province fired on, killed, and injured unarmed demonstrators to prevent rallies and marches. The LDH alleged that the interim police commander in Balama ordered the police under his command to kill demonstrators. In Montepuez, Cabo Delgado, there were credible reports that RENAMO demonstrators attacked a local jail, freed prisoners, ransacked government buildings, and held the local district administrator hostage. Police responded with lethal force, killing 17 persons; 7 police officers also were killed. Rioters reportedly mutilated the bodies of the police officers. On December 5, the National Assembly established a bipartisan Parliamentary Commission of Inquiry to investigate the violence surrounding the November 9 demonstrations and the subsequent deaths in custody.

In October 1999, the domestic NGO Human Rights and Development (DHD), published a critical assessment of human rights conditions (see Section 4); among the complaints were alleged police killings. The Government did not respond to the report by year's end.

Extremely harsh prison conditions and torture resulted in the deaths of many persons in custody, and in November more than 100 detainees died of asphyxiation in their cell (see Section 1.c.).

In March 1999, relatives of a detainee accused police of killing him in Beira central prison. Authorities attributed the man's death to an unspecified illness; an eyewitness testified in March that he saw police beating the victim on the way to the prison. The case was referred by the LDH to the Attorney General's office but still was pending at year's end.

There was no investigation into the 1998 death in police custody of Intipa Faque in the northern province of Nampula; nor was any action taken against the officers responsible. The LDH sent several written inquiries to the Nampula Province prosecutor regarding the case; however, they had received no answer by year's end.

The Government reportedly investigated the police killing of a demonstrator during a labor strike at a security services company in 1998; however, no report was released publicly, nor was any action taken against the officers responsible by year's end (see Section 6.a.).

Occasional mob and vigilante killings continued in both urban and rural areas due to general public frustration with rising crime. In Costa de Sol and Matola in the Maputo area, suspected thieves were beaten to death by mobs.

Some of the hundreds of thousands of landmines still in the ground since the 1960's caused 8 deaths during the year. The Government continued to cooperate with international organizations in demining efforts during the year.

b. Disappearance.—There were no reports of politically motivated disappearances; however, police were responsible for unexplained disappearances of prisoners. In some instances persons who disappeared while in police custody were later discovered to have been killed (see Section 1.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly prohibits torture and cruel or inhuman treatment; however, the police continued to commit serious abuses, and torture, beatings, death threats, physical and mental abuse, extortion, and unexplained disappearances of some prisoners remained problems. During the year, the LDH reported 59 complaints of torture, including several instances involving the sexual abuse of women, beating, illegal detention, and death threats. In September the LDH reported an overall decline in the observance of human rights.

Corruption in the police forces extends throughout the ranks, and the PRM used violence and detention to intimidate persons from reporting abuses.

Journalists continued to report that police extorted money from street vendors, many of whom are widowed and divorced women, sometimes beating the women, and often stealing their merchandise. There also were reports of police abuse of prostitutes and street children (see Section 5).

The national budget allocated more funding for the hiring and training of police, as well as for higher salaries. In 1999, new standards for the police force were imposed, requiring a minimum educational level of the tenth grade. In September a new 4-year police service academy opened, which provides college-level training to police officers in the mid-ranks and higher. Human rights training is becoming mandatory for all security officers, with human rights groups like the DHD teaching some of the courses. The LDH discontinued its training program during the year, reportedly because of reluctant cooperation from the police.

On March 31, police arrested Tomas Paulo Nhacumba and Gildo Joaquim Bata in Maputo for possession of an illegal firearm. When Nhacumba's family visited him on April 1, they witnessed police officers torturing detainees (see Section 1.a.).

On May 3, police reportedly arrested a RENAMO supporter who had urged a vendor not to pay a market fee collector in order to protest the Government's legitimacy; police forced the man to march naked through the town from his home to the local jail. On May 5, when 40 unarmed friends and family members went to the police station to gain the man's release, a police officer allegedly assaulted an elderly man in the group, which resulted in a confrontation between the crowd and police. The police responded to the confrontation by firing into the crowd, reportedly killing at least six persons and injuring several others (see Sections 1.a. and 2.b.). The Government defended the actions by the police as appropriate and lawful; however, a group of local NGO's, including the LDH, conducted an independent investigation and reported that the police used inappropriate force. The Government did not respond to the report, and the FRELIMO majority in Parliament blocked an initiative to form a commission of inquiry to investigate the incident.

There was some sporadic political violence in the provinces during the year related to tensions between supporters of RENAMO and local security forces, including incidents in Marumbala, Beira, and Aube. On November 9, violence erupted in at least 15 of the more than 60 demonstrations held throughout the country by RENAMO to protest the outcome of the December 1999 elections; as many as 54 persons died in the violence (see Sections 1.a. and 2.b.). In addition, approximately 200 persons were injured and approximately 457 demonstrators were detained (see Sections 1.d. and 1.e.). The LDH reported that police used excessive force against the demonstrators in Nampula province and Balama, Cabo Delgado province and cited an anonymous police source who alleged that police severely beat and tortured detainees in custody. A RENAMO Member of Parliament (M.P.) claimed that police beat him and broke his right clavicle during his arrest; he publicly stated that police tortured him and other detainees while they were held at the Beira maximum security prison.

During November and December, a number of journalists were threatened and attacked by unknown assailants (see Section 2.a.).

Prison conditions in most of the country are extremely harsh and continued to pose a threat to inmates' health and lives. A LDH report released in January 1999 on the Beira central prison found that conditions remain significantly below minimum international standards. Latrine facilities are primitive; in some prisons, inmates must keep human waste in their cells until they persuade or bribe attendants to remove it. Food is substandard and scarce. Most prisoners receive only one meal per day on a regular basis. It is customary for families to bring food to prisoners; however, there are sporadic reports that guards demand bribes in return.

From September through December, the DHD conducted a series of prison and jail visits in 7 of the country's 11 provinces. The DHD reported that prisons provided substandard facilities and minimal care to detainees. A comprehensive U.N. Development Program (UNDP) report released during the year stated that prisons were decaying, overcrowded, and inadequately supplied. The Prime Minister responded to the UNDP report by calling publicly for a national effort to improve prison conditions. The Prison Fellowship of Mozambique (FPM) also commenced operations during the year and conducted prison visits (see Section 4).

There were many deaths in prison, the vast majority due to illness and disease; the UNDP report noted that there were 157 prison deaths during 1999, mostly due to malaria, tuberculosis, and respiratory diseases aggravated by poor conditions and lack of space (see Sections 1.c.). RENAMO alleged that three protestors who were detained during the November 9 demonstrations died from asphyxiation in November in a maximum security prison in Beira, Sofala. The Government acknowledged

the death of one of the detainees but attributed his death to natural causes. Between November 18 and 19, at least eight detained RENAMO supporters died in a Montepuez jail cell. Between November 20 and 21, more than 100 additional RENAMO supporters died of asphyxiation in a detention cell in Montepuez, Cabo Delgado; lack of water and food may have contributed to the deaths. The final number remains in dispute between the Government, the opposition, and human rights NGO's; many of the detainees never were formally processed and were buried in mass graves. The LDH and the DHD alleged that local police officials purposely deprived the detainees of oxygen by closing the cell door and that the police commander threatened that the detainees would not leave the prison alive. The Government, with the assistance of a South African team of pathologists, investigated the incident. Although the results of the investigation were not released by year's end, the Government stated that the deaths were caused by asphyxiation due to overcrowding, and independent investigations by the LDH and the DHD confirmed the finding. Several police officers were fired, and investigations continued at year's end, including a National Assembly commission of inquiry. In December President Chissano and RENAMO President Dhlakama agreed to establish a separate bipartisan working group to investigate the Montepuez deaths; the working group was scheduled to begin meeting in February 2001. The Government did not investigate the March 1999 deaths of three juveniles who died in detention, allegedly from illness and lack of food. While the health problems of most inmates remain unattended, the Ministry of Justice and the Ministry of the Interior made specific efforts to address some of the more serious diseases in the prison system during the year, including cholera, tuberculosis, and HIV/AIDS-related illnesses.

Two National Directorates of Prisons (DNP's), one under the Ministry of Justice (MOJ) and the other under the Ministry of Interior (MOI), operate prisons in all the provincial capitals. The DNP's also hold prisoners at an agricultural penitentiary in Mabalane and industrial penitentiaries in Nampula and Maputo. In MOI facilities detainees who have not yet been charged are held with prisoners sentenced for serious offenses that specify maximum security. Detainees who have not been charged are usually held for longer periods than the 48 hours permitted under the law. In MOJ facilities detainees who have been charged but not yet tried are held with prisoners who have been tried and sentenced to prison for relatively minor cases where moderate security imprisonment is deemed sufficient. Pretrial detainees are usually held for several months before trial, and delays over 1 year are common. MOI and MOJ facilities, while separate, often are connected physically. Military and civilian prisoners are held in the same prisons.

Detention facilities remained severely overcrowded, generally housing 4 to 6 times the number of prisoners that they were built to accommodate. The National Association for the Support and Protection of Prisoners, a domestic NGO, stated that during the year, Beira Central Prison held 513 inmates in a prison built to hold 200; Manica held 475 in a prison built to hold 300; Tete held 464 in a prison built to hold 90. Inhambane Provincial Prison held 296 in a prison built to hold 75; Nampula held 775 in a prison built for 70; and Cabo Delgado held 245 in a prison built for 90. Maputo Central Prison, built to hold 800 inmates, held 2,470 inmates. However, the Maputo Machava Maximum Security Prison, with a capacity of 600, held considerably less than that. Approximately 4,032 pretrial detainees were held in jails and prisons during the year.

Minors are incarcerated with adult inmates. During a visit to the Beira Central Prison in August 1999, the Minister of Coordination of Social Action found 25 minors detained there. However, the LDH reported noticeably fewer minors held in detention nationwide. At times Maputo City Prison houses children as young as 3 years of age, brought there by mothers sentenced for long periods.

International as well as domestic human rights groups may have access to prisoners at the discretion of the MOJ and MOI; however, officials sometimes cite unsanitary conditions or security risks as reasons to delay or cancel visits. Several local and international organizations, including the LDH, the DHD, and the UNDP, visited prison facilities during the year and reported on prison conditions.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides that the duration of preventive imprisonment be set by law; however, the police continued to arbitrarily arrest and detain citizens in practice. Under the law, the maximum preventive imprisonment is 48 hours, during which time a detainee has the right to have his case reviewed by judicial authorities, after which he can be detained up to another 60 days while the case is investigated by the PIC. In cases where a person is accused of a very serious crime carrying a sentence of more than 8 years, he may be detained up to 84 days without being charged formally. If a court approves, such detainees may be held for two more periods of 84 days each without charge while the police complete the investigation process. The law provides that if the prescribed

period for investigation has been completed and no charges have been brought, the detainee must be released. In many cases, the authorities either are unaware of these regulations or ignore them, often also ignoring a detainee's constitutional right to counsel and to contact relatives or friends.

On May 3, police reportedly arrested a RENAMO supporter under humiliating circumstances after an argument between a market fee collector and a vendor (see Section 1.c.).

In October police arrested three individuals for handing out opposition pamphlets in Beira. The court sentenced them to prison terms ranging from 12 to 18 months for distributing materials offensive to the Government and the President and for incitement to civil disobedience (see Section 3).

In October Mario Frank, a RENAMO member and former general, was arrested after police raided RENAMO party headquarters in Beira, Sofala province and confiscated a number of weapons. In November officials released him after holding him in detention for 22 days without charge.

During the November 9 demonstrations, police detained approximately 457 RENAMO members and supporters during more than 60 rallies and marches to protest the outcome of the December 1999 elections; there were reports that police beat and tortured detainees in custody (se Sections 1.a., 1.c., 1.e., and 2.b.). Three RENAMO members reportedly died in custody in Beira; RENAMO alleged that these deaths resulted from asphyxiation (see Section 1.c.). In addition more than 100 RENAMO detainees died of asphyxiation in a jail cell in Montepuez (see Section 1.c.). In November courts in the Manica, Cabo Delgado, Sofala, and Nampula provinces acquitted 15 RENAMO members and supporters and sentenced 130 others to prison terms ranging from 15 days to 2 years for their involvement in the November 9 demonstrations (see Sections 1.a., 1.c., 1.d., and 2.b.). FRELIMO and RENAMO established a working group to examine, among other matters, the cases of the detained demonstrators; the group was scheduled to make initial recommendations to the President and RENAMO by March 15, 2001.

Many persons complained that security officials often detained them for spurious reasons and demanded identification documents; many officers also demanded bribes to permit persons to continue toward their destinations (see Section 2.d.). The media reported that citizens complained to authorities that police detained persons for not carrying identification documents and demanded money when they could not produce documents. Many victims lived in areas where there was no notary public available to validate their documents. Many victims chose not to seek police assistance because of their usual demand for bribes or a lack of confidence that the police would help.

In January the Supreme Court acquitted an imam who was arrested in 1999 in connection with a murder (see Section 2.c.); in July the court found two other men guilty of the murder and sentenced them to 9 and 16 years" imprisonment.

Most citizens also are unaware of their rights provided by the Constitution, the law, and the Penal Process Code. As a result, detainees can spend many weeks, months, and even years in pretrial status. The bail system remains poorly defined, and prisoners, their families, and NGO's continue to complain that police and prison officials demand bribes to release prisoners. On March 31, police arrested Tomas Paulo Nhacumba and Gildo Joaquim Bata in Maputo for possession of an illegal firearm. On April 1, police visited the families of the two men and demanded $750 for their release; the families were unable to pay the sum; they later identified the two men's bodies at a hospital morgue (see Section 1.a.).

Under the Penal Code, only those suspects caught in the act of committing a crime can be held in detention. Justice Ministry officials say that some police lack adequate training and do not know how to charge a person properly with a stated crime. A detainee may be subjected to indefinite detention. The National Directorate of Prisons reported that there are 6,422 persons in the prison system, 4,032 of whom were detainees who had not been charged. In response to this problem, a legal enforcement commission convened in May 1999 and ordered cases of detainees to be reviewed so that those who had served their time or were being held illegally (without charge) could be released. In Beira alone, 230 prisoners were released from the central prison during May and June 1999. During the year, the Government created an inter-ministerial review committee to continue this process, and the committee periodically reviewed the status of prisoners throughout the country to prevent unnecessary detentions. It was not known how many prisoners were released during the year under this process. The DHD report on human rights conditions released in October 1999 gave particular emphasis to the problem of arbitrary arrest and detention (see Section 4).

Drug cases are subject to a special regime. A 1996 law specifies that the legal period of preventive detention in drug trafficking cases is 10 days. The same law au-

thorizes a long period of investigation—up to 9 months—in cases involving drug smuggling, drug production and transfer, and criminal association.

The Constitution expressly prohibits exile, and the Government does not use exile as a form of punishment.

e. Denial of Fair Public Trial.—The Constitution formally established an independent judiciary and specifically states that the decisions of the courts take precedence over all other authorities and individuals and must be obeyed; however the executive, and by extension the FRELIMO party, continued to dominate the judiciary, which is understaffed and manned by inadequately trained appointees. The DHD report on human rights conditions released in October 1999 gave particular emphasized to problems in the judiciary (see Section 4).

The President appoints the President and Vice President of the most important tribunal, the Supreme Court. Supreme Court nominations initially are prepared by the Higher Judicial Magistrate's Council (CSMJ), the body responsible for overseeing professional behavior among magistrates. The CSMJ, generally all FRELIMO party members, submits a list of qualified persons to the President of the Republic. The president then submits his choices to the National Assembly for approval. No assembly approval is needed for other judicial appointments.

There are two complementary formal justice systems: the civil/criminal system and the military system. Civilians are not under the jurisdiction of, or tried in, military courts. A 1991 law empowered the Supreme Court to administer the civil/criminal system; it also hears appeals, including military cases, although the Ministry of Defense administers the military courts. Below the Supreme Court there are provincial and district courts. There also are courts that exercise limited, specialized jurisdiction, such as the administrative court, customs court, fiscal court, maritime court, and labor court. The Constitution called for the creation of a constitutional court, but the Government has not yet passed implementing legislation. In the absence of this body, the Supreme Court is tasked with ruling on issues of constitutionality, as it did when assessing the eligibility of presidential candidates for the general elections. Persons 16 years old and younger fall under the jurisdiction of a court system for minors. Through this legal channel, the Government can send minors to correctional, educational, or other institutions. As with the provincial and district courts, the specialized and minor court systems are ineffective due to a lack of qualified professionals.

In August 1999, Supreme Court Chief Justice Mario Mangaze complained that only 25 percent of citizens had access to the official judicial system. Outside the formal court system, a number of local customary courts and traditional authorities adjudicate matters such as estate and divorce cases. These courts are staffed by respected local arbiters who have no formal training but who exercise a substantial judicial and executive role, particularly in the area of arbitration.

Persons accused of crimes against the State are tried publicly in regular civilian courts under standard criminal judicial procedures. The law provides definitions of crimes against the State, such as treason, terrorism, and sabotage. The Supreme Court has original jurisdiction over members of Parliament and other persons who are immune from trial in the lower courts.

A judge may order a closed trial because of national security interests or to protect the privacy of the plaintiff in cases concerning sexual assault.

In regular courts, all accused persons are in principle presumed innocent and have the right to legal counsel and the right of appeal; however, authorities do not always respect these rights. The great majority of the population is either unaware of these rights or does not possess the means to obtain any form of legal counsel. Although the law specifically provides for public defenders, such assistance generally is not available in practice, particularly in rural areas. Some NGO's, such as the LDH, the Government's National Institute for Legal Assistance, and the Mozambican Association of Women in Judicial Careers, continued to offer limited legal counsel at little or no cost to both defendants and prisoners.

A lack of licensed attorneys exacerbates the judicial system's weakness. There are an estimated 200 licensed attorneys in the country; the vast majority work in Maputo. There continued to be a shortage of qualified judicial personnel, with 160 judges nationwide. There are appeals courts in all provinces, but few of these courts are staffed by formally trained judges, despite the fact that the Judicial Magistrates Statute requires a law degree. Some districts have no formal courts or judges at all. Several donor initiatives to remedy these shortages were continued or completed during the year, including the training of district court judges and public prosecutors.

In 1998 while speaking at the opening of the Supreme Court session, Chief Justice Mangaze complained that a number of judges and others responsible to the courts were guilty of unacceptable practices, including corruption and bribe taking,

chronic absenteeism, unequal treatment, and deliberate delays and omissions in handling cases. Justice Mangaze also presides over the CSMJ, which has expelled 24 judges for corruption since 1995. A Ministry of Justice official estimated that 17 judges were removed from office since 1998. During the year several judicial expulsions occurred, including the dismissal of the Attorney General and six of his senior legal staff in July and the suspension of a judge involved in a fraud case regarding the Banco Comercial de Mocambique (BCM). In 1998 the National Assembly passed a law, which was implemented in 1999, that speeds the implementation of CSMJ decisions affecting judges who appeal charges of misconduct, thus removing them from the bench more swiftly.

In October a court sentenced 3 individuals to prison terms ranging from 12 to 18 months for distributing materials offensive to the Government and the President and for incitement to civil disobedience (see Section 2.a.).

In November courts in the Manica, Cabo Delgado, Sofala, and Nampula provinces acquitted 15 RENAMO members and supporters and sentenced 130 others to prison terms ranging from 15 days to 2 years for their involvement in the November 9 demonstrations. The courts held that the demonstrations were illegal because they took place outside of the legal time limits. The speed with which these trials occurred and the sentences handed out raised serious questions as to the integrity of the judiciary and the right of due process (see Section 1.c.).

The Penal Code contains legal guidelines for the judicial treatment of minors and forbids the imprisonment of minors below the age of 16; however, there are many documented reports that some judges ordered the incarceration of minors in common prisons without trial (see Section 1.c.). In most areas of the country, it is difficult to accurately assess age because the information is not well documented and many persons do not have identification cards.

There were no confirmed reports of political prisoners; however, RENAMO alleged that the persons held in detention for participation in the November 9 demonstrations were political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right of privacy and expressly forbids the use of surveillance techniques, and the Government generally respected these provisions. There were no documented reports of such search activity; however, some political groups claimed that their telephones were tapped by government intelligence agencies and claimed that security forces kept watch on their activities. By law police need a warrant to enter homes and businesses; however, in July a few Maputo residents complained that customs agents searched their homes illegally.

Section 2. Respect for Civil Liberties:

a. Freedom of Speech and Press.—The Constitution, the 1991 Press Law, and the 1992 Rome Peace Accords provide for freedom of expression and of the press, and the Government generally respected these provisions; however, limitations on these freedoms are permitted if they relate to the media's obligations to respect the Constitution, human dignity, and imperatives of foreign policy and national defense. In 1999 the Higher Council of Social Communication (CSCS), an enforcement body for the press law that is dominated by the ruling party, expressed concern that the vagueness of "imperatives of foreign policy and national defense" could lead to unwarranted restrictions. However, in December the CSCS expressed its concerns regarding recent articles, editorials, and comments that it considered contrary to national unity and prescribed media goals; some journalists criticized the CSCS for attempting to restrict press freedom and promote self-censorship. While criticism of the President is not prohibited, the 1991 Press Law holds that in cases of defamation against the President, truth is not a sufficient defense against libel. This law has not been tested in court; however, the President experienced considerable verbal and written criticism during the year without invoking this clause.

In October police arrested three individuals for handing out opposition pamphlets in Beira. The court sentenced them to prison terms ranging from 12 to 18 months for distributing materials offensive to the Government and the President and for incitement to civil disobedience (see Section 3).

Government and state-owned media largely reflected the views of the ruling party, but many such media sources also carried significant criticism of Government actions, including the Government's handling of the flood-related rescue operations and post-flood distribution of relief goods. Media ownership is diversified. In 1999 the U.N. Educational, Scientific, and Cultural Organization (UNESCO) Media Project estimated that 34 percent of the country's media were public, 36 percent were private commercial, and 28 percent were private nonprofit (church affiliated); however, the public category includes the country's only daily newspapers, the only Sunday newspaper, and the only weekly newsmagazine. Two progovernment news-

papers—Noticias and Domingo—together with a third sports-oriented weekly are owned by a single corporation, Noticias Limited, in which state-owned enterprises hold majority shares. Both evidenced consistent bias in favor of the ruling party, FRELIMO, during the post-election period; however both newspapers continued pushing for reform of the justice system.

A large number of periodicals and broadcasting entities have been licensed since 1992, and the independent media criticisms of government leaders and their families largely is tolerated. For example, the independent media was extremely critical of the Government's reaction to the November 9 RENAMO demonstrations (see Section 1.c.). There were five independent weekly newspapers published in Maputo, and five other independent weekly journals published in provincial capitals. According to a survey by the Panos Institute, the 10 weekly newspapers had a combined total circulation of 50,910. There are an additional 20 printed periodicals with a combined circulation of approximately 34,000. There also are 8 periodicals that transmitted daily editions electronically, with a combined subscription of more than 1,500. The second oldest faxed daily, Imparcial, is owned by RENAMO. Websites were developed in 1999 for several independent media. Only a small minority of the population receives news directly through the print media.

While the Government no longer owns most radio and television stations, government stations are the only broadcasters capable of countrywide transmission; however, there are local and independent broadcasts in almost all urban areas. Government media are showing greater transparency in reporting and some independence of editorial content. Radio Mozambique, the public's most important source of information, is government-owned; however, its news coverage is considered generally unbiased and fair. Radio Mozambique receives the largest single subsidy from the state budget of any public media company. It broadcasts in Portuguese and 18 indigenous languages; its external service broadcasts in English as well as in Portuguese for citizens in neighboring South Africa. Radio Mozambique regularly broadcasts public debates that include a variety of participants with differing opinions.

In addition to Radio Mozambique, there are 16 independent (primarily church-supported) and state-supported radio stations, most using local languages in addition to Portuguese, which have spread to over a dozen cities. One such station, Radio Terra Verde (RTV), is linked directly to the principal opposition party, RENAMO. RTV is second only to Radio Mozambique's youth-oriented Radio Cidade in popularity, outside of broadcast times for soccer matches. Foreign radio programs, including the British Broadcasting Corporation (BBC), Radio France International (RFI), Radio Diffusao Portugal (RDP) Africa, and the Voice Of America (VOA) reach all major population centers and report local news via Mozambican-based part-time reporters; the BBC and the RFI carry news in Portuguese but broadcast most of the day in English and French, respectively.

TV Mozambique (TVM) continued to demonstrate strong bias towards the Government. Portuguese Television for Africa (RTP Africa), a station owned by the government of Portugal, offers a second source of televised news to all parts of the country reached by TVM. Privately owned television transmission continued to be limited to Maputo. International television news is available via cable in Maputo and via satellite nationwide.

In 1999 a media development report released by UNESCO expressed concern about the strong concentration of national and local media in Maputo city and province, mirroring lopsided socio-economic development nationwide. Furthermore, a 1997 census revealed that 60.5 percent of citizens over age 15 are illiterate in any language, and 70 percent of the population over 5 years of age do not speak Portuguese, which further limits the reach of the media beyond Maputo.

In 1999 Article 19, a United Kingdom-based NGO, reported that the independent media are constrained by the high cost of newsprint, distribution, and equipment. It claimed that publications close to the Government have an advantage in securing exemptions from customs duties. In September 1999, UNESCO's Media Diversity Project announced that it would assist 24 private sector print and faxed journals from all provinces to lower their paper costs and strengthen their ability to negotiate better commercial arrangements with the privatized Cegraf printing press in Maputo.

The National Union of Journalists (SNJ) continued to work with the Austrian Institute for North-South Development to improve working relationships between journalists and police officers.

Final debate on recommendations that membership in the CSCS be redefined to eliminate majority control by governmental appointees was deferred for another year. The CSCS was among the several organizations, including a joint operation by the LDH and Article 19, which monitored media fairness during the December

1999 presidential and parliamentary elections; however, the CSCS did not issue an evaluation of the elections by year's end, nor is it expected to do so at a future date.

The Prime Minister's weekly press conferences are important opportunities for journalists to discuss politics and government policies; while they were suspended during the electoral campaign in 1999, they were reinstated during the year. The Prime Minister's Information Office seeks to facilitate international press access to key government officials and to provide policy guidance on how news media should be regulated. The Prime Minister's Information Office continues to monitor press content informally.

Journalists were subjected to attacks during the year. In November two unknown assailants killed Carlos Cardoso, an investigative journalist who was the founder and editor of the news fax agency Metical, in an execution-style shooting. In November unknown assailants attacked a radio journalist in Beira, slashing his cheek and tongue and warning him to "keep quiet." In November unknown assailants beat a radio journalist near Maputo; he required hospitalization for his injuries. In December the news fax agency Mediacoop received an anonymous bomb threat. In December the editor of the newspaper Savana received a telephone death threat.

There are no formal restrictions on academic freedom. Private educational institutions, both church-related and secular, are well established and continued to expand in several cities. A new Islamic college constructed facilities and hired faculty during the year, although actual instruction had not commenced by year's end.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the law imposes restrictions on this right, and security forces forcibly dispersed some demonstrations during the year, including those of the opposition. The law regulates public demonstrations but does not apply to private gatherings held indoors and by individual invitation, nor does it cover religious gatherings or election campaigning.

The law specifies time limitations on the exercise of the right to gather or demonstrate peacefully. The law states that marches, parades, and processions can only be held on Saturdays, Sundays, holidays, or between 5:30 p.m. and 12:00 a.m. on other days. The law provides for possible exceptions to this regulation, if justified, but such decisions are not made in an open and established manner. Further, the law states that any organizers of gatherings or demonstrations must submit a notice to civil and police authorities with at least 10 signatures for the holding of any such demonstration, along with a justification of the purpose of the gathering. The law stipulates that the Government must reply to any such request within 2 days of receiving the request, and that no reply within this period shall be understood to mean governmental acceptance.

On May 5, approximately 40 friends and family members of a detained RENAMO supporter went to a police station in Aube, Nampula province, for the detainee's release. The police responded by firing into the crowd, killing between six and eight civilians and injuring several others; the number of deaths remains in dispute, despite numerous investigations (see Sections 1.c. and 1.d.).

On November 9, violent clashes occurred between police and RENAMO supporters during 15 of the more than 60 rallies and marches to protest the December 1999 election results; as many as 54 persons were killed, approximately 200 persons were injured, and police detained approximately 457 demonstrators (see Sections 1.a., 1.c., and 1.e.). RENAMO officials maintained that they had applied for and received permits to march in most cases; however, police stated that the demonstrators did not comply with the law and had blocked roads and occupied buildings unlawfully. Courts in Manica, Sofala, and Cabo Delgado provinces held that the demonstrations violated the legally-prescribed time limits for such activities (see Section 1.e.). Security forces also disrupted and prevented RENAMO party gatherings in Beira in August and Angoche in September.

The law provides for freedom of association; however, both the Government and the law imposed some limits on this right. Legislation promulgated in 1991 sets forth the process for the registration of political parties. There are 27 registered, active political parties. Under 1992 legislation, a political party must demonstrate that it has no racial, ethnic, or religious exclusiveness and secure at least 2,000 signatures of citizens in order to be recognized.

The Government requires nonpolitical groups such as NGO's and religious organizations to register. In 1998 the Government issued a decree regulating the registration and activities of foreign NGO's. NGO's must register their presence and scope of work with the Ministry of Foreign Affairs and Cooperation; the Ministry then issues permits to those NGO's whose programs the Government decides complement its priorities. Observers believe that these new requirements worsen the already lengthy bureaucratic process that NGO's must follow to work in the country. Although the registration process is not always transparent and can take many

months, the authorities rarely reject applications from new associations. The law forbids the organization of political parties based on religious, ethnic, or regional affiliation; however, there were no reports of government attempts to impede the right of association for political purposes during the year (see Section 2.c.).

c. Freedom of Religion.—The Constitution provides that all citizens have the freedom to practice or not to practice a religion and gives religious denominations the right to pursue their religious aims freely; the Government generally respects these rights in practice.

The 1989 Law on Religious Freedom requires religious institutions and missionary organizations to register with the Ministry of Justice, reveal their principal source of funds, and provide the names of at least 500 followers in good standing. No particular benefits or privileges are associated with the registration process, and there were no reports that the Government refused to register any religious groups during the year.

In January the Supreme Court acquitted an imam who was arrested in 1999 in connection with a murder; in July the court found two other men guilty of the murder and sentenced them to 9 and 16 years" imprisonment.

The law governing political parties specifically forbids religious parties from organizing, and any party from sponsoring religious propaganda. In late 1998, the Independent Party of Mozambique (PIMO), a predominantly Muslim group without representation in Parliament, began arguing for the right of political parties to base their activities on religious principles. The Government has tolerated PIMO's activities, although it has criticized the group. PIMO and some members of the legislature argued that the Movimento Islamico, a parliamentary caucus of Muslims from the ruling FRELIMO party, was tantamount to a religious party.

The Constitution gives religious groups the right to own and acquire assets, and these institutions are allowed by law to own and operate schools. While virtually all places of worship nationalized by the State in 1977 have been returned to the respective religious organizations, the Catholic Church and certain Muslim communities complained that some other properties such as schools, health centers and residences unjustly remain in state hands and continued to press for their return. In 1982 the Ministry of Justice founded the Directorate for Religious Affairs to address the issue of the return of church properties. Government sources stated that the majority of property was returned, with a few cases still being examined on an individual basis, including two cases in Maputo. Provincial governments have the final responsibility for establishing a process for property restoration. The return of church property is perhaps most problematic when the facility is in use as a public school, health clinic, or police station, as funds for construction of new facilities are in short supply.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for the right to live anywhere within national territory and to travel within the country and abroad; however, at times authorities infringed on these rights.

Police traffic checkpoints occasionally affected freedom of movement, sometimes for security concerns. In an effort to reduce harassment and confiscation of travelers' possessions at the borders, customs supervisors levied disciplinary fines and fired abusive customs agents. In large cities, the police often stop foreign pedestrians and order them to present original passports or resident papers, sometimes refusing to accept notarized copies, and fining or detaining those who failed to show proper documents (most persons do not like to carry the originals of documents due to the risk of theft). Police also detained local citizens routinely for failure to carry identity papers and demanded bribes (see Section 1.d.).

The law includes provisions for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In cooperation with the U.N. High Commissioner for Refugees (UNHCR), the Government offered shelter to approximately 2,000 refugees, the vast majority of whom came from other African countries. The UNHCR planned to phase out its operations in the country during the year; however, the increasing number of refugees, especially from the Great Lakes region, prevented this from happening. By early August, there were approximately 400 refugees in the Bobole camp in Maputo province. In August approximately 100 refugees from the Bobole camp, most of them from the Great Lakes region, demonstrated outside the UNHCR office and a foreign embassy for better living conditions, employment and education opportunities, and resettlement abroad. The Government operates two refugee centers near Maputo. Niassa and Tete provinces have scattered groups of refugees, many of whom arrived from the Great Lakes region and had not settled in existing refugee centers during the year. Due to the heightened conflict in the Democratic Republic of the Congo, there were additional refugees in Niassa prov-

ince. Refugee camp conditions continued to be poor, and some refugees claim to fear attack by fellow refugees on the basis of ethnicity. The UNHCR occasionally makes alternative shelter available to those who feel threatened. The Government offers first asylum and offered it to some refugees during the year.

There were several cases of voluntary repatriation but no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to elect their representatives in universal, direct, secret, and periodic elections, and in December 1999 citizens freely exercised their right to vote in the country's second multiparty general elections that international observers considered to be generally free and fair; however, the elections were marred by allegations of vote counting irregularities. President Chissano was returned to office with approximately 52 percent of the vote, and the ruling FRELIMO party won 133 of the 250 assembly seats. The largest opposition group, RENAMO-UE, made a strong showing in the elections, winning 117 seats in the Assembly and 48 percent of the presidential vote. In January the President appointed a new Cabinet; in February the new National Assembly took its oath of office, and in July the President announced new provincial governors. All ministers and governors, and most vice ministers, are FRELIMO members.

Voter registration commenced on July 20, 1999 and continued for 60 days. Despite some minor technical difficulties, including long lines and missing equipment, the registration process ran smoothly. Approximately 85 percent of the eligible voting population registered to vote. The 6-week campaign period was marked by some sporadic violence attributable to both FRELIMO and RENAMO-UE supporters, although at significantly reduced levels than during the 1994 elections. Leaders of both parties called for an end to the violence.

According to international and domestic observers, the voting process was transparent, peaceful, and orderly with approximately 75 percent of the registered voters participating; however, international and domestic observers complained of a lack of full access to the vote count and the opposition coalition RENAMO-UE charged that there was fraud in the votecounting process. Due to a large number of illiterate voters, there were a significant number of ballots on which preferences were unclear and which required interpretation by the Electoral Commission. The Commission also did not count tally sheets from several hundred polling stations at both the provincial or national level due to mathematical errors, omissions, and other problems.

International observers were not given full access to the process of examining the contested ballots and tally sheets, or to the vote counting. RENAMO-UE charged that this affected them disproportionately because tally sheets were discarded from provinces where RENAMO-UE support was strong. RENAMO-UE took this issue and several others to the Supreme Court on December 23, 1999, and on January 4, 1999 the Court unanimously rejected RENAMO-UE's complaints, acknowledging that there were some minor irregularities but concluding that these did not change the results of the elections.

The opposition coalition refused to accept the election results or the Supreme Court's decision and initiated a partial boycott of parliamentary activities; however, the FRELIMO majority agreed to several RENAMO proposals to create ad hoc committees to revise the electoral law and aspects of the Constitution. In October RENAMO ended its parliamentary boycott. On December 20, President Chissano and RENAMO leader Dhlakama met to discuss the political situation in the country. During the meeting, they agreed to establish working groups to consider constitutional and judicial matters, defense and security matters, civil service appointments and local government official's nominations, and the status of RENAMO supporters who were arrested in connection with the demonstrations on November 9. The working groups were scheduled to begin discussions in February 2001.

In March RENAMO officials claimed that security forces killed several party members in Beira earlier in the month (see Section 1.a.).

On November 9, RENAMO members and supporters demonstrated in approximately 60 locations to protest the December 1999 elections. Fifteen of the demonstrations resulted in violent confrontations with the police, causing a number of deaths, injuries, and arrests (see Sections 1.a., 1.c. and 2.b.).

Article 19 and the LDH monitored media coverage of the national electoral campaign. Radio Mozambique generally presented balanced coverage, whereas TVM was biased towards the ruling party. The government-supported newspapers Noticias, Diario de Mozambique, and Domingo demonstrated pro-government partisanship. The National Election Commission was criticized for categorizing these government-supported newspapers as private-sector media, thereby exempting them from the

electoral law's requirement that public media provide fair and balanced treatment of all parties during the electoral campaign.

There are no legal restrictions hindering women's involvement in government; however, while the number of women in the National Assembly and the Cabinet increased after the December 1999 elections, women are underrepresented in government and politics. There are 105 women in the 250-member National Assembly, three female Cabinet ministers, and five female vice ministers. FRELIMO's policy mandates that at least 30 percent of the party's two governing bodies must be women. During the year, the Political and Central Committees met this mandate. Nevertheless, cultural factors inhibit women's effectiveness in public life (see Section 5).

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

There are no legal obstacles to the formation of domestic human rights groups, although registration procedures applying to NGO's are onerous and expensive (see Section 2.b.). In December the National Human Rights Association (ANDH) was established as an umbrella organization for the country's 13 human rights oriented NGO's. The Prison Fellowship of Mozambique (FPM) and the National Association for the Support and Protection of Prisoners also commenced operations during the year and conducted prison visits (see Section 1.c.). In October 1999, the DHD published a report on human rights in the country and plans to report periodically on human rights. The report's critical assessment gave particular emphasis to problems in the judiciary, conditions in prisons, and arbitrary arrest and detention of citizens. Among the complaints were alleged police killings, domestic violence, labor disputes, and land title conflicts. The DHD and the LDH conduct human rights education seminars and workshops for a wide range of audiences including political parties, security agencies, businesses, and NGO's.

The Government responded to human rights-related inquiries from the LDH and the DHD on a case-by-case basis. Both the LDH and the DHD investigated the demonstrations and deaths in prison in Montepuez and released reports during the year (see Sections 1.a. and 1.c.). Other rights-oriented groups also have had contact with the Government.

In July the Chairwoman of the LDH stated that a police contact warned her of police threats on her life following her appearance in a televised debate in which she made remarks critical of the PIC. The Government did not respond to the matter.

International NGO's and human rights groups are permitted to visit and work in the country. In July Amnesty International visited the country in preparation for its annual report.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution forbids discrimination based on race, sex, religion, or disability; however, in practice discrimination against women and the disabled persists.

Women.—Although official statistics are not kept, according to health officials, women's groups, and other sources, domestic violence against women—particularly rape and beating—is widespread. Many women believe that their spouses have the right to beat them, and cultural pressures discourage women from taking legal action against abusive spouses. There is no law that defines domestic violence as a crime; however, domestic violence can be prosecuted under other crimes such as rape, battery, and assault. During the year, the NGO, All Against Violence (TCV) registered 699 requests for assistance in cases involving domestic violence, of which 10 were forwarded to the courts. In May police commanders from the Maputo area held a seminar on domestic violence, where they were instructed to handle such cases as criminal matters. Hospitals usually do not ascribe evidence of physical abuse to domestic violence. The DHD report on human rights conditions released in October 1999 gave particular emphasis to the problem of domestic violence (see Section 4).

A group of women's NGO's, including Women in Law and Development, Mozambican Women in Education, Women in Judicial Careers, and the FRELIMO-sponsored Mozambican Women's Organization, support the organization All Against Violence, which serves as a monitoring and educational group for problems of domestic violence and sexual abuse of women and children, including counseling of victims and mediating within families. The organization continued to expand during the year. All NGO's actively opposing domestic violence worked to involve police in education, enforcement, and identifying domestic violence as a public order problem.

Despite constitutional provisions for the equality of men and women in all aspects of political, economic, social, and cultural life, the civil and commercial legal codes contradict one another and the Constitution. Under the law of the Family and Inheritance, the husband or father is the head of household, and both wives and daughters must obtain male approval for all legal undertakings. For example, a woman must have the written approval of her husband, father, or closest male relative in order to start a business. Without such approval, a woman cannot lease property, obtain a loan, or contract for goods and services. The legal domicile of a married woman is her husband's house, and she may work outside the home only with the express consent of her husband. While it appears that these legal restrictions on women's freedom are not enforced regularly in urban areas they leave women open to extortion and other pressures.

Family law provides that a married couple's assets belong to the husband, who has full authority to decide on their disposition. When a husband dies, his widow is only fourth in line (after sons, fathers, and brothers) to inherit the household goods. A contradictory provision of the law states that a widow is entitled to one-half of those goods that are acquired during the marriage, but in practice women rarely know of or demand this right.

Customary law varies within the country. In some places, it appears to provide women less protection than family law, and unless a marriage is registered a woman has no recourse to the judicial branch for enforcement of the rights provided her by the civil codes. A new Land Law was adopted in 1997; sections pertaining to rural areas came into force in 1998, and those related to urban areas became effective in 1999. The law is expected to have a significant effect on women, who are the primary cultivators of family land. Under customary law, they often had no rights to the disposition of the land. The revised Land Law specifically permits women to exercise rights over community land held through customary rights. However, domestic NGO's such as the Rural Women's Development Association and Rural Mutual Assistance Association have cautioned that a considerable investment of time and education would be necessary before the new rights granted to women would supersede traditional practice.

The Constitution grants citizenship to the foreign-born wife of a male citizen, but not to the foreign-born husband of a female citizen.

Women continued to experience economic discrimination in practice. Women constitute slightly more than half the population but are responsible for two-thirds of economic production, according to the 1997 census. Women in the workplace receive lower pay than men do for the same work. According to Members of Parliament who debated the proposed revision of the Labor Law in 1998, women are subject to sexual harassment and to discrimination in hiring because of potential absences on maternity leave; although the Labor Law entitles a woman to 60 days of maternity leave, employers often violate this right. The Government continued to target maternal and child health and focused on immunizations for women in childbearing years and for young children. The estimated maternal mortality rate is 1,500 per 100,000. Numerous development organizations and health-oriented NGO's also emphasize programs to improve women's health and increasingly focus resources to combat the spread of HIV/AIDS and sexually transmitted diseases.

The law permits the entry of women into the military; however, there are few women in the armed forces, and the highest ranking woman in the army is a major. The military began to recruit more women during the year and brought in 93 new female recruits.

There were reports that women were trafficked to South Africa for forced prostitution and forced labor (see Sections 6.c. and 6.f.).

Children.—The Government has made children's rights and welfare a priority, but admits that some children are in significant trouble. Primary education is compulsory through the fifth year; however, there are few education facilities, which limits enrollment. A few new primary schools opened during the year throughout the country; however, schools are overcrowded, and there is much corruption in the school system. In addition, a number of schools were destroyed or converted to emergency shelters during the floods of February and March. Newspapers frequently reported that the parents of school children had to bribe teachers or officials to enroll their children in school, and that girls exchanged or were forced to exchange sex with teachers for passing grades. The 1997 census estimated that some 50 percent of children of ages 6 through 10 are in primary school. Only a fraction of children continue with secondary studies.

Girls continued to have less access to education than boys above the primary level: 42 percent of students in grades 1 through 5 were girls, and 40 percent of students in grades 6 through 10 were girls. The percentage increased to 48.4 percent for grades 11 and 12. However, there are only 105 public secondary schools na-

tionwide, of which only 23 offer classes through grade 12. About 76 percent of females over 15 years of age are illiterate. Outside the main cities, secondary schools are fewer, and where boarding is required for attendance, the number of female students drops significantly. In a case that gained national attention in 1998, residents of Morrumbene district in Inhambane Province demanded the exclusion of girls from the dormitories at the Cambine secondary school. In the absence of separate boarding facilities, local residents blamed schoolgirls for immoral behavior in the community and pressured authorities to comply with the illegal demand, which effectively prevented many girls from attending the school. The few out-of-town girls who remained to study were forced to live in unprotected shacks.

An NGO, the Association to Support Mozambican Children (ASEM), operated 2 alternative-learning centers in Beira for more than 900 children who were not able to return to their regular schools after being expelled from their homes or because they had left school to work. During the year, the Government supplied ASEM with textbooks.

NGO's and the Government took some steps to protect and reintegrate into families or other supervised conditions an estimated 3,000 street children in the Maputo metropolitan area. Street children sometimes are beaten by police and frequently are victims of sexual abuse. Some remedial government programs continued, including programs on education, information dissemination, health care, and family reunification. The mortality rate for infants was 135 per 1,000, and for children under the age of 5 it was 201 per 1,000. The Maputo City Social Action Coordination Office continued its program of rescuing abandoned orphans and assisting single mothers who head families of three or more persons. The same group offered special classes to children of broken homes in local schools. Other NGO groups sponsored food, shelter, and education programs in all major cities. ASEM, in Beira, also provided counseling to parents who have expelled children from their homes, which usually happens when a wife has children who are unacceptable to a new husband.

Social workers have found that some parents of disabled children did not permit their children to leave their homes; provincial social action officials continued their educational campaign to reverse traditional attitudes toward disabled children.

The law does not specifically provide an age of sexual consent, nor does the law criminalize the offering or procuring of child prostitution or child pornography, and sexual abuse. Exploitation of children below the age of 15 continued (see Sections 6.c. and 6.f.). However, authorities in several provinces took steps to combat child prostitution. Child prostitution appears to be most prevalent in Maputo and Beira, although it may also exist in rural areas. Child prostitution reportedly is growing in the Maputo, Beira, and Nacala areas, which have highly mobile populations and a large number of transport workers. According to the Network for Children, a domestic NGO, some members of the U.N. peacekeeping force that was in the country between 1992 and 1994 may have initiated child prostitution in Manica Province. In addition many child prostitutes have been infected with HIV/AIDS.

In Sofala province, where child prostitution exists along the Beira development corridor (frequented by truck drivers and businessmen), the Government operates information centers in affected areas to provide information to families and friends of children who are raped and exploited, and counsels them on how to deal with the police, public prosecutors, and judges. In order to address child prostitution, the National Assembly passed a law in May 1999 prohibiting the access of minors to bars and clubs; however, the Government does not have adequate resources to enforce the law effectively. In June the Ministry of Women and Social Action launched a campaign against the sexual exploitation of children and is working to educate hotels about the problem of child prostitution. The UNDP assisted the Government with training police to aid child prostitutes; however, there is a lack of accommodation centers, and the Government is unable to offer safe shelter to child prostitutes when they have been removed from danger.

In 1999 during an Africa-wide conference on child soldiers that was held in Maputo, the NGO Restore Hope was successful in obtaining a promise from the Defense Ministry that former child soldiers would not be conscripted.

There were reports that children in rural areas were used as bargaining chips to settle financial and other disputes (see Sections 6.c. and 6.f.). Families delegated their children to work limited periods of time to settle debts.

There are numerous reports that children are incarcerated with adults in prisons throughout the country (see Sections 1.c. and 1.e.).

People with Disabilities.—The Constitution states that "disabled citizens shall enjoy fully the rights" that it provides for; however, the Government provided few resources to implement this provision. Representatives of disabled groups and wounded veterans frequently protested that societal discrimination continues against the disabled. Victims of landmines are among the most politically organized

disabled citizens. About 1.9 percent of citizens are physically or mentally disabled. In July disabled and homeless veterans occupied vacant land in Matola to protest the municipality's delays in allocating land to the homeless.

Disabled women protested in 1998 that the Government only provided four schools nationwide for hearing and vision impaired persons and for the physically and mentally disabled. There are few job opportunities for disabled persons in the formal sector, although the 1997 census reported that 55 percent of disabled persons worked or held a job.

Social workers found that some parents of disabled children in several districts, including the populous towns of Gorongosa and Dondo, did not permit their children to leave their homes. Provincial Ministry of Social Action officials continued their educational campaign to reverse traditional attitudes toward disabled children. During the year, the Government provided scholarships for 615 disabled children in education facilities.

The Government continued to rely on NGO's to assist the disabled. Founded in 1991, the Association of Disabled Mozambicans (ADEMO) addresses social and economic needs of the disabled. Smaller NGO's also have formed, including the Association of Handicapped Military and Paramilitary Mozambicans, the Association of Blind and Visually Impaired Mozambicans (ACDVM), the Association of Mozambican Disabled Soldiers (ADEMIMO), the Association of Deaf Mozambicans (ASUMO), the Association of Demobilized War Veterans (AMODEC), and the Association of Disabled Divorced Women (AMODD). In July ADEMO held a conference to address the rights of people with disabilities.

Concerns of the disabled include accessibility to buildings and transportation, and a lack of wheelchairs. The only provisions that the Government has enacted for accessibility to buildings and transportation for the disabled were in the electoral law governing the country's first multiparty elections, which addressed the needs of disabled voters in the polling booths. Special access facilities are rare. On June 23, 1999, the Cabinet issued a resolution that approved the first national policy on disabled persons and laid out principles and strategies aimed at encouraging their active participation in the country's socio-economic development; the plan would address concerns of the disabled, including access to public buildings and government infrastructure. However, the plan had not been implemented by year's end due to funding constraints.

Religious Minorities.—Relations among communities of different faiths generally are amicable, especially at the grassroots level. The black and Indian Islamic communities tend to remain separate; however, there were no reports of conflict.

Civil society and the media highlighted aspects of the draft Family Law legislation early in the year. Debate focused on the need for legal recognition of religious and common law marriages, as only civil marriages are legal at present. Under the proposed law, polygamous marriages would not be recognized, although the law would offer protection to the widows and children of polygamous unions. Several leaders within the Islamic community oppose the proposal for not recognizing polygamy. On the other hand, approximately 50 Muslim women staged a public protest against polygamy in early May. There was also debate between some Islamic groups and several Christian groups over a section of the law that would raise the legal age of marriage.

In January the Supreme Court acquitted an imam who was arrested in 1999 in connection with a murder (see Section 2.c.); in July the court found two other men guilty of the murder and sentenced them to 9 and 16 years" imprisonment.

National/Racial/Ethnic Minorities.—There was no systematic persecution or discrimination on the basis of race or ethnicity; however, the FRELIMO Government traditionally has included at all levels a large number of southerners, mostly from the Shangaan ethnic group, which has engendered complaints from residents of other parts of the country. There also were complaints against the Government that it favors economic development in the southern part of the country over other areas. The Government has taken several steps to address such concerns; the central and northern provinces have been included in the Government's 5-year development plan, its economic and social plan, its poverty alleviation strategy, and its investment incentive program. In addition, the President, the Prime Minister, and Cabinet members spent significantly more time in the provinces as compared with the previous year. The Government also includes in senior positions persons originally from the northern part of the country.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides that all workers are free to join or refrain from joining a trade union, and workers enjoy these rights in practice. Labor relations are governed by the 1991 Labor Law, which protects workers"

rights to organize and engage in union activities, and the 1985 Labor Law which was revised and promulgated in 1998. Trade unions remained concerned that free trade zones created under the revised 1998 law would result in less favorable labor rights, due to government incentives offered to foreign investors.

Until 1992 the only trade union federation was the Organization of Mozambican Workers (OTM), which was affiliated with, and dominated by, the FRELIMO party. Three unions broke away from the OTM in 1992, and by 1994 had formed their own central union, the Free and Independent Union of Mozambique (SLIM). In January 1999, the Ministry of Labor recognized this second central union as a legal entity, known as the Confederation of Free and Independent Unions of Mozambique (CONSILMO). CONSILMO is permitted to participate in national negotiations on the minimum wage with the Consultative Labor Commission, a body including representatives from labor, private employers, and Government. CONSILMO maintained the SLIM's working relationship with the OTM, and includes the powerful 28,000-member Union of Industrial Construction Workers of Mozambique (SINTICIM) construction trades union, an early promoter of the rights of female workers.

In 1994 the OTM declared itself free of commitments to any political party, companies, or religious groups, and its regulations prohibit persons holding high ranks within any political party from simultaneously holding top positions in the trade union. Other labor unions maintain that the OTM is not independent of the Government.

The Constitution explicitly provides for the right to strike, with the exception of civil servants, police, military personnel, and other essential services (which include sanitation, fire fighting, air traffic control, health care, water, electricity, fuel, post office, telecommunications, and funeral services). In August the OTM and other unions threatened a general strike following a lack of progress in resetting the minimum wage level in tripartite negotiations involving the unions, the Government, and employers" organizations (see Sections 6.b. and 6.e.). After negotiations came to a standstill, the Council of Ministers implemented a salary increase of 26 percent in July and agreed to an additional 4 percent increase; however, the addition was not granted during the year due to financial constraints.

Provisions of the 1991 Labor Law forbid retribution against strikers, the hiring of substitute workers, and lockouts by employers. Specific labor disputes generally are arbitrated through special workers' committees, formally recognized by the Government.

Two members of the workers' committee of a security services company were suspended from their duties after giving advance notification of a January 1998 strike action to company management. The law specifies that strikers must notify police, government, union, and employers 48 hours in advance of intended strikes. The firm charged the two with illegally representing employees who were protesting the company's failure to answer a wage and benefits appeal made in late 1997 and with allegedly assaulting company managers. Their case has not yet been resolved.

The Government reportedly investigated the killing by police of a demonstrator during a labor strike at a security services company in 1998; however, no report was released publicly, nor was any action taken against the officers responsible by year's end.

The Constitution and labor legislation give unions the right to join and participate in international bodies. The OTM is a member of the Organization of African Trade Union Unity and the Southern African Trade Union Coordinating Council.

b. The Right to Organize and Bargain Collectively.—The Labor Law protects the right of workers to organize and engage in collective bargaining. It expressly prohibits discrimination against organized labor. In 1991 the Government decreed that it would no longer set all salary levels. Negotiation of wage increases was left in the hands of existing unions. The Consultative Commission on Labor met periodically to negotiate changes in the minimum wage. In August the OTM and other unions threatened a general strike following a lack of progress in resetting the minimum wage level in tripartite negotiations involving the unions, the Government, and employers organizations (see Section 6.a.). In 1998 for the first time since independence, the country's banks, which are entirely privatized, signed a collective bargaining agreement, regulating the labor relationship between bank management and staff.

The law provides for the creation of export processing zones (EPZ's); in July MOZAL became the first firm to produce goods in an EPZ. Workers in EPZ's are subject to the same labor regulations as other workers, and worker rights are respected in practice.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor is prohibited by law; however, while there were no reports of such practices in the formal

economy, there were reports that women were trafficked to South Africa for forced prostitution and forced labor (see Sections 5 and 6.f.) The law does prohibit forced and bonded labor by children, although children in rural areas were used as labor to settle financial and other disputes, with their families delegating their children to work limited periods of time to settle economic debts (see Sections 5, 6.d., and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor is regulated by the 1998 Labor Law. In the wage economy, the working age without restrictions is 18 years. The revised 1998 labor law permits children between the ages of 15 and 18 to work subject to certain restrictions. Children between the ages of 12 and 15 are permitted to work under special conditions authorized jointly by the Ministries of Labor, Health, and Education. For minors under 18 years, the maximum workweek is 38 hours, and the maximum workday is 7 hours. Children must undergo a medical examination before beginning work. By law children must be paid at least the minimum wage or a minimum of two-thirds of the adult salary, whichever is higher. The Ministry of Labor regulates child labor in both the informal and formal sectors.

Child labor remains widespread in the country, especially in rural areas where children sometimes work alongside their parents or independently in seasonal harvests or commercial plantations. Employers normally pay children on a piecework basis for such work, which principally involves picking cotton or tea leaves.

Because of high adult unemployment in the formal sector, estimated at around 50 percent, few children are employed in regular wage positions; however, children, including those under age 15, commonly work on family farms or in the urban informal sector, where they perform such tasks as "guarding" cars, collecting scrap metal, or selling trinkets and food in the streets. The informal labor sector is unregulated. Children also are employed in domestic positions; the number of children in domestic positions appeared to be rising. In a September 1999 newspaper survey, labor union representatives noted the growing presence of children in construction jobs. Child prostitution also appears to be growing, especially in the Maputo, Beira, and Nacala development corridors, which have highly mobile populations and a large number of transport workers. Child prostitution also appears to be growing in rural areas (see Section 5).

Less than 50 percent of school-age children attend classes (see Section 5); children not in school frequently are employed in the agricultural and casual labor sectors.

In June 1999 the Government signed ILO Convention 182 on the Worst Forms of Child Labor; however, the Government had not ratified it by year's end.

The law does prohibit forced and bonded labor by children, although children in rural areas were used as labor to settle financial and other disputes, with families delegating their children to work limited periods of time to settle economic debts (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work.—The industrial minimum wage of approximately $35 (568,980 meticais) per month, is set by ministerial decree, although the level is recommended through an administrative process which consists of a tripartite commission composed of labor unions, government representatives, and employer groups. There is also an agricultural minimum wage of approximately $24 (382,725 meticais) per month, which is established through the same tripartite process. Neither minimum wage is considered sufficient to provide a decent standard of living for an average worker and family, and many workers must turn to a second job, if available; maintain their own gardens; or depend on the income of other family members to survive. Only a small percentage of laborers work at the minimum wage level. Less than 10 percent of workers are in salaried positions, and the majority of the labor force is employed in subsistence farming and the informal sector. Although the industrial sector frequently pays above minimum wage, there is little industry outside of the Maputo area. In August the OTM and other unions threatened a general strike following a lack of progress in resetting the minimum wage level in tripartite negotiations (see Section 6.a.). Following tripartite negotiations among the Government, employers, and labor unions, the Government agreed to raise the minimum wage by 30 percent. The Government granted an increase of 26 percent in July; however, due to funding constraints, the final 4 percent was not yet implemented by year's end.

The Ministry of Labor is responsible for enforcing the minimum wage rates in the private sector, and the Ministry of Planning and Finance in the public sector. Violations of minimum wage rates usually are investigated only after workers register a complaint. It is customary for workers to receive benefits such as transportation and food in addition to wages. There is an obligation for workers or employers to participate in a social security scheme, although they voluntarily may create and contribute to private accounts or plans with the National Institute of Social Secu-

rity, to cover retirement, unemployment compensation, and emergency benefits. Worker complaints about employers deducting social security contributions from wages but failing to pay them into accounts grew. During the year, many workers were unable to claim unemployment benefits. Workers who previously had labored in East Germany have requested sums that were set aside from their wages to serve as pensions at a later date; the German government previously attempted to transfer these amounts to the Government, Government never received these amounts due to suspected embezzlement by a government employee, and the Government claimed that it could not reimburse the workers.

The standard legal workweek is 44 hours, with a weekly 24-hour rest period.

In the small formal sector, the Government has enacted health and environmental laws to protect workers; however, the Ministry of Labor enforces these laws ineffectively, and the Government only occasionally has closed firms for noncompliance. The Labor Ministry reported 729 industrial accidents in 1999, with 38 deaths. Most of these accidents were blamed on unsafe practices or the lack of safety equipment. During the parliamentary debate in 1998 on revision of the Labor Law, delegates noted that there continued to be significant violations of labor legislation in many companies and services. Workers have the right to remove themselves from work situations that endanger their health or safety without jeopardy to their continued employment, although this right was restricted in practice.

f. Trafficking in Persons.—There are no specific laws that prohibit trafficking in persons, although trafficking can be addressed under labor, immigration, and child welfare laws, and there were reports that women were trafficked to South Africa for forced prostitution and forced labor (see Sections 5 and 6.c.). Women are lured into the country by international organized crime syndicates with the promise of jobs and decent wages, and then forced to work as prostitutes, in some cases to pay off debts to those who smuggled them into the country. The LDH was investigating a report by two women from Manhica that they were promised jobs in South Africa and then forced to work in a brothel when they arrived there; the investigation was ongoing at year's end. On occasion the media reported that citizens worked in foreign countries for low wages or in poor conditions.

Unlike in the previous year, there were no reports that women and children were trafficked to Swaziland.

There were reports that children in rural areas often were used as bargaining chips to settle financial and other disputes in rural areas (see Sections 5 and 6.c.). Families delegate their children to work limited periods of time to settle economic debts.

The Government did not take any specific actions to combat trafficking during the year.

NAMIBIA

Namibia is a multiparty, multiracial democracy. President Sam Nujoma, leader of the South West Africa People's Organization (SWAPO), was reelected in 1999 general elections, which international and domestic observers agreed were free, but included some instances of government harassment of the opposition and unequal access to media coverage and campaign financing. Although the Constitution formerly limited the President to two terms in office, in November 1998, the National Assembly amended the Constitution to permit President Nujoma to run for a third term. In the 1999 elections, President Nujoma won 77 percent of the vote and SWAPO won three-quarters of the seats in the National Assembly. The judiciary is independent.

The police, including the paramilitary Special Field Force (SFF), supervised by the Ministry of Home Affairs, and the Namibian Defense Force (NDF), supervised by the Ministry of Defense, share responsibility for internal security. The Namibian Central Intelligence Service (NCIS) has responsibility for national security related intelligence inside and outside the country. As a result of crossborder fighting from Angola, there were increased abuses by the security forces in the Kavango and Caprivi regions. NDF soldiers were sent to the Democratic Republic of the Congo (DRC) in 1998 and remained there throughout the year. Members of the police force committed serious human rights abuses.

Namibia's modern market sector produces most of its wealth, while a traditional subsistence agricultural sector (mainly in the north) supports most of its labor force. The principal exports are diamonds and other minerals, cattle, and fish. Ranching still is controlled largely by white citizens and foreign interests. In other industries, including the important mining, fishing, and tourism sectors, the participation of in-

digenous entrepreneurs is being increased to provide opportunities for black citizens. Per capita annual gross domestic product is approximately $1,400. However, there is an extreme disparity between income levels of black citizens and white citizens. Unemployment was nearly 40 percent and affected primarily the black majority.

The Government generally respected the human rights of its citizens; however, there were serious problems in several areas. Members of the security forces committed several extrajudicial killings while conducting extensive security operations in the Kavango and Caprivi regions along the country's northern border with Angola. After fighting between the Angolan Armed Forces (FAA) and forces from the National Union for the Total Independence of Angola (UNITA) crossed into the country, security forces involved in anti-UNITA security operations killed civilians. The Government did not account for the whereabouts of some persons detained by the security forces. During arrests and detentions, security force members beat citizens and Angolan refugees who were suspected of complicity with UNITA. There were other reports of police mistreatment of suspects in detention, and refugees were denied legal protections during detention. Some security force members who committed abuses were arrested and tried in military courts or the civilian criminal justice system; however, the Government did not take legal or administrative action in many other cases. Prison conditions and conditions in military detention facilities were spartan. Arbitrary arrest and lengthy pretrial detention are problems. A large court backlog, due primarily to resource constraints, continued to lead to lengthy delays of trials. High-level government officials continued to respond to criticism of ruling party and government policies with verbal abuse. There continued to be pressure on journalists who worked for government-owned media outlets not to criticize the Government. There continued to be a ban on all public demonstrations that did not have prior police approval, and, on a few occasions, the Government prevented some demonstrations. On occasion the Government restricted freedom of movement. The authorities continued to deport Angolan citizens without review by an immigration tribunal, as required by the law; however, there were no reports of such deportations during the latter half of the year. Violence against women and children, including rape and child abuse, continued to be serious problems; however, the Government took some steps during the year to address these problems. Women continued to experience serious legal and cultural discrimination. Racial and ethnic discrimination and serious disparities in education, health, employment, and working conditions continued. Discrimination against indigenous persons persisted, especially in remote rural areas where indigenous persons often were unaware of their rights. There were reports of forced labor, including by children. The Government took steps to end child labor, and the problem of child labor declined.

Members of the FAA and UNITA involved in the crossborder fighting in the northern part of the country committed extrajudicial killings, beat civilians, and according to local and international human rights groups, committed a number of rapes.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Members of the security forces committed several extrajudicial killings in the Kavango and Caprivi regions along the northern border, where fighting between FAA and UNITA forces crossed over into the country. At times security forces used excessive violence against citizens and Angolan civilians along the northern border of the country, and security forces involved in anti-UNITA operations killed a number of civilians during the year. On January 10, SFF members in Hakusembe fired into a crowd of refugees and shot and killed a 6 year-old girl, Heremine Nyumbu. On January 27, SFF members shot and killed Mpengu Haininga as he tried to escape arrest in Sheghuru village east of Rundu. On March 10, a SFF member shot and killed Mapeu Moroshi in Thipanana Rughongo village. A SFF member was arrested and charged with the killing; however, there was no further information available on the case by year's end. On June 8, NDF soldiers shot and killed Felizberto Toto in the village of Nakazaza west of Rundu.

At times the Government took action against security forces responsible for deaths; however, in many other cases, the Government failed to take action against security force members responsible for killings.

During the early months of the year, senior civilian and military government officials made public statements acknowledging that security forces abused and killed civilians in the Kavango and Caprivi regions during security operations in response to crossborder UNITA attacks in the country, and they publicly called for greater discipline and respect for human rights by the NDF and police forces. The NDF and

police forces implemented human rights training with the assistance of UNHCR and the Legal Assistance Center, a domestic nongovernmental organization (NGO).

In November 1999, a police officer in Okahandja beat to death a student who was arrested and in custody for disorderly conduct. The police officer immediately was suspended, charged, and released on bail; his trial was still pending at year's end.

In August 1999, security force officers killed 8 Caprivi Liberation Army (CLA) rebels and several civilians, and they beat, arrested and detained suspected CLA rebels and sympathizers during operations against the CLA after an August 1999 CLA attack at Katima Mulilo. No action had been taken against the implicated officers by year's end. Representatives of some international human rights organizations visited the country to investigate the August 1999 killings and abuses, and Amnesty International (AI) released a report during the year (see Section 4).

There was no further information available on the case against a SFF officer who shot and killed James Chilunda, a civilian, in the Caprivi village of Singalamwe in July 1999.

After the Government decided in December 1999 to allow the FAA to launch anti-UNITA attacks from the country's territory, there was extensive crossborder fighting, which resulted in civilian deaths and injuries. On January 9, two civilians were shot and killed during crossborder fighting in Nkonke. In February three civilians were killed and nine houses were burned during crossborder fighting in Shinyungwe village.

FAA soldiers killed a number of civilians during the year. On January 22, an FAA member killed Thadeus Mubili in Mushangara in western Caprivi. On May 27, the FAA killed Thaddeus Vili at Bagani near the Kavango and Caprivi regions. In both cases, the responsible FAA members were arrested immediately after the killings and returned to the FAA for punishment; however, it is not known if the FAA took further action by year's end.

During raids in the Kavango and Caprivi regions, UNITA forces killed civilians.

UNITA used landmines, which resulted in dozens of deaths and numerous injuries of civilians and security force officers. The Government reported that by October 12 persons were killed and 107 were injured by landmines in the Kavango region and the western part of the Caprivi region (see Section 1.c.). There also was some evidence that FAA members used landmines in villages.

On January 3, unknown armed men attacked a family of foreign tourists on the Trans-Caprivi Highway, killing three children and injuring their parents; the incident was under investigation at year's end.

b. Disappearance.—There were no confirmed reports of disappearances perpetrated by the security forces during the year. Although the Government arrested a number of suspected UNITA supporters in the Kavango and Caprivi regions and detained them for several weeks, they all were accounted for by year's end.

During several crossborder attacks into the northern area of the country, UNITA kidnaped Namibian citizens and took them to Angola. There were reports that some of the kidnaped persons were raped or forced to serve as combatants or porters (see Section 6.c.).

There were no further developments on the disappearance of persons detained by SWAPO prior to independence.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution provides that no persons shall be subject to torture or to cruel, inhuman, or degrading treatment or punishment; however, in practice, prisoners sometimes were beaten or otherwise mistreated by police, especially by members of the SFF. There were serious abuses in the Kavango and Caprivi regions along the northern border, where fighting between FAA and UNITA forces spilled into the country. During arrests and detentions, security force members beat citizens and Angolan refugees who were suspected of complicity with UNITA.

On January 7, SFF members arrested Erkki Fiderato in a village east of Rundu. The SFF members allegedly beat Fiderato with rifle butts during his arrest and with an iron bar while he was in detention at Utokota SFF base. On January 10, SFF members in Hakusembe shot and wounded Kandepwe Kapama when they fired shots into a crowd of refugees (see Section 1.a.). On January 12, police shot and injured Kathumbi Diyeve in the head as he ran from security forces in the village of Muitjiku in western Caprivi. On January 28, members of the SFF beat Lucas Kavura and his father, Daniel Nyambe, in their home in the Sambyu area and again at a special field force base. On February 3, SFF members arrested Kamungwe Ngondo and held him in detention for 2 weeks at the Rundu airport military base, during which time officers reportedly beat him with rubber whips, called sjamboks. On February 4, members of the SFF shot and wounded Muyeva Thadeus Munango, reportedly while he was fishing in the Kavango River. On February 10, SFF officers arrested Hompa Anton in Sauyemwa near Rundu; they beat

him with rifle butts, whipped him, and kicked him during his arrest and detention. He was hospitalized for a broken vertebrae.

SFF members reportedly beat persons whom they stopped for identification checks. For example, on January 24, SFF members arrested Kapindi Mpepo, Haupindi Hamuyera, and Petrus Paulus and beat them with sjamboks when they were unable to produce Namibian identity documents; the three were later found to be citizens and were released.

On September 18, 18 NDF soldiers were convicted by courts-martial of assault for severely beating and pouring hot water on seven persons on August 21 in Sivara, west of Rundu. The soldiers were sentenced to 2 years in prison; however, they remained in the NDF and their sentences were suspended on the condition that they not commit assault within the next 2 years.

In October there were reports that security forces targeted members of the Kxoe minority group for harassment during antiUNITA operations in the Caprivi region.

At times, security force members who committed abuses were arrested and tried in military courts or the civilian criminal justice system; however, in many other cases, the Government did not take any action against those responsible for abuses.

In 1999 security forces responded with violence to secessionist attacks. The Legal Assistance Centre (LAC) was representing former parliamentarian Geoffrey Mwilima in a civil suit against the Government for damages for their mistreatment by police after the August 1999 CLA attack at Katima Mulilo. Security forces beat Mwilima and other suspected CLA members and sympathizers with sjamboks and rifle butts during arrest and detention. A police spokesman stated publicly on several occasions that the Police Complaints and Discipline Unit was conducting investigations into the abuse of detainees; however, at year's end, the LAC case against the Government had not been heard, and the Government had not taken administrative action against those responsible. Chrispin Sinfua also initiated a civil suit against the Government for the abuse that he suffered in 1999; the trial had not begun by year's end. The LAC reported that 120 civil suits had been filed relating to the 1999 state of emergency in Caprivi.

In 1994 the police instituted a human rights training course designed by the LAC, which was ongoing; during the year, the LAC introduced a police human rights manual. During the March 30 opening of the human rights training facility, the head of the Police Complaints and Discipline Unit, Commissioner Sebastian Ndeitunga, announced that the Inspector General had prohibited the use of sjamboks by police, a directive which became effective immediately. The directive generally was observed by police and resulted in some decrease in reports of police brutality; however, police still are permitted to use batons. There was one report of police use of sjamboks after March 30; it is not known whether disciplinary action was taken against the officer responsible.

Numerous crossborder attacks into the country by UNITA forces, the use of landmines by UNITA, and the abuse of civilians in the northern part of the country by FAA troops resulted in dozens of deaths and many injuries to civilians (see Section 1.a.). The Government reported that by October, 107 persons had been injured by landmines. There were reports that UNITA forces kidnaped female citizens and raped them. There were reports of intimidation and abuse of civilians by the FAA, including sexual harassment, threatening behavior by drunken soldiers, and indiscriminate use of firearms. In August the all-SWAPO region council for Kavango recommended the removal of Angolan Government troops from the country because of their harassment of Namibian civilians.

In September 1999, many detainees exhibited evidence of extensive injuries inflicted by police during their detentions, including detainees Oscar Lupalezwi, Stephan Ntelamo, and Allen Sameja. All three identified their abusers as police sergeant Patrick Liswani and two constables named "Haipa" and "Oupa." During the year, the Prosecutor General requested additional investigations in the criminal case against FAA officers Patrick Liswani, Haipa, and Oupa; there was no further action on the case by year's end.

On January 3, foreign tourists were attacked and injured by unknown armed men on the Trans-Caprivi Highway (see Section 1.a.).

Prison conditions and conditions in military detention facilities are spartan, although the Government continued to focus attention on improving living conditions. Visits by the International Committee of the Red Cross (ICRC) and foreign diplomats found conditions in prisons to be clean and orderly. Human rights organizations continued to complain about prison overcrowding. In 1995 the Government created a Ministry of Prisons and Correctional Services, charged with administering the country's prisons and jails. The Government also made efforts to separate youthful offenders from adult criminals, although in many rural areas juveniles continued to be held with adults. There are several pilot programs that provide alternatives

to incarceration for juvenile offenders. Female prisoners are held separately from male prisoners. There have been allegations that female prisoners sometimes were abused by prison guards. The Government continued to grant NGO's regular access to prisons and prisoners. The ICRC requested and received prison access, including access to the high security Dorbabis detention facility.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution forbids arbitrary arrest or detention except in situations of national emergency; however, security forces used arbitrary arrest and detention in practice. According to the Constitution, persons who are arrested must be informed of the reason for their arrest and must be brought before a magistrate within 48 hours of their detention. Those accused are entitled to defense by legal counsel of their choice, and those who cannot afford a lawyer are entitled to state-provided counsel. However, in practice many accused persons in remote and rural areas are not represented by counsel, primarily due to resource constraints. A trial must take place within "a reasonable time," or the accused must be released. Human rights organizations have criticized the length of time that pretrial detainees were held, which have extended up to 1 year in some cases (see Section 1.e.). Under a state of emergency, the Constitution permits detention without trial, although the names of detainees must be published in the government gazette within 14 days, and their cases must be reviewed within 1 month by an advisory board appointed by the President.

On January 7, SFF members arrested Erkki Fiderato in a village east of Rundu and allegedly beat him while he was in detention at Utokota SFF base (see Section 1.c.). On February 10, SFF officers arrested Hompa Anton in Sauyemwa near Rundu; they beat him with rifle butts, whipped him, and kicked him during his arrest and detention (see Section 1.c.). On February 18, the Central Intelligence Service detained the Katima Mulilo-based head of National Society for Human Rights" (NSHR) Caprivi office, Moses Nasileli, for questioning and they expelled him from the country to Zambia on February 21 (see Section 4). On June 9, a group of Angolan and Congolese refugee musicians were arrested for performing at a Congress of Democrats (COD) rally (see Section 2.d.). The Government returned the musicians to the Osire refugee camp and revoked their permission to live in Windhoek. When some of the musicians later left the camp without government permission, the Government attempted to arrest them. The musicians, represented by the LAC, obtained an injunction against their detention and expulsion from the country. Although the Government initially announced that it would arrest them again, no such action had been taken by year's end. During a security force operation in August, the Government arrested 82 alleged Angolan illegal immigrants in the northern part of the country and detained them under Section 49 of the Immigration Control Act, a provision that gives the Government greater powers to arrest and detain immigrants who may pose a security threat. A majority of the arrested immigrants had lived in the country for many years, and they were detained based on suspicion of involvement in UNITA crossborder attacks. The detainees were held for a month in secrecy before the Government made the arrests and detentions public in September. Although the detainees were interviewed by the ICRC and UNCHR, they were denied legal counsel. The NSHR stated that at least one of the detainees was a citizen and provided his identification card number; however, the Government has disputed the detainee's citizenship, and he continued to be held at Dorbabis detention facility at year's end. The Government stated that it would not forcibly return the detained immigrants to Angola. The detainees remained at Dorbabis at year's end; they had not been charged, and they were not granted access to legal counsel, although ICRC arranged for the Namibian Red Cross to transmit messages to and from their families.

In October there were reports that security forces arrested and detained 3 senior headmen and 10 children from the Kxoe minority group (see Section 1.c.). The children reportedly were later released.

Some traditional leaders reportedly continued to detain and imprison persons accused of minor offenses without recourse to police or judicial review. In response the Government instructed traditional leaders on the legal limits of their authority.

During the August 1999 state of emergency declared in response to CLA attacks in Katima Mulilo, the security forces detained several hundred of suspected CLA members and sympathizers. Most of the detained were held incommunicado for 2 weeks, which the Constitution allows during states of emergency, before the Government provided public notice of the detentions. All of the detained were arraigned on charges, but were denied bail and remained in detention at year's end; their trials were postponed until April 2001. While the majority of detentions during the state of emergency occurred in the Caprivi region, on August 7 and 8, Albert Sibeya and Martin Sichimwa Mutumba were arrested in Ongwediva in the north-central part of the country. The NSHR protested the use of emergency measures to detain

suspects outside of the Caprivi region, and the LAC initiated a constitutional case against the arrests. The case had not been heard by year's end.

The Government generally does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice.

The formal court system has three levels: 30 magistrates' courts; the High Court; and the Supreme Court. The latter also serves as the court of appeals and as a constitutional review court.

Most rural citizens first encounter the legal system through the traditional courts, which deal with minor criminal offenses such as petty theft and infractions of local customs among members of the same ethnic group. The Traditional Authorities Act delineates which offenses may be dealt with under the traditional system.

The constitutional right to a fair trial with a presumption of innocence until proven guilty generally is afforded by the judiciary; however, this right is somewhat limited in practice by long delays in hearing cases in the regular courts and the uneven application of constitutional protections in the traditional system.

The lack of qualified magistrates, other court officials, and private attorneys has resulted in a serious backlog of criminal cases, which often translated into delays of up to a year or more between arrest and trial, contravening constitutional provisions for the right to a speedy trial. Many of those awaiting trial were treated as convicted criminals.

In July the Minister of Home Affairs criticized foreign judges serving in the judiciary after a High Court issued a restraining order against the Government and threatened to withdraw work permits of foreign judges; however, in August the Minister subsequently apologized (see Section 2.a.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides all citizens with the right to privacy and requires arresting officers to secure a judicial warrant before conducting a search, except in situations of national emergency, and government authorities generally respected these rights in practice. In general violations were subject to legal action.

Under the 1997 Namibian Central Intelligence Service (NCIS) Bill, the NCIS is authorized to conduct wiretaps, intercept mail, and engage in other covert activities, both inside and outside the country, to protect national security. However, wiretaps and covert surveillance require the consent of a judge.

In February UNITA forces killed three civilians and burned nine houses in Shinyungwe village (see Section 1.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, subject to "reasonable restrictions" in situations such as a state of emergency, and the Government generally respected these rights; however, at times high level government officials responded to criticism of the ruling party and government policies with verbal abuse. There also were reports of government pressure on reporters who worked for the governmentowned media.

Reporters for independent newspapers continued to criticize the Government openly and do not engage in self-censorship. During the year, high-level government officials sharply and publicly criticized journalists, human rights groups, and opposition politicians in response to perceived criticism of the Government or ruling party (see Section 4). The NSHR issued a report in 1999 citing 20 such incidents. Such verbal attacks do not appear to have had a major impact on the aggressive style of the independent media or the work of human rights groups or opposition political parties. NGO's involved in media issues maintained that reporters working for the government-owned New Era newspaper were subjected to indirect and direct pressure not to report on certain controversial topics, and although the New Era sometimes covered opposition party activities and views that were critical of the Government, the Government exerted increasing control over its news content during the year.

The government-owned NBC operates most radio and television services. Media observers believe that NBC reporters exercised considerable self-censorship on certain controversial issues, although the NBC provided some coverage to opposition parties and viewpoints critical of government policies. However, a newly-appointed NBC Director instituted management changes that were criticized for enforcing ideological compliance with the Government and seeking to diminish government opposition. In September a senior NBC staff member won a court injunction against her reassignment, which was part of the restructuring process, but it was perceived by journalists and legal and human rights groups to be as a response to her critical news coverage of the Government.

There were five private radio stations, one private television station in the town of Rehoboth, and a private cable and satellite television service that broadcasts the Cable News Network, the British Broadcasting Corporation, and a range of South African and international news and entertainment programs. The ruling SWAPO party owns 51 percent of this cable service. There are no restrictions on the private ownership of satellite dishes, and the use of satellite dishes and cable television is growing.

There are no restrictions on Internet access or use. There are growing numbers of domestic web pages, and one of the independent newspapers has a popular website.

In October 1997, the Ministry of Information and Broadcasting (MOIB) issued new regulations for journalists. In March the MOIB was absorbed into a combined Ministry of Foreign Affairs and Information and Broadcasting. Regulations require foreign journalists who seek to visit the country to provide a month's advance notice to the Ministry of Foreign Affairs and Information and Broadcasting, stating the purpose of their proposed visit. Journalists are required to schedule appointments with government officials through the Ministry of Foreign Affairs and Information and Broadcasting and request permission to visit areas under the control of the Ministry of Environment and Tourism. Additionally journalists must obtain a temporary work permit from the Ministry of Home Affairs. Several major conferences in the country attracted large numbers of international journalists.

The Government respects academic freedom. There were no reports of interference with, or harassment of, these activities.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, except in situations of national emergency, and the Government generally has respected this right in practice; however, on a few occasions the Government prevented demonstrations.

Organizers of public meetings were required to obtain prior police approval, but many public gatherings took place without such approval and without interference by the Government. In August the Government prevented two peaceful protest marches from delivering petitions to State House during the summit of heads of state of the Southern African Development Community (SADC).

On June 8, SWAPO supporters intimidated COD members arriving for a rally in the Gobabis "singles quarters" (used during the apartheid era to house male workers living away from their families). The COD cancelled the rally.

The Constitution provides for freedom of association, even in times of national emergency, and the Government generally respected this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, except in situations of national emergency; however, on occasion the Government restricted these rights in practice. SFF members reportedly beat persons whom they stopped for identification checks. For example, on January 24, SFF members arrested three persons and beat them with sjamboks when they were unable to produce Namibian identity documents (see Section 1.c.).

Namibian and Angolan security forces forcibly returned Angolan refugees entering the Kavango region on several occasions during the year. There were allegations that young males were separated from their families, arrested, returned to Angola, or forced into conscription with the Angolan army. UNHCR requested and was granted access to immigration tribunal proceedings. The UNHCR provided training for security and immigration officials in response to a Government request, and there were no reported forced returns during the latter half of the year.

A law containing provisions for dealing with refugees in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol was passed in 1998 and signed into law by the President in March 1999. The Government cooperates with the UNHCR on the granting of refugee status to asylum seekers. The Government's eligibility committee continued to meet on a regular basis to consider asylum requests, and the UNHCR was permitted to intervene in those cases where immigrants would qualify for refugee status. Illegal immigrants continued to be detained for short periods prior to their deportation proceedings. In cases where illegal immigrants are alleged to pose a security threat, they can be detained for longer periods under Section 49 of the Immigration Act.

The Government provided first asylum and continued to permit asylum seekers to enter the country. The UNHCR estimates that approximately 26,000 persons eligible for refugee status are residing within the country. There were approximately 18,000 refugees and asylum seekers at the Osire camp, 95 percent of whom are from Angola. The remaining refugees are from the Democratic Republic of the Congo, Bu-

rundi, Rwanda, Tanzania, and other African countries. Government officials interview asylum seekers. Those granted refugee status generally were not permitted to work, live outside the Osire refugee camp, or attend schools. Schools have been established at the Osire refugee camp. The Osire camp, which was designed to accommodate 5,000 refugees, experienced severe overcrowding problems during the year.

During the first few months of the year, the authorities deported some Angolan citizens without review by an immigration tribunal, as required by law. The deportation of military-age Angolan men led the NSHR to accuse the police of assisting the Angolan government in its conscription efforts (see Section 2.d.). After the local UNHCR office provided training for immigration and security force officials beginning in late 1999, the number of such extra-legal deportations declined.

On February 21, the Central Intelligence Service expelled from the country to Zambia the Katima Mulilo-based head of NSHR's Caprivi office, Moses Nasileli. Nasileli was a Zambian national who had lived in the country since 1985, was married to a citizen, and had six citizen children (see Section 4).

In October officials denied foreign Red Cross members access to the Osire refugee camp based on new permit requirements. The Namibian Red Cross Society (NRCS) temporarily withdrew from the Osire camp after the incident. In April the Government, UNHCR and the NRCS entered into a tripartite agreement to provide for refugees in the Osire camp; the agreement designates the NRCS as the primarily service provider. As a result, coordination among the parties improved during the year.

In August the Government arrested and detained 82 alleged Angolan illegal immigrants in the northern part of the country based on suspicion of UNITA involvement. The majority of the arrested immigrants had lived in the country for many years. Although the detainees were interviewed by the ICRC and UNHCR, they were denied legal counsel. The Government stated that it would not forcibly return the detained immigrants to Angola (see Section 1.d.).

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

Citizens exercised their right to change their government by electing a President and National Assembly for the second time since independence during the November 30 to December 1, 1999, general election, which international and domestic observers agreed was generally free and well-administered despite some irregularities. Observers noted instances of harassment of opposition members during the campaign, and unequal access to media coverage and campaign financing were problems. Nevertheless voter turnout was over 60 percent and the election proceeded peacefully. Sam Nujoma, leader of the ruling party SWAPO, was reelected. Although the Constitution formerly limited the President to two terms in office, in November 1998, the National Assembly amended the Constitution to permit President Nujoma to run for a third term. President Nujoma won 77 percent of the vote and SWAPO won 55 of 72 elected National Assembly seats. Four opposition parties won a total of 17 seats in the National Assembly, including the COD party, which won the largest number of opposition votes, the Democratic Turnhalle Alliance (DTA), the United Democratic Front, and the Monitor Action Group.

The Constitution establishes a bicameral Parliament and provides for general elections every 5 years and regional elections every 6 years.

Opposition parties generally were able to undertake political activity such as advertising and holding party conferences and public rallies. However, prior to the June National Assembly by-election in Gobabis, SWAPO supporters prevented the COD from holding a rally (see Section 2.b.).

In July 1998, the Government created an independent electoral commission and named a broad based group of respected individuals to the commission. The Government also named a respected former journalist as the new Director of Elections.

Leaders of the opposition have criticized the ruling party for its decision to amend the Constitution to permit the President to seek a third term. Ambassador Ben Ulenga, the High Commissioner to Great Britain and also a high level ruling party official, resigned in 1998 from his diplomatic post after he was unsuccessful in getting the ruling party to debate the third term issue. In March 1999, Ulenga formed the COD opposition party, and in the general election the COD won approximately 10 percent of the vote and seven seats in the National Assembly.

Members of the National Assembly are elected on a party list system on a proportional basis.

Women remained underrepresented in government and politics. There were 3 female ministers and 4 female deputy ministers of a total of 42 ministerial and deputy ministerial positions. In addition one women held a cabinet-level position as Director of the National Planning Commission. Women served as Ombudswoman and as the Government Attorney. Women held 18 of 98 parliamentary seats in the National

Assembly. In 1996 female legislators formed a Women's Caucus in Parliament to review legislation for gender sensitivity.

Historic economic and educational disadvantages have served to limit the participation of the indigenous San ethnic group in politics; however, a member of the San community representing the SWAPO party was elected to the National Assembly in the 1999 general elections. Virtually all of the country's other ethnic minorities were represented in Parliament and in senior positions in the Cabinet. Members of smaller ethnic groups hold the offices of Prime Minister, Deputy Prime Minister, Minister of Foreign Affairs, and Speaker of the National Assembly.

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

During the year, high-level government officials continued to use harsh language in responding to criticisms of the ruling party and government policies by nongovernmental organizations. For example, government officials publicly stated on numerous occasions during the year that critics were a "fifth column for UNITA" and guilty of "treason." Government officials also have attacked verbally the NSHR and the Breaking of Walls of Silence (BWS) movement, which acts as an advocate for former detainees imprisoned by SWAPO prior to independence. In January a member-elect of the National Assembly from the ruling party stated on a call-in radio show that he supported an earlier caller's threat to "eliminate" the executive director of the NSHR.

On February 18, the Central Intelligence Service detained the Katima Mulilo-based head of NSHR's Caprivi office, Moses Nasileli, for questioning and expelled him from the country to Zambia on February 21. Although the Government justified the deportation based on his alleged support for Caprivi separatists, reportedly he was deported because of his NSHR affiliation. Nasileli was a Zambian national who had lived in the country since 1985, was married to a citizen, and had six citizen children.

However, despite verbal attacks, other local NGO's such as the LAC, the NSHR, the BWS Movement, and those working with indigenous groups continue to criticize government policies freely. Both the NSHR and the Namibia Institute for Democracy (NID) maintain field offices in the Kavango region. Human rights organizations are generally free to investigate reports of abuses in the region and to release reports.

In addition human rights organizations and academic organizations, such as the Media Institute for Southern Africa, the Centre for Applied Social Sciences, and the Human Rights Documentation Centre, worked openly on a variety of human rights problems affecting the press, women, ethnic minorities, and other groups. For example, in the early part of the year, leaders of the Council of Churches of Namibia (CCN) criticized the Government for the behavior of security forces along the Angolan border. The Media Institute of Southern Africa (MISA), which is based in Windhoek, periodically issues reports criticizing the Government.

Representatives of international human rights organizations, including AI, visited the country to investigate allegations of human rights abuses, including reports of summary executions and the treatment of Caprivi separatists arrested in August 1999 (see Sections 1.a., 1.c., and 1.d.). In March AI issued a highly critical report of abuses by security forces along the Angola border.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, creed, gender, or religion, and specifically prohibits "the practice and ideology of apartheid." During the year, there was a significant improvement in the attention paid to women's issues and the rights of the disabled.

Women.—Violence against women, including beating and rape, is widespread. Traditional attitudes regarding the subordination of women exacerbated problems of sexual and domestic violence. However, there continued to be an improvement in the attention paid to the problems of rape and domestic violence. Government ministers joined in public protests against domestic violence, and the President, members of his Cabinet, and parliamentarians continued to speak out against it. Longer prison sentences were handed down to convicted rapists and abusers in many cases during the year. NGO's expressed concern that the court system does not have mechanisms to protect vulnerable witnesses from open testimony, and the Government worked on establishing judicial procedures to address the problem. Police stated that more women came forward to report cases of rape and domestic violence. On February 22, the National Assembly passed the Combating of Rape Act. In April

the act was passed by the National Council and signed by the President. The act defines rape in broad terms, and allows for the prosecution of rape within marriage.

In June the police began a special training course on gender sensitivity. Centers for abused women and children in Oshakati, Windhoek, Keetmanshoop, Walvis Bay, and Rehoboth are staffed with specially trained female police officers to assist victims of sexual assaults. Safe houses opened in Mariental, Swakopmund, and Tsumeb. At the end of February, the LAC sponsored a 3-day national conference on violence against women.

The Constitution prohibits discrimination against women, including employment discrimination. The Married Persons Equality Act prohibits discriminatory practices against women married under civil law. Women married in customary (traditional) marriages continued to face legal and cultural discrimination. Traditional practices that permit family members to confiscate the property of deceased men from their widows and children still existed; however, the frequency of such cases lessened considerably during the year.

In 1996 the President elevated the head of the Department of Women Affairs to cabinet rank, and it became the Ministry of Women's Affairs and Child Development in March. In June 1998, President Nujoma addressed traditional leaders; he made a forceful case for better treatment of women in traditional communities.

There were reports that UNITA forces kidnaped female citizens and raped them (see Sections 1.b. and 1.c.).

Children.—The Constitution enumerates children's rights, including those in the area of education and health. During the year, 25 percent of government expenditures were designated for education and 15 percent for health care, a slight decrease from previous years. However, in practice, outmoded policies and laws and an untrained work force led to inadequate attention to child welfare. The Constitution provides children with the right to primary and junior secondary education (grades 1 to 10); however, the numerous fees, which included fees for uniforms, books, hostel costs, and school improvement, placed a burden on students" families. The inability of poorer families to pay the fees, which varied greatly between regions, precluded some children from attending school. In these cases, families were less likely to continue to pay fees for girls, particularly those at the junior secondary level. Many San children do not attend school. It is difficult for the Government to ensure enforcement of national laws against child labor on commercial farms (see Section 6.d.).

Child abuse is a serious and increasingly acknowledged problem. The authorities vigorously prosecuted cases involving crimes against children, particularly rape and incest. The 1960 Children's Act criminalizes and protects children under 18 years from sexual exploitation, child pornography and child prostitution. The age of sexual consent is 16 years. Courts handed down stiffer sentences against child rapists than in previous years, and the Government provided training for police officials to improve the handling of child sex abuse cases. Centers for abused women and children were working actively to reduce the trauma suffered by abused children. The LAC launched a national campaign to revise legislation on child maintenance in 1999. The Child Maintenance Bill was sent to the Cabinet for discussion in 1999; however, by year's end no movement was made towards tabling it in Parliament. The bill would require divorced spouses to provide maintenance allowances for their children.

The Government expanded programs to separate juvenile offenders from adults in the criminal justice system. Separate facilities for child offenders have been established in Windhoek and Mariental (see Section 1.c.).

Overcrowding at the Osire refugee camp has affected children who are residing there. There were approximately 6,000 school-age children at Osire, and there was a shortage of classrooms (see Section 2.d.).

People with Disabilities.—While discrimination on the basis of disability is not addressed in the Constitution, the 1992 Labor Act prohibits discrimination against disabled persons in employment; however, enforcement in this area is weak. Although there was no legal discrimination against persons with disabilities, societal discrimination persists. The Government legally does not require special access to public buildings for the disabled, and many ministries remain inaccessible to the disabled. Although some municipal governments have installed ramps and special curbing for the disabled at street crossings, physical access for those with disabilities remained a problem due to resource constraints. Disability issues received greater public attention than in previous years, with wider press coverage of the human rights problems that confront persons with disabilities. In December 1998, the Government launched a campaign to expand economic opportunities for and change attitudes about persons with disabilities.

Indigenous People.—The Bushmen, also known as the San people, the country's earliest known inhabitants, historically have been exploited by other ethnic groups.

The Government has taken a number of measures to end societal discrimination against the San, including seeking their advice about proposed legislation on communally-held lands and increasing their access to primary education; however, many San children do not attend school. In late 1999, a San was nominated by the SWAPO party for the National Assembly and won the election; he was sworn in in March. Reports from the NSHR and in the press claim that civilians from the Mafwe and Kxoe San ethnic groups were targeted for harassment during the police campaign against Caprivi separatists in 1998 and continued throughout the year.

By law all indigenous groups participate equally in decisions affecting their lands, cultures, traditions, and allocations of natural resources. However, Bushmen and other indigenous citizens have been unable to exercise fully these rights as a result of minimal access to education, limited economic opportunities under colonial rule, and their relative isolation.

In 1997 the Government unilaterally announced plans to expand a prison in the West Caprivi Game Park on land claimed by the Kxoe ethnic group. The expansion would deny access by members of the Kxoe ethnic group to revenues from community-based tourism projects on their lands. The projects are an important mechanism for empowering the Kxoe to benefit from tourism activities in their community. However, there was some question regarding the Kxoe's right to occupy that land. As of year's end, no final decision on the prison expansion had been announced.

The Government plans to build a hydroelectric dam on the Kunene River that would flood ancestral graves and grazing areas of the semi-nomadic Himba people. The project was highly controversial. The Government has made repeated efforts to consult with Himba leaders regarding the project, but many of the Himba chiefs remain adamantly opposed to the project. Government leaders have criticized harshly those opposed to the project, terming them "enemies of development."

The 1995 Traditional Authorities Act, defined the role, duties, and powers of traditional leaders. The act provided that customary law is invalid if it is inconsistent with provisions of the Constitution. It enumerated the types of crimes that may be addressed in traditional courts. The act assigned to traditional leaders the role of guardians of culture and tradition, and it also mandated that traditional leaders elected to Parliament choose between their traditional and elected offices before the end of 1996. This provision has not been enforced, and several traditional leaders remain in Parliament.

The Government's authority to confer recognition or withhold it from traditional leaders, even in opposition to local preference, was especially controversial because of the leaders" influence on local events including local police powers. In some cases, the Government has withheld recognition from genuine traditional leaders who have sympathy for the political opposition. This has been especially true in the Khoe San and Mafwe communities in the Caprivi and in the Herero community. Mafwe chief Boniface Mamili fled the country with other Caprivi separatists in late 1998. Despite opposition from the Mafwe community, Minister of Local Government Nicky Iyambo ruled that Mamili had forfeited his position, and in March 1999, the Government installed a rival chief. In June 1998, a number of traditional leaders boycotted the inauguration of the Traditional Leaders' Council, claiming that the installation was illegal, as some of the leaders chosen by the Government did not represent their communities.

National/Racial/Ethnic Minorities.—The Constitution prohibits discrimination based on race and other factors and specifically prohibits "the practice and ideology of apartheid." In July 1998, Parliament passed amendments to the 1991 Racial Discrimination Prohibition Act that strengthened the act and the penalties for discriminatory practices. The act codified certain protections for those who cite racial discrimination in the course of research (including academic and press reporting) or in trying to reduce racial disharmony. Nevertheless, as a result of more than 70 years of South African administration, societal, racial, and ethnic discrimination persists. There were several reported cases of black farm workers suffering discrimination in remote areas at the hands of white farm owners. Many non-whites continued to complain that the Government was not moving quickly enough in education, health, housing, employment, and access to land.

Some citizens complained that the SWAPO-led government provided more development assistance to the numerically dominant Ovambo ethnic group of the far north than to other groups or regions of the country.

NSHR claimed that members of the Kxoe minority were harassed during security force operations in the Kavango region (see Sections 1.c. and 1.d.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association, including freedom to form and join trade unions, and the Government respects this

right in practice. The 1992 Labor Act extended that right to public servants, farm workers, and domestic employees. However, farm workers and domestic servants working on rural and remote farms often were ignorant of their rights, and unions experienced obstacles in attempting to organize these workers; as a result, they suffered abuse by employers. Trade unions had no difficulty registering, and there were no government restrictions on who may serve as a union official. Despite concerns created by a 1999 Ministry of Labor report that questioned a growing number of trade unions, the Government has not taken action to dissolve any trade unions.

Unions are independent of the Government and may form federations. The two principal trade union organizations are the National Union of Namibian Workers (NUNW) and the Namibia Federation of Trade Unions (NFTU). Prior to independence, the NUNW was affiliated with SWAPO; despite claims that its affiliation came to an end at independence, the two still are closely linked. The NUNW was invited to nominate candidates for SWAPO's 1999 National Assembly slate, and the NUNW president was nominated by SWAPO and elected to the National Assembly. In 1997 the mine workers union established the Mine Workers Union Investment Company to supplement union dues. The NFTU, launched in October 1998 and made up of several large public service, teachers, mining, and maritime unions, is critical of the Government. Less than 20 percent of full-time wage earners were organized. Trade unions lacked capacity and resources.

Except for workers providing essential services such as jobs related to public health and safety, and workers in the export processing zones (EPZ's), workers enjoy the right to strike once conciliation procedures have been exhausted, and 48-hour notice has been given to the employer and labor commissioner. Under the Labor Act, strike action can be used only in disputes involving specific worker interests, such as pay raises. Disputes over worker rights, including dismissals, must be referred to a labor court for arbitration. The Labor Act protects workers engaged in legal strikes from unfair dismissal. In September there was a strike in the fishing industry.

Unemployment, which is nearly 40 percent, remained a significant problem and affected primarily the black majority.

Trade unions were free to exchange visits with foreign trade unions and to affiliate with international trade union organizations. Unions exercise this right without interference.

b. The Right to Organize and Bargain Collectively.—The 1992 Labor Act provides employees with the right to bargain individually or collectively. Collective bargaining is not practiced widely outside the mining and construction industries, which have centralized, industry-wide bargaining. Almost all collective bargaining is at the workplace and company level. However, as unions became more active, informal collective bargaining was becoming more common. The Ministry of Labor cited lack of information and basic negotiation skills as factors hampering workers" ability to bargain with employers successfully.

The Labor Act provides a process for employer recognition of trade unions and protection for members and organizers. The law also empowers the Labor Court to remedy unfair labor practices and explicitly forbids unfair dismissals, which may be appealed to the Labor Court.

There are EPZ's at the Walvis Bay and Oshikango industrial parks and a number of single-factory EPZ's outside of these parks. The Labor Act applies to EPZ's, including the one in Walvis Bay; however, workers in EPZ's were prohibited from striking, and employers were prohibited from engaging in lockouts. Some trade unionists continued to challenge the constitutionality of the agreement reached by government and NUNW representatives codified in the 1995 Export Processing Zone Act because it limited the right to strike. Under the agreement, labor-related issues in the EPZ were referred to a special EPZ dispute settlement panel composed of employers and workers for expeditious resolution. If a dispute is not resolved at this level, it is referred to compulsory arbitration. With only a few businesses operating in the Walvis Bay EPZ, the effectiveness of this agreement in securing the rights of workers in the EPZ could not be determined.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and bonded labor by adults and children; however, during the year, there were ongoing reports in the media that farm workers (including some children on family-owned commercial farms) and domestic workers often received inadequate compensation for their labor and were subject to strict control by employers. Ministry of Labor inspectors sometimes encountered problems in gaining access to the country's large, family-owned, commercial farms in order to investigate possible labor code violations.

There were reports that UNITA forces kidnaped citizens and forced them to serve as combatants and porters in Angola (see Section 1.b. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Under the 1992 Labor Act, the minimum age for employment is 14 years, with higher age requirements for night work and for certain sectors such as mining and construction. Ministry of Labor inspectors generally enforced minimum age regulations, but children below the age of 14 often worked on family-owned commercial farms and in the informal sector. The 1991 census, which reported on the status of children, estimated that 13,800 children under 15 years of age were in the labor force. Of this total, 41 percent were working as unpaid laborers on family-owned, commercial farms. There were also reports that Ministry of Labor inspectors reportedly encountered problems gaining access to family-owned, commercial farms to investigate possible illegal child labor. Since 1991 the Government has taken steps to end abuses, and the child labor problem has declined. There were also reports that Angolan and Zambian children worked on communal and cattle farms in border areas, although such occurrences have been curtailed since late 1999 by the deportation of illegal immigrants.

The 1960 Children's Act criminalizes and protects children under 18 years from sexual exploitation, child pornography and child prostitution. The age of sexual consent is 16 years.

On November 15, the Government ratified ILO Convention 182 on the worst forms of child labor, and the worst forms of child labor are not practiced commonly. Criminal penalties and court orders are available to the Government to enforce child labor laws, although there are no specific remedies available to individuals for incidents of the worst forms of child labor.

The Government prohibits forced and bonded labor by children; however, the media reported that some children worked as farm laborers without adequate compensation (see Section 6.c.).

e. Acceptable Conditions of Work.—There is no statutory minimum wage law. In Windhoek's non-white urban area townships, many workers and their families have difficulty maintaining a minimal standard of living. Black citizens were significantly disadvantaged in standards of living during the apartheid era; however, since 1990 there has been a rapid growth in the living standards of black citizens, and the major economic resources in the country are no longer exclusively controlled by white citizens.

The standard legal workweek is 45 hours, and requires at least one 24-hour rest period per week. An employer may require no more than 10 hours per week of overtime. The law mandates 24 consecutive days of annual leave, at least 30 workdays of sick leave per year, and 3 months of unpaid maternity leave. However, in practice these provisions are not observed or enforced rigorously by the Ministry of Labor. In 1996 two NGO studies—one of farm workers and the other of domestic employees—highlighted the extremely poor conditions that some employees encounter while working in these occupations.

The Government mandates occupational health and safety standards. The Labor Act empowers the President to enforce these standards through inspections and criminal penalties. The law requires employers to ensure the health, safety, and welfare of their employees. It provides employees with the right to remove themselves from dangerous work situations; however, some workers do not have this right in practice.

For example, on April 13, 1999, workers at the Navachab gold mine near Karibib occupied the control room at the Ore Mill and shut down production to protest the extreme heat and shortage of oxygen in the mine's metallurgy plant. A prior agreement between the mine and the mineworkers union gave workers the right to leave the workplace if they believed that their safety was threatened; however, mine management protested the shutting of the mill as an "illegal industrial action" and threatened to fine the employees involved. On April 22, the workers reached a compromise with management to set up an independent panel of experts to investigate whether there was an unacceptable health risk at the mill. The panel found that health risks existed at the mill, and management withdrew disciplinary measures against the workers. Although the management agreed to improve working conditions in the mill and to address other labor grievances, the company did not pay strikers for the time when they were engaged in the industrial action, penalized workers who occupied the control room by refusing to give them a month's salary, and issued written warnings to other mill workers who joined sympathy strikes.

f. Trafficking in Persons.—Although the law does not specifically prohibit trafficking in persons, it does prohibit slavery, kidnaping, forced labor, including forced prostitution, child labor, and alien smuggling; however, there were reports that UNITA forces kidnaped citizens and forced them to serve as combatants and porters in Angola (see Section 1.b. and 6.f.).

NIGER

Niger is beginning a process of consolidating a democratic system and a constitutional government following a period of instability during the last democratic government and coups d'etat in 1996 and 1999. An April 1999 coup led to the installation of a military-led government, which instituted a 9-month transition to a democracy. A July 1999 referendum approved a new Constitution that provided for a power sharing-presidential system and granted amnesty to perpetrators of the 1996 and 1999 coups. The first round of presidential elections took place in October 1999, and presidential runoff and legislative elections were held in November 1999. Tandja Mamadou was elected president with 60 percent of the vote in an election that international observers called free and fair. The National Movement for the Development of Society and the Democratic and Socialist Convention (MNSD/CDS) coalition, which backed Tandja, won 55 of the 83 seats in the National Assembly. In January Tandja appointed MNSD member Hama Amadou as Prime Minister. The new Government made some progress toward democratization and political modernization, including instituting a transparent budget process and auditing the military budget. During the year, the legislative and judicial branches exercised for the first time their constitutional right to audit the Government's budget. The judiciary is showing signs of independence; however, family and business ties can influence lower courts.

Security forces consist of the army, the Republican Guard, the gendarmerie (paramilitary police), and the national police. The police and gendarmerie traditionally have primary responsibility for internal security. Civilian authorities maintain effective control of the security forces. The armed forces, after a crisis in June prompted by the kidnaping of a senior military official, publicly stated that they would abide by the rules of democracy and stayed out of politics. Members of the security forces committed abuses.

The economy is based mainly on subsistence farming, herding, small trading, and informal markets. Less than 15 percent of the economy is in the modern sector. Uranium is the most important export, though declining world demand has made this sector less profitable. Per capita income is less than $200, and the country faces problems of drought, deforestation, soil degradation, and exceedingly low literacy. The economy remained severely depressed. Most international aid (an important factor in the economy) was suspended following the April 1999 coup d'etat; however, following the presidential and legislative elections in 1999, the country again is receiving foreign assistance.

The Government's human rights record remained generally poor; although there were improvements in several areas, some serious problems remain. With the 1999 election of President Tandja and members of the National Assembly in generally free and fair elections, citizens exercised their right to change their government. Two prisoners disappeared after having last been seen in the custody of military officers. Police and members of the security forces beat and otherwise abused persons, and there were incidents of torture by the military. Prison conditions remained poor, and arbitrary arrest and detention remained problems. Delays in trials resulted in long periods of pretrial confinement. The judiciary also was subject to executive and other influence. Security forces infringed on citizens" privacy rights. The Government limited freedom of the press. While in general the Government supports the right to association, on at least one occasion, the Government limited this right. The Government frequently restricted freedom of movement. Domestic violence and societal discrimination against women continue to be serious problems. Female genital mutilation (FGM) persists, despite government efforts to combat it. There was societal discrimination against the disabled and ethnic and religious minorities. Worker rights generally are respected. There were reports that a traditional form of servitude still is practiced.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Unlike in the previous year, there were no reports of political or other extrajudicial killings.

On April 9, 1999, members of the presidential guard assassinated President Ibrahim Mainassara Bare and killed or seriously injured several other members of his entourage. The subsequent military-controlled transition government insisted that Bare was killed in an "unfortunate accident;" all perpetrators were granted amnesty by the 1999 Constitution and an amnesty law in January. Members of the Bare family continued to press for a full investigation and punishment for Bare's assassins, although no such action was taken by year's end.

In August 1999, prison guards used tear gas on a group of prisoners in their cells at the Niamey Central Prison, resulting in the deaths of 29 prisoners. A prison supervisor and guard were arrested as a result of the deaths; however, judicial proceedings had not begun by year's end (see Section 1.c.). As a result of this incident, the Minister of Justice promised in 1999 a full investigation and the reform of the prison system, including training guards and humanizing prison conditions; however, at year's end, the Government had not completed the investigation, and no results were released.

In February 1999 a mass grave containing 149 bodies alleged to be those of missing Toubou former rebels was discovered at Bosso near Lake Chad in the far eastern region of the country. The missing men had been expelled from Nigeria as part of a Chad-Niger-Nigeria joint military operation. When last seen by their families in October 1998, the Toubous were in the custody of the Nigerien armed forces. The Government acknowledged the existence of the mass grave. Domestic and international human rights groups called for an independent investigation; however, no such investigation was forthcoming by year's end.

There was no investigation nor action taken in the 1999 case in which a Nigerien-Algerian team of security forces attacked a camp of alleged Islamic fundamentalists in the northwestern corner of Niger, killing between 4 and 15 persons.

The Lake Chad area continues to be patrolled by Nigerian-Nigerien-Chadian joint military forces; however, during the year, the region became more secure, and intercommunal conflict, which in previous years resulted in some killings, declined significantly following the 1998 Toubou Peace Accords.

Unlike the previous year, there were no reports of violent disagreements over land use between sedentary farmers and herders in the Tillaberi Department along the Malian border and the Lake Chad region. Government officials maintained active relations with Malian officials on security and criminal problems. Likewise, security in the North Tillaberi pastoral zones improved significantly, and there were no reported instances of violence during the year.

There were no reports of vigilante killings during the year.

b. Disappearance.—In June two army sergeants disappeared after they were arrested by other soldiers for their alleged involvement in the June 10 kidnaping of Major Djibrilla Hima, the commander of the army's only armor squadron (see Section 1.d.). Djibrilla was kidnaped at an army recreation center and released approximately 24 hours later on June 11 (see Sections 1.c. and 1.e.). Army sources claimed that the two escaped from the country, but their families said that they have not seen or heard from them since they were arrested. In July an investigating judge had a grave on the outskirts of Niamey reopened to determine if it contained the remains of one the sergeants, but it was impossible to identify the decomposed corpse.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police and soldiers beat and otherwise abused persons, and there were incidents of torture by the military.

On June 11 and 12, soldiers beat severely 3 of the 18 soldiers arrested for suspected involvement in the kidnaping of a senior military officer, Major Djibrilla Hima (see Sections 1.b. and 1.d.); others may have been abused. There also were reports that the soldiers tortured the detainees by beating them with fists, belts, and rifle butts. Soldiers who bribed or threatened prison guards to allow them access to the detainees allegedly carried out the beatings. Soldiers reportedly beat one of the detainees in front of Djibrilla and his wife. The prosecutor with overall responsibility for the kidnaping case investigated the torture and disappearance allegations; however, he was removed from the case in mid-August following a month of intensive investigation. By year's end, there was no further investigation into the incident, and no action had been taken against the alleged torturers.

On several occasions, in April and May police used tear gas to disperse protesting students (see Section 2.b.). One student reportedly suffered a broken leg while running from the tear gas.

No action was taken against prison guards who beat and otherwise abused a taxi driver held in detention without charge in 1999.

Prison conditions are poor. Prisons are underfunded and understaffed; all 35 of the country's prisons are dangerous to the health and safety of the prisoners. Prisons are overcrowded. For example, in Niamey's Civil Prison there are more than 700 prisoners in a facility built for 350. Dietary, health, and sanitary conditions are very poor. Family visits are allowed, and prisoners can receive supplemental food and other necessities from their families. Prisoners are segregated by sex, and minors and adults are incarcerated separately.

Corruption among prison staff is rampant. There are credible reports that prisoners can bribe officials to leave prison for the day and serve their sentences in the

evenings. Prisoners also can claim illness and serve their sentences in the national hospital.

The majority of the prisoners who escaped from the prison in Zinder in 1999 were recaptured; however, others remained at large at year's end.

There was neither investigation nor action taken in the March 1999 case in which military personnel ambushed and beat the publishing director of La Voix du Citoyen. There was no action taken in the November 1999 case in which police officials used tear gas to disperse students holding a sit-in in Niamey to press claims for payments of their scholarships; at least 20 students were injured.

Human rights monitors, including the International Committee of the Red Cross, were granted unrestricted access to prisons and detention centers and visited them during the year.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are problems. Although the Constitution prohibits arbitrary arrest and detention, and the law prohibits detention without charge in excess of 48 hours, police sometimes violate these provisions in practice. If police fail to gather sufficient evidence within the detention period, the prosecutor can give the case to another officer, and a new 48-hour detention period begins. Police, acting under authority given them by the Security Law, conduct sweeps to detain suspected criminals.

In June authorities arrested 18 soldiers and former soldiers in connection with the kidnaping of Major Djibrilla Hima; several were beaten or tortured, and 2 disappeared (see Sections 1.b. and 1.c.). Six individuals remained in custody pending trial; they have been charged with kidnaping and conspiracy, but at year's end, they had not been brought to trial.

A number of journalists were arrested during the year (see Section 2.a.).

Following the Maradi riots on November 8 and 9, police arrested approximately 100 persons in Maradi and others in Niamey. At year's end, 31 persons remained in custody in Maradi pending trial and 27 others were in custody in Niamey; they were charged with unauthorized demonstration and threatening public order.

The judicial system is seriously overloaded. There are no legal limits on pretrial confinement of indicted persons. Detention often lasts months or years; however, the Justice Ministry made efforts during the year to accelerate the process. Nevertheless some persons have been waiting as long as 6 years to be charged. Of the prisoners in Niamey's Civil Prison, approximately 500 are awaiting trial or had no charges brought against them.

The law provides for a right to counsel, although there is only one defense attorney known to have a private practice outside the capital. A defendant has the right to a lawyer immediately upon detention. The Government provides a defense attorney for all indigents in felony cases, including minors. Bail is available for crimes carrying a penalty of less than 10 years' imprisonment. Widespread ignorance of the law and lack of financial means prevent full exercise of these rights.

The Constitution prohibits exile, and there were no reports of its use.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, it is occasionally subject to executive interference. Although the Supreme Court on occasion has asserted its independence, human rights groups claimed that family and business ties influence lower courts. Judges sometimes feared reassignment or having their financial benefits reduced if they rendered a decision unfavorable to the Government. However, there was evidence during the year of increased judicial independence; for example, in the cases against two Canard Libere journalists, the court dismissed the cases on procedural grounds; however, the cases were refiled (see Section 2.a.). In addition in the case against six military officers who continued to be held at year's end for kidnaping Major Djibrilla (see Section 1.d.), the investigating judge actively investigated charges of torture, although subsequently he was removed from the case.

Defendants and prosecutors may appeal a verdict, first to the Court of Appeals, then to the Supreme Court. The Court of Appeals reviews questions of fact and law, while the Supreme Court reviews only the application of the law and constitutional questions. There are also customary courts.

Traditional chiefs can act as mediators and counselors and have authority in customary law cases as well as status under national law where they are designated as auxiliaries to local officials. They collect local taxes and receive stipends from the Government, but they have no police or judicial powers and can only mediate, not arbitrate, customary law disputes. Customary courts, located only in large towns and cities, try cases involving divorce or inheritance. They are headed by a legal practitioner with basic legal training who is advised by an assessor knowledgeable in the society's traditions. The judicial actions of chiefs and customary courts are not regulated by law, and defendants may appeal a verdict to the formal court sys-

tem. Women do not have equal legal status with men and do not enjoy the same access to legal redress (see Section 5).

Defendants have the right to counsel, to be present at trial, to confront witnesses, to examine the evidence against them, and to appeal verdicts. The Constitution affirms the presumption of innocence. The law provides for counsel at public expense for minors and indigent defendants charged with crimes carrying a sentence of 10 years or more. Although lawyers comply with government requests to provide counsel, generally they are not remunerated by the Government.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law requires that police have a search warrant, normally issued by a judge; however, human rights organizations report that police often conduct routine searches without warrants. Police may conduct searches without warrants when they have strong suspicion that a house shelters criminals or stolen property. The State Security Law also provides for warrantless searches.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, on several occasions, the Government limited this right in practice. On five occasions during the year, government officials initiated lawsuits against journalists for articles that either criticized them personally or criticized the armed forces; however, several of the cases resulted in convictions. Canard Libere journalists were convicted of libel against the Prime Minister and undermining the morale of the armed forces; the L'Inqueteur journalists were convicted of publishing false information.

The Government publishes a French-language daily newspaper, Le Sahel, and its weekend edition. There are approximately 12 private French-language weekly or monthly newspapers, some of which are affiliated loosely with political parties. The private press remained relatively assertive in criticizing government actions. Foreign journals circulate and report freely. However, strict accreditation requirements imposed on journalists by the 1997 press law remained in place.

In May the armed forces chief of staff, Colonel Moumouni Boureima, brought charges of "undermining the morale of the armed forces" against two Canard Libere journalists, following a series of personal slights regarding Boureima. A court dismissed the case for procedural reasons in June; however, in July Defense Minister Sabiou Dady Gaoh filed the same charge against the same two individuals. They were convicted on October 3, sentenced to 6 months in jail, and fined $710 (500,000 CFA) each. The prison sentence was suspended. The two journalists planned to appeal, but the appeal was pending at year's end.

In July police arrested the same two journalists with Canard Libere and detained them for several days for publishing an article calling Prime Minister Hama Amadou a "coward" for his alleged avoidance of responsibility in the Djibrilla kidnaping affair. They were tried, but the court again dismissed the case for procedural reasons. Hama again filed the case in July, and the court found one of the journalists guilty of libel in October, fined him approximately $710 (500,000 CFA), and gave him a suspended sentence. The decision was appealed, but it remained pending at year's end.

In November three journalists from the newspaper L'Enqueteur were convicted on charges brought by the Minister Sabiou for publishing "false news" and "sensitive information" related to articles on purported troop movements near the Benin border in October. The newspaper publisher, Soumana Maiga was sentenced to 8 months in prison and fined approximately $710 (500,000 CFA); his editor and a reporter received 6-month suspended sentences, and each was fined approximately $430 (300,000 CFA). Maiga remained in prison at year's end; all three appealed their verdicts, which were pending at year's end.

Since literacy and personal incomes are both very low, radio is the most important medium of public communication. The government-owned Radio Voix du Sahel transmits 14 hours per day, providing news and other programs in French and several local languages. There are several private radio stations; most are locally owned and some feature popular news programs in local languages. These private radio stations generally were less critical of government actions than were the private newspapers. Radio Anfani and Radio et Musique presented news coverage that included a variety of points of view. The government-operated multilingual national radio service provided equitable broadcasting time for all political parties during the year.

In 1998 the Government's Superior Council on Communication prohibited domestic broadcasting services from rebroadcasting programs of foreign origin, such as Voice of America (VOA), British Broadcasting Corporation (BBC), and Deutsche

Welle programs without a time delay that would enable the Government to hold local broadcasters responsible for the programs" content. However, domestic affiliates of international services generally did not comply with this prohibition, and during the year, the Government ceased efforts to prohibit domestic rebroadcasting of foreign programs.

Television is a far less important medium than radio. The government-owned Tele-Sahel broadcasts about 4 hours every evening, with programming emphasizing news in French and other major national languages. There was a private television station, TV Tenere. The director of a private radio station operates a wireless cable television service for the capital, offering access to international channels.

The news coverage of the state-owned media reflects government priorities. Presidential activities and conferences dealing with development issues always are reported. Analysis or investigative reporting on domestic topics is extremely rare.

SONITEL, the state-owned telephone monopoly, is the country's only Internet service provider (ISP). There are no private ISP's because telecommunications regulations set rates at prohibitive levels. The Government does not restrict access to the Internet through SONITEL, although service frequently had technical difficulties.

Academic freedom is generally respected. In April and May, students protested sporadically in protest of the nonpayment of their academic scholarships (see Section 2.b.). Ultimately the Government paid university students their scholarships; however, at year's end, scholarships for high school students had not been paid. Due to financial problems, the university did not function during the academic year; however, a normal schedule was planned for 2001.

b. Freedom of Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government retains the authority to prohibit gatherings either under tense social conditions or if advance notice (48 hours) is not provided. Political parties legally are permitted to hold demonstrations, and there were no reports of political parties being denied permission for demonstrations during the year.

Students protested sporadically in April and May in protest of the nonpayment of their academic scholarships and the prospect of fees for tuition and examinations. On several occasions, police used tear gas to disperse protesting students after they started throwing rocks and burning tires.

The Constitution provides for freedom of association; however, citizens may not form political parties based on ethnicity, religion, or region. In reaction to rioting by Islamic fundamentalist groups in November, the Government banned six fundamentalist-oriented organizations. There are 24 political parties.

c. Freedom of Religion.—The Constitution provides for "the right of the free development of each individual in their...spiritual, cultural, and religious dimensions," and the Government supports the freedom to practice religious beliefs, as long as persons respect public order, social peace, and national unity.

Religious organizations must register with the Interior Ministry. This registration is a formality, and there were no reports that it ever has been denied. The State must authorize construction of any place of worship. Foreign missionaries work freely, but their organizations must be registered officially as associations.

In April 1999, the Assemblies of God Church in Niamey was notified by the mayor's office that it had to close until the "new order" was established, presumably until a democratically elected government was in place. The church had been in its location since 1996 and had an ongoing dispute with one of its neighbors, another Christian group, which had been trying actively to have the church closed since its establishment. The authorities ordered the church to close; however, this order was not enforced, and the church remained open during the year and functioned without interference (see Section 5).

In reaction to rioting by Islamic fundamentalist groups in November, the Government banned six fundamentalist-oriented organizations (see Section 5). The Government, supported by local human rights NGO's, sought to restore order and discourage further violence. In November the country's most important human rights NGO, the Association Nigerien de Defense de Droit de L'Homme, strongly criticized religious intolerance and violence.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for freedom of movement and restricts neither emigration nor repatriation; however, authorities imposed some restrictions on these rights. Ministers of the former government no longer are prohibited from leaving the country pending inquiries into their financial affairs. Security forces at checkpoints monitor the travel of persons and the circulation of goods, particularly near major population centers, and sometimes demand payments or bribes. Attacks by bandits on major routes to the north have declined considerably. Among the Hausa and Peul

in the east, some women are cloistered and may leave their homes only if escorted by a man and usually only after dark (see Section 5).

The law does not provide for granting asylum or refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government offers first asylum, and to date it has offered asylum to several thousand persons. A few Chadian refugee families remain in the country.

There were no reports of the forced repatriation of persons to a country where they feared persecution.

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

The Constitution provides for the right of citizens to change their government, and citizens were able to exercise that right during the November 1999 election. However, this has not always been the case; the January 1996 coup, the fraudulent 1996 presidential election, the disruption of local elections in February 1999, and the April 1999 coup effectively disenfranchised citizens in previous years. In November 1999, Tandja Mamadou was elected president with 60 percent of the vote in an election that was considered by international observers to be generally free and fair. Reportedly 39 percent of the country's population participated in the election. In the November 1999 National Assembly elections, the National Movement for the Development of Society and the Democratic and Social Convention (MNSD/CDS) coalition, which backed Tandja, won 55 of the 83 seats in the assembly. Five of the country's 11 active political parties are represented in the National Assembly. Tandja was inaugurated on December 22, 1999.

Pursuant to the July 1999 Constitution, which immediately entered into force after it was approved by 90 percent of the 31 percent that voted in the constitutional referendum, the country has a power sharing presidential system with the President as head of state and the Prime Minister as head of government. The President must choose the Prime Minister from a list of three persons presented by the majority party or coalition in the National Assembly. In January Tandja appointed Hama Amadou as Prime Minister.

The Constitution provides for a political system with checks and balances, a representative one-chamber National Assembly, and an independent judiciary. Citizens 18 years of age and over can vote, and voting is by secret ballot.

The Constitution granted a general amnesty to the perpetrators of the 1996 and 1999 coups; the amnesty was approved during the first session of the National Assembly, which met in January. The Constitution also allowed governmental authorities to remain in place until new elections were held.

Women traditionally play a subordinate role in politics. The societal practice of husbands' voting their wives' proxy ballots effectively disenfranchises many women. This practice was used widely in the 1999 presidential and National Assembly elections.

Women are underrepresented in government and politics. Only 1 woman won a seat in the 83-seat National Assembly; there are 2 female ministers in the Government. The National Assembly passed a law in May mandating that women would receive 25 percent of government positions, but at year's end, women did not fill that percentage of government positions.

The Government supported greater minority representation in the National Assembly, but no seats in the National Assembly are reserved for ethnic minorities. Although there are some questions about President Tandja's ethnicity, he is reportedly of mixed ethnicity (half Peul and half Kanouri). He is the country's first president who is not from either the Hausa or the Djerma ethnic groups, which make up about 56 percent and 22 percent, respectively, of the country's population (see Section 5). All major ethnic groups are represented in the Government.

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

Several independent human rights groups and associations normally operate without government hindrance, and they publish findings and conclusions that often are highly critical of the Government in their own publications and in the small independent press. Notable among the associations are the Nigerian Association for the Defense of Human Rights (ANDDH); Democracy, Liberty, and Development (DLD); the Nigerien League for the Defense of Human Rights (LNDH); the Association for the Protection and Defense of Nigerien Human Rights (ADALCI); the Network for the Integration and Diffusion of the Rights in the Rural Milieu (RIDD-FITLA); the

Niger Independent Magistrates Association (SAMAN); and the Association of Women Jurists of Niger. There are several other women's rights groups. The International Committee of the Red Cross is active in the country. During the year, the Government created, but did not fund, the National Commission on Human Rights and Fundamental Liberties with a mandate to include communication, advocacy, and investigation of human rights abuses. Nevertheless, the organization functioned during the year; it published in October a credible report on the Djibrilla kidnaping case (see Sections 1.c. and 1.d.).

Section 5. Discrimination Based on Race, Sex, Religion, Disability, and Language, or Social Status

The Constitution prohibits discrimination based on sex, social origin, race, ethnicity, or religion. However, in practice there are instances of discrimination against women, children, ethnic minorities, and disabled persons, including, but not limited to, limited economic and political opportunities.

Women.—Domestic violence against women is widespread, although firm statistics are lacking. Wife beating is reportedly common, even in upper social classes. Families often intervene to prevent the worst abuses, and women may (and do) divorce because of physical abuse. While women have the right to seek redress in the customary or modern courts, few do so due to ignorance of the legal system, fear of social stigma, or fear of repudiation. Women's rights organizations report that prostitution is often the only economic alternative for a woman who wants to leave her husband.

Despite the Constitution's provisions for women's rights, the deep-seated traditional belief in the submission of women to men results in discrimination in education, employment, and property rights. Such practices are worse in rural areas, where women do much of the subsistence farming as well as child-rearing, water- and wood-gathering, and other work. Despite constituting 47 percent of the work force, women have made only modest inroads in civil service and professional employment and remain underrepresented in these areas.

Women's inferior legal status is evident, for example, in head of household status: A male head of household has certain legal rights, but divorced or widowed women, even with children, are not considered to be heads of households. Among the Hausa and Peul ethnic groups in the east, some women are cloistered and may leave their homes only if escorted by a male and usually only after dark. In 1999 the Government ratified the Convention for the Elimination of All Forms of Discrimination Against Women; in August the Ministry of Justice formed a committee of legal scholars began reviewing appropriate law. Islamic groups criticized the ratification and complained that they were not consulted beforehand. Women's groups have so far been silent on the ratification, allegedly due to fear of reprisals.

National service is mandatory for all young women who have completed university studies or professional training. National service lasts from 18 months to 2 years, and women can serve as teachers, health service workers, or technical specialists; however, military service is not an option.

Children.—Although the Constitution provides that the Government promote children's welfare, financial resources are extremely limited. The minimum period of compulsory education is 6 years; however, only about 32 percent of children of primary school age attend school, and about 60 percent of those who finish primary schools are boys. The majority of young girls are kept at home to work and rarely attend school for more than a few years, resulting in a female literacy rate of 7 percent, compared with 18 percent for males.

Some ethnic groups allow families to enter into marriage agreements on the basis of which young girls from rural areas are sent by the age of 10 or 12 and sometimes younger to join their husband's family under the tutelage of their mother-in-law. In August the Minister of Justice formed a commission to examine the problem of child brides; at year's end, the commission's work was ongoing.

There are credible reports of underage girls being drawn into prostitution, sometimes with the complicity of the family. Child prostitution is not specifically criminalized, and there is no precise age of consent; however, the law condemns "indecent" acts towards minors, but it is left to a judge to determine what constitutes an indecent act. Such activity and a corollary statute against "the incitement of minors to wrongdoing" are punishable by 3 to 5 years in prison.

Female genital mutilation, which is condemned widely by international health experts as damaging to both physical and psychological health, is practiced by several ethnic groups in the western department of Tillaberi (which includes Niamey and the towns of Say, Torodi, and Ayorou) and the eastern department of Diffa. FGM is not illegal, but the Government is engaged in an effort to eliminate the practice. A 1998 study by CARE International indicated that 5 percent of women between

15 and 49 years of age had undergone FGM; however, a June 1999 symposium cited a World Health Organization global study of 20 percent; statistics regarding this practice are not considered to be fully reliable. Clitoridectomy is the most common form of FGM. In October seven FGM practitioners turned in their knives at a public ceremony attended by the Justice Minister and pledged to discontinue performing FGM. The Government worked closely with a local NGO, the U.N. Children's Fund, and other donors to develop and distribute educational materials at government clinics and maternal health centers.

People with Disabilities.—The Constitution mandates that the State provide for the disabled; however, the Government has yet to implement regulations to mandate accessibility to buildings and education for those with special needs. Regulations do not mandate accessibility to public transport, of which there is little. Societal discrimination against persons with disabilities exists.

Religious Minorities.—There are generally amicable relations between the various religious communities, but there have been instances when members of the majority religion (Islam) have not been tolerant of the rights of members of minority religions to practice their faith. In November several hundred Muslims rioted in the provincial capital of Maradi, burned a Protestant church and a nearby seminary facility belonging to the Abundant Life Church, and looted houses and an office at a compound of a foreign missionary organization. At year's end, the leaders of the riots were in prison awaiting legal action (see Section 2.c.).

In 1999 members of the Southern Baptist mission in Say received threats of physical harm from members of a local Islamic association unless they left the city within a week. The missionaries were threatened periodically since late 1998 when they announced their intention to build a church in Say, which is considered an Islamic holy city. Following these threats, the missionaries left Say in late 1999 and moved permanently to another location in the country (see Section 2.c.), where they operated without incident. However, some local Christians remain in Say. On May 14, the same members of the local Islamic community in Say threatened to burn the meeting place of the local Christians who remained. Leaders of the same organization also threatened to beat or have arrested a local Christian man in the village of Ouro Sidi because he continued to work with the Southern Baptists; however, there were no reports that such threats were carried out.

National/Racial/Ethnic Minorities.—The Hausa and Djerma ethnic groups make up about 56 percent and 22 percent, respectively, of the country's population of some 11 million. These two groups also dominate government and business. Tandja Mamadou is the country's first president who is neither Hausa nor Djerma; however, Tuaregs, Arabs, Peuls, Toubous, and Kanouris have few representatives in the Government, and many of these ethnic groups assert that the Hausa and Djerma groups discriminate against them. The Government increased education for ethnic minorities; health care for minorities was at the same level as the rest of the population. It supported the 1995 peace accord calling for special development efforts in the north where the Tuareg population is dominant. However, nomadic people, such as Tuaregs and many Peul, continued to have less access to government services, and the temporary suspension of foreign assistance in 1999 limited the Government's ability to fulfill its commitments to former rebel areas. During the year, foreign assistance resumed, and the region is receiving assistance again.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides formal recognition of workers' right to establish and join trade unions; however, more than 95 percent of the work force is employed in the nonunionized subsistence agricultural and small trading sectors.

The National Union of Nigerien Workers (USTN), a federation consisting of 38 unions, represents the majority of salary earners; most are government employees, such as civil servants, teachers, and employees in state-owned corporations. The USTN and affiliated National Union of Nigerian Teachers (SNEN) profess political autonomy, but they have informal ties to political parties. There is also a small breakaway union confederation and independent teachers' and magistrates' unions. The water and forest worker unions, shut by the Government in 1996 because of their "paramilitary nature" resumed operation; however, the police union remains suspended. The National Trade Union of Customs Officials of Niger (SNAD), dissolved by the Government in 1997, was authorized in April to resume operations.

The Constitution provides for the right to strike, except for security forces and police. The law specifies that: labor must give notice and begin negotiations before work is stopped; public workers must maintain a minimum level of service during a strike; the Government can requisition workers to provide minimum service; and striking public sector workers may not be paid for the time they are on strike. The

latter condition already prevailed in the private sector. The International Labor Organization (ILO) has criticized a 1996 legal order that says striking state employees can be requisitioned in exceptional cases arising as a result of the need to preserve the general interest.

There were a number of strikes during the year. There were repeated work stoppages by judiciary, communications, health care, and education workers due to government inability to pay workers" salaries. In March Finance Ministry employees went on strike without providing legal notice to demand bonuses; they cancelled a subsequent strike notice when threatened with punitive action by the Government.

On October 16, teachers went on strike for 4 weeks. On November 1, the judge ordered the teachers to stop their "illegal and savage" strike and return to work. SNEN issued a strike notification that they believed complied with the law and continued the strike with marches scheduled for the week of November 6. The teachers ended their strike on November 6 and resumed normal work; they were promised 1 month of the 12 months of pay owed to them, to be paid early in 2001.

The USTN is a member of the Organization of African Trade Union Unity and abides by that organization's policy of having no formal affiliations outside the African continent; however, it receives assistance from some international unions. Individual unions such as the teachers union are affiliated with international trade union secretariats.

b. The Right to Bargain Collectively.—In addition to the Constitution and the Labor Code, there is a basic framework agreement between the USTN, employers, and the Government that defines all classes and categories of work, establishes basic conditions of work, and defines union activities. In private and state-owned enterprises, unions widely used their right to bargain collectively with management without government interference for wages greater than the statutory minimum as well as for more favorable work conditions. Collective bargaining also exists in the public sector. The USTN represents civil servants in bargaining with the Government. Agreements between labor and management apply uniformly to all employees.

The Labor Code is based on ILO principles, and it prohibits antiunion discrimination by employers; labor unions reported no such discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Labor Code prohibits forced or compulsory labor, except by legally convicted prisoners; however, although slavery is prohibited by the Constitution, there were a few reports that a traditional form of slavery still is practiced by the Tuareg and Arab ethnic minorities, particularly in remote northern regions. Persons are born into a traditionally subordinate caste and are expected to work without pay for those above them in the traditional social structure. None of these individuals appear to have been forced into servitude. Individuals can change their situations and are not pursued if they leave their positions; however, most do not and accept their circumstances as natural. A local NGO, Timidria, worked actively against this practice.

In November 1999, a traditional chief was arrested based on charges that he practiced slavery. The chief was tried and convicted on the charges, served a sentence of several months, and was released during the year. The code does not specifically prohibit forced or bonded labor by children; however, such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law permits child labor in nonindustrialized enterprises under certain conditions. Children under the age of 14 must obtain special authorization to work, and those 14 to 18 years of age are limited to a maximum of 4° hours per day and certain types of employment so schooling may continue. The law requires employers to ensure minimum sanitary working conditions for children. Ministry of Labor inspectors enforce child labor laws. Minimum compulsory education is 6 years, but far fewer than half of school-age children complete 6 years of education.

Child labor is practically nonexistent in the formal (wage) sector, and there are no known instances of the use of child labor in factories; however, children work in the unregulated agricultural, commercial, and artisan sectors, and some, especially foreign youths, are hired in homes as general helpers and baby sitters for very low pay. The majority of rural children regularly work with their families from a very early age—helping in the fields, pounding grain, tending animals, getting firewood and water, and other similar tasks. Some children are kept out of school to guide a blind relative on begging rounds. Others sometimes are employed by marabouts (Koranic teachers) to beg in the streets. There is no official recognition of this labor.

In June the National Assembly passed a law permitting the ratification of ILO Convention 182, which bans the worst forms of child labor; and the Government subsequently ratified the convention. The Ministry of Labor is responsible for imple-

menting the convention; however, at year's end no further specific action had been taken.

Forced or bonded labor by children is not prohibited specifically; however, there were no reports of its use (see Section 6.c.).

e. Acceptable Conditions of Work.—The Labor Code establishes a minimum wage for salaried workers of each class and category within the formal sector. The lowest minimum wage is $33 (24,565 CFA) per month. Additional salary is granted for each family member and for such working conditions as night shifts and required travel. Minimum wages are not sufficient to provide a decent standard of living for workers and their families. Government salaries are substantially in arrears. Most households have multiple earners (largely in informal commerce) and rely on the extended family for support.

The legal workweek is 40 hours with a minimum of one 24-hour rest period; however, for certain occupations the Ministry of Labor authorizes longer workweeks of up to 72 hours. There were no reports of violations.

The Labor Code also establishes occupational safety and health standards; however, due to staff shortages, inspectors focus on safety violations only in the most dangerous industries: mining; building; and manufacturing. Although generally satisfied with the safety equipment provided by employers, citing in particular adequate protection from radiation in the uranium mines, union workers are in many cases not well informed of the risks posed by their jobs. Workers have the right to remove themselves from hazardous conditions without fear of losing their jobs.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; while in general there were no reports that persons were trafficked, to, from, through, or within the country, there was anecdotal evidence that organized rings may victimize young coastal girls who come to work as household helpers.

In August the Justice Minister stated that the Government intended to study the issue of trafficking as part of the more comprehensive legal modernization effort launched by a commission of legal experts. At year's end, the study was ongoing; no statistics were available regarding the extent of the problem.

NIGERIA

Nigeria is a federal republic composed of 36 states and a capital territory, with an elected president and a bicameral legislature. On May 29, 1999 President Olusegun Obasanjo of the Peoples Democratic Party was inaugurated to a 4-year term after winning elections in February 1999 that were marred by fraud and irregularities perpetrated by all contesting parties, but most observers agreed the elections reflected the will of the majority of voters. These elections marked the end of 16 years of military-led regimes. On May 5, 1999, the Abubakar Government signed into law a new Constitution based largely on the suspended 1979 Constitution; the new Constitution entered into effect on May 29, 1999. The Constitution provides for an independent judiciary; however, in practice the judicial branch remains susceptible to executive and legislative branch pressure, is influenced by political leaders at both the state and federal levels, and suffers from corruption and inefficiency.

The Federal Nigeria Police Force (NPF) is tasked with law enforcement. The Constitution prohibits local and state police forces. Internal security is the duty of the State Security Service (SSS). The SSS's profile continued to decline under the Obasanjo regime. Until the advent of the civilian administration in May 1999, special paramilitary anticrime squads called "Rapid Response Teams" operated in every state. Under Obasanjo the military personnel dispatched to these units returned to their barracks, but the units remained intact in most states, staffed by regular policemen and with a reduced role and a less menacing presence. The Obasanjo Government lessened its reliance on the army to quell internal disorder and the degree of civilian control over the Rapid Response Teams and the national police force improved during the course of the year. Despite these new controls, members of the security forces, including the police, anticrime squads, and the armed forces committed numerous, serious human rights abuses.

The economy has declined for much of the last three decades. Most of the population of approximately 120 million was rural and engaged in small-scale agriculture. Agriculture accounted for less than 40 percent of gross domestic product but employed more than 65 percent of the work force. The agriculture and manufacturing sectors deteriorated considerably during the oil boom decades. The collapse of market agriculture contributed significantly to the country's urbanization and increased unemployment. Although the great bulk of economic activity is outside the formal sector, recorded gross domestic product per capita was $250. Much of the na-

tion's wealth continued to be concentrated in the hands of a tiny elite mostly through corruption and nontransparent government contracting practices. During the year, petroleum accounted for over 98 percent of the country's export revenues, most of the government's revenues, and almost all foreign investment. During the year the economy was static, with growth still impeded by grossly inadequate infrastructure, endemic corruption, and general economic mismanagement. The country's ports, roads, water, and power infrastructure are collapsing. Chronic fuel shortages which afflicted the country for several years continued to be a problem. Food production has not kept pace with population growth. An estimated two-thirds of the country's more than 120 million people live in poverty and are subject to malnutrition and disease. Since the end of military rule in 1999, the Government has made progress in liberalizing the exchange rate regime, reducing controls on the private sector, and increasing expenditures for key social sectors.

The Government's human rights record was poor; although there were some improvements in several areas during the year, serious problems remain. The national police, army, and security forces continued to commit extrajudicial killings and used excessive force to quell civil unrest and ethnic violence, although they did so less frequently than under previous military governments. Army, police, and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners; however, there were no reports of torture of political dissidents. The Government took steps to curb torture and beating of detainees and prisoners, including the dismissal and arrest of senior officials known for such practices. Shari'a courts sentenced persons to harsh punishments including caning and amputation. Prison conditions were harsh and life threatening, and along with the lack of food and medical treatment, contributed to the death of numerous inmates. At different times in the year, the Government released several hundred prisoners in an attempt to ease prison congestion. In May 1999, the Government repealed the State Security (Detention of Persons) Decree of 1984 (Decree 2), which allowed prolonged arbitrary detention without charge; however, police and security forces continued to use arbitrary arrest and detention. Prolonged pretrial detention remains a major problem. The judiciary is subject to political influence, and is hampered by corruption and inefficiency. The judicial system was incapable of providing citizens with the right to a speedy, fair trial. The Government continued to infringe on citizens' privacy rights; however, there were no reports of members of the armed forces looting property, destroying buildings, or driving persons away from their homes. The Government generally respected freedom of speech and of the press; however, there were some exceptions. Security force beatings of journalists, government seizures of newspaper print runs, and harassment of newspaper printers, advertisers, and distributors continued to decline. The Government continued to relax its restrictions on the rights of freedom of association and assembly. The Government occasionally restricted freedom of movement. The Government restricts freedom of religion in certain respects, and religious freedom deteriorated during the year due to the expansion of Shari'a law in several northern states. In June 1999, the Government established a governmental panel, the Human Rights Violations Investigation Panel (HRVIP), to review cases of human rights violations since 1966; in October the panel began public hearings.

Domestic violence against women remained widespread and some forms were sanctioned by traditional, customary, or Shari'a law. Discrimination against women remained a problem. Female genital mutilation (FGM) remained widely practiced, and child abuse and child prostitution were common. Localized discrimination and violence against religious minorities persisted. Ethnic and regional discrimination remained widespread and interethnic, religious, and regional tensions increased significantly. Thousands of persons were killed in various local ethnic and religious conflicts throughout the country. In February and May rioting between Muslim and Christian groups over the proposed expansion of Shari'a law resulted in the deaths of more than 1,500 persons. Some members of the Ijaw ethnic group in the oil-producing Niger Delta region who seek greater local autonomy continued to commit serious abuses, including killings and kidnapings. The police often could not protect citizens from interethnic, interreligious, communal, and criminal violence. The Government took steps to improve worker rights; however, some restrictions continued. Some persons, including children, were subjected to forced labor. Child labor continued to increase. Trafficking in persons for purposes of forced prostitution and forced labor is a problem and collusion of government officials in trafficking was alleged. Vigilante violence increased throughout the country, particularly in Lagos and Onitsha, where suspected criminals were apprehended, beaten, and sometimes killed.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—National police, army, and security forces committed extrajudicial killings and used excessive force to quell civil unrest under the Obasanjo Government, although they did so less frequently than under previous military regimes. The Government largely ceased using lethal force to repress nonviolent, purely political activities; however, lethal force was used when protests or demonstrations were perceived as becoming violent or disruptive, or in the apprehension and detention of suspected criminals. The state anticrime task forces remained the most egregious human rights offenders. Neither the task forces, the police, nor the armed forces were held accountable for excessive, deadly use of force or the death of individuals in custody. They operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects. Since taking office, President Obasanjo largely resisted pressure to call in military troops to quell domestic unrest, which reduced the risk that the armed forces would overreact or harass civilians. Instead, Obasanjo preferred to let the police deal with clashes between rival ethnic groups and only sent in military reinforcements when the police were unable to restore order; however, the President threatened to use military troops in various states to reinforce the police. In February and May, the military was deployed in Kaduna state to stem ethnic violence that arose following the proposed introduction of Shari'a law. Multinational oil companies and Nigerian oil producing companies subcontract police and soldiers from area units particularly to protect the oil facilities in the volatile Niger Delta region.

On May 5, a member of Lagos deputy governor's security detail allegedly killed a young woman when she obstructed the security detail as it was trying to clear traffic for a motorcade. Reports vary as to whether she was in a car or was a pedestrian. The security officer was charged with murder by a magistrate court. At year's end, the case had not been transferred to a court with jurisdiction over murder cases and a trial date had not been set.

Police and military personnel used excessive and sometimes deadly force in the suppression of civil unrest, property vandalization, and interethnic violence, primarily in the oil and gas regions of Lagos, Kaduna and Abia states. Confrontations between increasingly militant "youths" (who tend to be unemployed males between the ages of 16 and 40), oil companies, and government authorities continued during the year. Reportedly 28 Delta youths were killed in such conflicts over protests or suspected vandalization near oil flow stations.

The use of excessive force to suppress protests was not confined to conflicts pertaining to oil company activities. For example, in March and April police conducted operations in Ogoniland, Rivers State, home of the Movement for the Survival of the Ogoni People (MOSOP), which resulted in the killing of several civilians, the destruction of a number of buildings, and the arrest of several Ogoni activists, including Ledum Mitee, the MOSOP leader. In June police killed two persons in Abuja and injured hundreds of persons who were involved in a 5-day petrol increase strike (see Section 6.a.). In July police killed one person while dispersing a strike by state workers outside of the Lagos State secretariat complex (see Section 6.a.). In July police in Lagos used tear gas to disperse a demonstration by striking public sector workers. One person died in the violence (see Section 6.a.). In August the police protecting President Obasanjo's motorcade killed a Nnamdi Azikiwe University student who was protesting the removal of Senate President Chuba Okadigbo (see Sections 2.a. and Section 3).

On many occasions during the year the Government authorized the use of deadly force to combat crime, and police, military, and anticrime taskforce personnel committed numerous extrajudicial killings in the apprehension and detention of suspected criminals. For example, police used deadly force against suspected vandals near oil pipelines in the Niger Delta Region. In June the police killed at least five persons for suspected vandalization. Police were instructed by the Federal Government to use deadly force in conflicts in Lagos State with the Oodua Peoples Congress (OPC) vigilante group. By August police in Lagos reported killing 509 armed robbers and injuring 113, during the course of making 3,166 arrests; not all of those killed were OPC members. No legal action was taken against these security officials by year's end.

Violence and lethal force at police roadblocks and checkpoints was reduced greatly during part of the year; however, some instances of such violence continued. Obasanjo's order in 1999 to reduce the number of checkpoints and roadblocks also applied to the National Drug Law Enforcement Agency (NDLEA), and resulted in a decrease in the use of violence and lethal force at NDLEA checkpoints and roadblocks. By year's end, the number of roadblocks and checkpoints at major intersec-

tions increased again as authorities sought to prevent criminal activity from reaching major cities (see Section 1.f.); however, the violence associated with roadblocks, as reported in the previous year, did not increase.

Criminal suspects died from unnatural causes while in official custody, usually as the result of neglect and harsh treatment. The Civil Liberties Organization (CLO) (a credible human rights organization) filed a petition with the National Human Rights Commission and the Justice Pout Panel concerning the death of Godfrey Opuoru while in detention in 1999. Sunday Aghedo, the Lagos state police commissioner under whose command the death occurred was replaced by Mike Okiro on August 2, 1999. The case was referred to a magistrate rather than the High Court, and the case was pending at year's end.

In Anambra State, the state government supported the extrajudicial activities of the vigilante group known as the Bakassi Boys. Like most vigilante groups, the Bakassi Boys kill suspected criminals rather than turn them over to police; however, in some cases, the Bakassi Boys have chosen to cut off the hands or arms of perpetrators, rather than killing them outright. They also were accused of harassing and threatening political opponents of the state government.

Harsh and life threatening prison conditions and denial of proper medical treatment contributed to the death of numerous inmates (see Section 1.c.).

In October the HRVIP began hearings into 150 cases of killings by members of the security forces (see Section 4).

The Government did not address the November 1999 leveling of Odi in Bayelsa State by federal troops. The Government did not hold accountable any of the soldiers involved in the destruction of the town and the killing of several hundred inhabitants; there were newspaper reports that some of the soldiers were promoted. Trials against Keniwer Imo Neweigha, Monday Diongoli, Timi Epengele, Onoriode David, Ebi Clifford Saibu, Derioteidou Aganaba, Timinepre Keren, Joshua Godspower, John Zitua, and Benson Odiowei for the alleged murders of 12 policemen and 6 civilians that sparked the Odi incident, were ongoing at year's end. When the prosecution could not produce Odiowei for trial in October, the case was postponed to a later date.

The prosecution of Hamza al-Mustapha, Mohammed Abacha, Mohammed Rabo Lawal, Lateef Shofalan, Mohammed Aminu and Sergeant Rogers Mshiella for the 1996 murder of Kudirat Abiola, a prominent prodemocracy activist and the wife of Moshood Abiola, was adjourned repeatedly during the year; defense lawyers for each individual had filed numerous motions for adjournment in the Lagos High Court. The Government continued to investigate and detain former Abacha government officials and family members, including former Minister of the Interior Capital Territory Jerry Useni, former National Security Advisor Ismaila Gwarzo, Abacha's wife Maryam, Abacha's son Mohammed, and Colonel Ibrahim Yakassai, for the murder and attempted murders of other prominent prodemocracy activists in Lagos from 1996 to 1998. All of the cases were ongoing at year's end.

In 1999 the trial against former Army Chief of Staff Ishaya Bamaiyi for the attempted murder in 1996 of Guardian newspaper publisher Alex Ibru began. Hamza al-Mustapha, former Lagos Police Commissioner James Danbaba, and Colonel Yakubu, also were charged in the attempt on Ibru but their trials were pending at year's end. All of the defendants were being held at Kiri Kiri maximum-security prison at year's end.

Organized vigilante groups in large cities, particularly Lagos, Kano, and Onitsha, committed numerous killings of suspected criminals. These vigilante groups engage in lengthy and wellorganized attempts to apprehend criminals after the commission of the alleged offenses. In Lagos State, the vigilante group known as the OPC clashed repeatedly with the police over their protection of Yoruba neighborhoods and over political issues. In October an OPC demonstration against Libya's expulsion of several Nigerian citizens resulted in a number of injuries and the death of a guard at a foreign embassy. On October 14, clashes broke out between members of the OPC and police in Ilorin. The violence spread to Lagos over the following 2 days; however, the fighting in Lagos was between members of the mainly Yoruba OPC and members of the Hausa ethnic group and originated in a dispute over the capture and killing of alleged robbers of the Hausa ethnic group by members of the OPC. The rioting resulted in the deaths of over 100 persons, the destruction of buildings in Lagos and the outlawing of the OPC by the Government. In some southern states, such as Anambra, vigilante groups like the Bakassi Boys are supported and paid by the state government.

There also were numerous reports of street mobs apprehending and killing suspected criminals. The practice of "necklacing" criminals (placing a gasoline-soaked tire around a victim's neck or torso and then igniting it, burning the victim to death) caught in the act occurred in several cities.

During the year, there was an upsurge in lethal interethnic and intraethnic violence throughout the country (see Section 5). In February and May, rioting between Muslim and Christian groups over the proposed extension of Shari'a in Kaduna caused the deaths of more than 1,500 persons and massive property destruction (see Section 2.c.). Over 500 persons, predominantly of the Hausas ethnic group, were killed in reprisal violence that took place in Abia, Imo, and other eastern states. Religious and ethnic violence resulted in deaths in other communities as well (see Section 2.c.). For example, one person was killed and one Christian church was destroyed in Sokoto when "area boys" (neighborhood criminals) took advantage of the absence of police—who were managing a pro-Shari'a student demonstration elsewhere in the city—to attack and loot the church and its rectory in the predominantly Christian part of town. In Damboa, Borno, one person was killed and five churches were burned in a dispute concerning the location of a Christian church in a predominantly Muslim neighborhood. In May the discovery of a corpse sparked riots by Christians in the Narayi neighborhood in Kaduna; at least 500 persons were killed. A National Assembly member, Ibrahim Abdullahi, was burned alive in his car during the rioting.

Clashes between the Ife and the Modakeke ethnic groups caused the deaths of as many as 50 persons and much property destruction in Osun State (see Section 5).

In the east, over 150 persons were killed in border disputes between Cross River and Akwa Ibom states (see Section 5).

A clash between rival groups for the throne of the Owo in Ondo state cost the lives of at least five persons and the destruction of a number of homes and businesses (see Section 5).

b. Disappearance.—There were no confirmed reports of politically motivated disappearances by government security forces during the past year; however, the OPC charged that the police were responsible for the disappearance of at least two of its members in January (see Section 1.a.).

Members of minority ethnic groups in the oil-producing areas kidnaped foreign and local oil company employees throughout the year to press their demands for more redistribution of wealth generated by joint ventures with the state-controlled petroleum corporation and for specific projects in their areas. Minority youth groups took as many as 250 persons hostage during the year. In all instances the victims were released unharmed after negotiations between the captors and the oil firms; the firms usually paid ransoms and promised improved conditions.

In addition to the political rationale for kidnaping, there were numerous instances of strictly criminal kidnaping, in which the perpetrators' sole objective was ransom for the release of the victims. Some kidnapings appear to have been part of longstanding ethnic disputes. For example, in July a group of youths boarded a boat of traders from Okuagbe in Delta State and took all of the passengers captive. The attack was believed to be part of a dispute between the Ijaw and Urhobo ethnic groups. During the year, kidnapings by criminals to extort money were more numerous than those perpetrated for " political" reasons. Due to limited manpower and resources, the police and armed forces rarely were able to confront the perpetrators of these acts, especially in the volatile Delta region. A lack of resources prevented judicial investigations from taking place so that kidnapings were routinely left uninvestigated.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and mistreatment of prisoners, and the law provides for punishment for such abuses; however, although there were no reports of torture of political dissidents during the year, army, police, and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners. Police regularly physically mistreated civilians in attempts to extort money from them. Detainees often were kept incommunicado for long periods of time. The 1960 Evidence Act prohibits the introduction into trials of evidence obtained through torture.

The extension of Shari'a law in many northern states generated a public debate on whether Shari'a punishments such as amputation for theft, caning for fornication and public drunkenness constituted "torture or" inhuman or degrading treatment" as stipulated in the Constitution. Caning as a punishment is available under Nigerian common law, the Northern Nigerian Penal Code, and Shari'a law and has not been successfully challenged in the court system as a violation of the cruel and inhuman punishment clause of the 1999 Constitution. In March in Zamfara state, Malam Buba Bello Jangebi's hand was amputated after he was convicted of cattle rustling in a Shari'a court. Jangebi chose not to appeal his sentence. In September a Sokoto Shari'a court handed down a sentence of amputation for a thief; the sentence had not been carried out by year's end. The first sentence handed down by Zamfara's Shari'a courts was for caning for a pregnant unwed mother and her boy-

friend; both had confessed to fornication. In September Bariya Ibrahim Magazu, a 17-year old-girl, was sentenced to 100 lashes for engaging in fornication and 80 additional lashes for naming in court but not being able to prove who the possible father of the unborn child was. Magazu's sentence was suspended until 3 months after the birth of her child and at year's end had not been carried out. In August two motorcycle taxi drivers were caned for carrying Muslim female passengers in violation of the law in Zamfara State (see Section 5). A non-Muslim was pulled from a motorcycle in Zamfara State for breaking the new rule requiring separate transportation for women.

In the numerous ethnic clashes that occurred throughout the year (see Sections 1.a. and 3.c), hundreds of persons were beaten and injured severely. Police and security forces failed to respond to many criminal acts in a timely manner and were unable to protect Christians and Muslims caught in sectarian unrest in Kaduna, Kano, Lagos, and Abia states. For example, during the Kaduna riots of late February (see Section 2.c.), Kaduna residents at the Baptist Theological Seminary called upon police for protection from the roaming mobs that were firebombing their buildings. The police told the seminarians that they would have to protect themselves because they were too busy to respond to further calls; five persons were killed in the seminary's compound during the 2 days of rioting that followed. Mosques and Muslim adherents also were attacked during the rioting but were denied police protection despite pleas for assistance to the authorities. Order was restored only after the military was brought in to quell the disturbances.

No action was taken against army personnel responsible for rapes and other abuses in Delta, Bayelsa and Rivers states as reported in 1999.

After the November 1999 release of Jerry Needam, Editor of the Ogoni Star newspaper, the Government representatives failed to appear in court for any hearings relating to his case. Police reportedly beat Needam, forced him to sign a confession, and did not allow him access to medical treatment during his detention in 1999.

In June police killed two persons and injured hundreds of others during a 5-day petrol strike (see Section 1.a.).

In August police reported killing 509 persons and injuring 113 in pursuit of robbers in Lagos state (see Section 1.a.).

On a number of occasions security forces beat and detained journalists (see Section 2.a.).

Prison and detention conditions remained harsh and life threatening. Most prisons were built 70 to 80 years ago and lack functioning basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in unhealthy and dangerous sanitary conditions. Disease was pervasive in the cramped, poorly ventilated facilities, and chronic shortages of medical supplies were reported. Prison inmates were allowed outside their cells for recreation or exercise only irregularly and many inmates had to provide their own food. Only those with money or whose relatives brought food regularly had sufficient food; petty corruption among prison officials made it difficult for money provided for food to reach prisoners. Poor inmates often relied on handouts from others to survive. Beds or mattresses were not provided to many inmates, forcing them to sleep on concrete floors, often without a blanket. Prison officials, police, and security forces often denied inmates food and medical treatment as a form of punishment or to extort money from them. Harsh conditions and denial of proper medical treatment contributed to the deaths in detention of numerous prisoners. A reputable human rights organization estimated in 1999 that at least one inmate died per day in the Kiri Kiri prison in Lagos alone. According to the same nongovernmental organization (NGO), dead inmates promptly are buried in mass graves on the prison compounds, usually without their families having been notified. A nationwide estimate of the number of inmates who die daily in the country's prisons is difficult to obtain because of poor (if not nonexistent) record keeping by prison officials. A number of NGO's alleged that prison conditions were worse in rural areas than in urban districts.

In practice women and juveniles are held with males, especially in rural areas. The extent of abuse in these conditions is unknown.

The Government acknowledged the problem of overcrowding as the main cause of the harsh conditions common in the prison system. According to government sources, approximately 45,000 inmates were held in a system of 148 prisons (and 83 satellite prisons) with a maximum designed capacity of 33,348 prisoners. Some human rights groups estimate a higher number of inmates—perhaps as many as 47,000. The Controller-General of prisons estimated that two-thirds of prisoners are detainees awaiting trial who have not been charged (see Section 1.d.) and further admitted that the number of such inmates increased by 83 percent in the first half of the year. In May the Yobe state Attorney-General and Commissioner for Justice, Alhaji Audu Mohammed Lawson, announced publicly that 287 inmates were await-

ing trial and that at least 2 prisons, in Gashua and Potiskum, were at full capacity. Local officials blamed the lack of functioning police transport vehicles for the overcrowding since the state had no other means to transport prisoners to court securely.

Several times during the year, authorities attempted to ease congestion in some smaller prisons. For example, in honor of the Eid-El-Kabir holiday in March, the Governor of Kano State released 159 prisoners, 52 of whom were pretrial detainees held without charge. Those released also were provided with travel funds to return to their homes.

In September President Obasanjo directed the Ministry of Justice to create a judicial administration committee to address the questions of overcrowding, prison conditions, and rehabilitation.

Throughout the year, the Government allowed both international and domestic NGO's occasional access to prisons; however, it did not allow them continuous access to all prisons. Prisoners Rehabilitation and Welfare Action and the International Committee of the Red Cross (ICRC) have regular access to the prisons and publish newsletters on their work. The Government admits that there are problems with its incarceration and rehabilitation programs and worked with groups such as these to address those problems. However, groups such as Rotary International report difficulties at the local level in gaining access to prisons and jails to do rehabilitation programs.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the Government rarely observed these prohibitions. Police and security forces continued to use arbitrary arrest and detention.

Police and security forces were empowered to make arrests without warrants if they believed that there was reason to suspect that a person had committed an offense; they often abused this power. Under the Fundamental Rights Enforcement Procedures Rules of the Constitution (based on those of the 1979 Constitution), police may arrest and detain persons for 24 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest and to take the accused persons to a station for processing within a reasonable amount of time. By law police must provide suspects with the opportunity to engage counsel and post bail. However, police generally did not adhere to legally mandated procedures. Suspects routinely were detained without being informed of the charges, denied access to counsel and family members, and denied the opportunity to post bail for bailable offenses. There was no functioning system of bail, so many suspects were held in investigative detention. Numerous suspects alleged that police demanded payment before they were taken to court to have their cases heard. If family members attend court proceedings, an additional payment is demanded by police.

The Committee for the Defense of Human Rights reports that 302 OPC members were arrested in January following clashes with the police in Lagos. Of those detainees, 95 were released during the year. The remaining detainees were not been able to obtain legal representation and either could not make bail or were not eligible for bail due to the charges brought against them.

In March and April, police operations on Ogoniland, Rivers State resulted in the killing of several civilians, the destruction of buildings, and the arrest of several Ogoni activists (see Section 1.a.).

In May, alleged perpetrators of rioting between Christians and Muslims in Kaduna state were detained, but eventually were released without standing trial (see Section 5).

Lengthy pretrial detention remained a serious problem. According to the Constitution, persons charged with offenses have the right to an expeditious trial; however, in practice this right was not respected (see Section 1.c.). Serious backlogs, endemic corruption, and undue political influence continued to hamper the judicial system (see Section 1.e.). Estimates of the percentage of pretrial detainees held without charge in the prison population range from 33 to 65 percent of the estimated 44-47,000 detainees (see Section 1.c.). Many prisons held 200 to 300 percent more persons than they were designed to hold, and many of the pretrial detainees held without charge had been detained for periods far longer than the maximum allowable sentence for the crimes for which they were being held. Police cited their inability to securely transport detainees to trial on their scheduled trial dates as one reason why so many of the detainees were denied a trial.

Persons who happen to be in the vicinity of a crime when it is committed normally are held for interrogation for periods ranging from a few hours to several months. After their release, those detained frequently are asked to return repeatedly for further questioning. Police and members of the NDLEA continued the practice of placing relatives and friends of wanted suspects in detention without criminal charge

to induce suspects to surrender to arrest, although this was done much less often than under the Abacha regime (see Section 1.f.). There were reports that Imo state prison officials work with some pretrial detainees to blackmail those who knowingly or unknowingly purchased stolen goods from the detainees. These persons, usually prominent individuals residing in larger cities such as Abuja and Lagos, are remanded to Imo state custody and told that they will be prosecuted also for the transfer of stolen goods; however, if they pay a bribe, they are released as is the pretrial detainee who colluded with the prison officials.

On a number of occasions security forces beat and detained journalists (see Section 2.a.).

Students in general are no longer singled out for arrest because of political activities; however, on October 1, police arrested two student leaders, Philip Suaib and Olusegun Oluwole, of the National Association of Nigerian Students (NANS) for disrupting Independence Day activities. The students claim that they were only passing out pamphlets critical of the Government's education policy. The two students were released from custody the following day without formal charge. Many students have been detained for allegedly taking part in cult or criminal activities on university campuses.

On March 23, police in Gombe arrested 19 reportedly peaceful persons for unlawful assembly (see Section 2.c.).

There were unconfirmed reports that members of the armed forces beat and raped members of ethnic minorities.

No information on political detainees emerged during the year.

In July 1999 Abacha's presidential security officer who is widely believed to have orchestrated killings, torture, and hundreds of extrajudicial detentions brought suit against the Federal Government because he was detained without being charged with a crime (see Section 1.a.). The suit later was dropped.

Samaila Gwarzo, the national security advisor to Abacha, was placed under house arrest for 18 months without any charges being brought.

The 1999 Constitution prohibits the expulsion of citizens, and the Government does not use forced exile. Many citizens who had lived abroad due to fear of persecution under previous military regimes continued to return to the country during the year.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, in practice, the judiciary remained subject to executive and legislative branch pressure, was influenced by political leaders at both the state and federal levels, and suffered from corruption and inefficiency. For example, all suspects arrested following the February violence in Kaduna were released allegedly on orders from the Government (see Section 2.c.). Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. Citizens encountered long delays and frequent requests from judicial officials for small bribes.

Under the Constitution, the regular court system is composed of federal and state trial courts, state appeals courts, the Federal Court of Appeal, and the Federal Supreme Court. There also are Shari'a (Islamic) and customary (traditional) courts of appeal for each state and for the federal capital territory (Abuja). Courts of the first instance include magistrate or district courts, customary or traditional courts, Shari'a courts, and for some specified cases, the state high courts. The nature of the case usually determines which court has jurisdiction. In principle customary and Shari'a courts have jurisdiction only if both plaintiff and defendant agree. However, in practice fear of legal costs, delays, and distance to alternative venues encouraged many litigants to choose the customary and Shari'a courts over the regular venues. Shari'a courts have begun to function in nine northern states and have carried out at least one sentence of amputation (see Section 1.c.). The proposed expansion of Shari'a law in Kaduna and other states led to widespread rioting and violence.

Criminal justice procedures call for trial within 3 months of arraignment for most categories of crimes. Understaffing of the judiciary, inefficient administrative procedures, petty extortion, bureaucratic inertia, poor communication between police and prison officials, and inadequate transportation continued to result in considerable delays, often stretching to several years, in bringing suspects to trial (see Section 1.d.).

Trials in the regular court system are public and generally respect constitutionally protected individual rights, including a presumption of innocence, the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel. However, there is a widespread perception that judges easily are bribed or "settled," and that litigants cannot rely on the courts to render impartial judgements. Most prisoners are poor and cannot afford to pay the costs associated with moving their trials forward, and as a result they remain in prison. Wealthier

defendants employ numerous delaying tactics and in many cases used financial inducements to persuade judges to grant numerous continuances. This, and similar practices, clogged the court calendar and prevented trials from starting.

Some courts are understaffed. Judges frequently fail to appear for trials, often because they are pursuing other means of income. In addition court officials often lack the proper equipment, training, and motivation to perform their duties, again due in no small part to their inadequate compensation. For example, a Grand Khadi (judge) in the Sokoto state Shari'a court system was asked to resign because he had contracted to obtain new law books, which duplicated books already donated and in the court's possession, allegedly for personal gain.

There are no legal provisions barring women or other groups from testifying in civil court or giving their testimony less weight; however, the testimony of women and non-Muslims is usually accorded less weight in Shari'a courts (see Section 5).

There were no reports of political prisoners.

The Movement for the Survival of the Ogoni People (MOSOP) and the Saro-Wiwa family continued to petition President Obasanjo, the Minister of Justice, and the Oputa Human Rights panel to reverse the verdict of the Auta Tribunal that convicted Saro-Wiwa and the Ogoni-9 in October 1995. At year's end, the Government had not responded to the 2 year old appeal to clear the names of Saro-wiwa and the Ogoni activists, who were executed by the regime of Sani Abacha in November 1995.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits arbitrary interference with privacy, family, home, or correspondence; however, although government authorities generally respect these prohibitions, authorities continued at times to infringe on these rights.

Police and security forces continued the practice of placing relatives and friends of wanted suspects in detention without criminal charge to induce suspects to surrender to arrest, although this was done much less frequently than under previous military regimes. There were calls by human rights groups for the police to end the practice.

Unlike in previous years, there were no reports of members of the armed forces looting property, destroying buildings, and driving persons away from their homes.

Although the expanded Shari'a laws technically do not apply to Christians, the Christian minority, especially in Zamfara and Sokoto states, was subjected to many of the social provisions of the law, such as the separation of the sexes in public transportation vehicles (a law that was repealed after only 2 weeks), and in health facilities, the segregation by gender of school children, and bans on the selling of alcohol (see Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights; however, there were problems in some areas.

Although there is a large and vibrant private domestic press that is frequently critical of the Government, the Government also owns or controls many publications.

On May 26, 1999, in the last days of Abubakar regime, Decree 60 was signed into law and created the Nigerian Press Council which was charged with the enforcement of professional ethics and the sanctioning of journalists who violated these ethics. The Nigerian Press Council immediately was criticized by the media as "an undisguised instrument of censorship and an unacceptable interference with the freedom of the press." Decree 60 attempted to put control of the practice of journalism into the hands of a body of journalists who were appointed by and received payment from the Government. In 1999 the NUJ, the professional association of all Nigerian journalists, and the Newspaper Proprietors Association of Nigeria (NPAN) rejected the creation of the Press Council. The NPAN called the decree unconstitutional and a violation of press freedom, because there were already enough laws concerning the operation of the press. The decree, which virtually made members of the council employees of the Government, also contained a number of provisions inimical to the operation of a free press. Among other provisions, Decree 60 gave the Press Council the power to accredit and register journalists and the power to suspend journalists from practicing. Decree 60 required that publications be registered by the council annually through a system entitled "Documentation of Newspapers." In applying for registration, publishers were expected to submit their mission statements and objectives and could be denied registration if their objectives failed to satisfy the Council. The penalties for practicing without meeting the Council's standards were a fine of $2,500 (250,000 naira) or imprisonment for a term not to exceed 3 years. The decree also empowered the Council to approve a code of professional and ethical conduct to guide the press and to ensure compliance by journal-

ists. Under the decree, publishers were expected to send a report of the performance of their publications to the Council; failure to do so was an offense that carried a fine of $1,000 (100,000 naira). The Nigerian Press Council continued after Obasanjo's inauguration, and in 1999 former Minister of Information Dapo Sarumi expressed the view of the new civilian Government that the council would continue to operate, and said, "It is in line with journalists' demands." The council had not yet begun operating at year's end; however, it remained on the books in principle, and many journalists believe that the existence of such a decree is a significant limitation on freedom of the press.

During the year there were a few cases of threats against and attacks on the press. In January police beat, arrested and detained Igha Oghole, a journalist with Radio Benue, Makurdi, after he insisted on conducting a scheduled interview with the police commissioner rather than interviewing his subordinate.

In March 50 armed policemen entered the International Press Center (IPC) in Ogba, Lagos and arrested 4 journalists who they held for 5 hours and then released without charge. The police subsequently claimed that the attack was not directed at journalists but was to find members of a militant faction of the OPC, who had engaged in battles with the police (see Sections 1.a., 1.c. and 1.d.). The police claimed that they were acting on information that militant members of the OPC were planning to address a press conference at the center.

In March members of the NPF seized most of the print run of the March 4 edition of the Kaduna-based newspaper Today as well as its Hausa language affiliate newspaper, Ayaqu, and sealed off their offices. The police justified their action on the grounds that the publications carried headlines that could have engendered violence in the Shari'a dispute (see Section 2.c.).

On April 4, an armed detachment of SSS sealed off for several hours the premises of Leaders and Company, the publishers of This Day newspaper in order to search the grounds for what the Government described as "subversive and incriminating documents" and to arrest the editor-in-chief, Nduka Obaigbena. Obaigbena was not on the premises at the time and was not arrested. The charges against him were dropped 1 week later, but Obaigbena was told to cease investigations of Obasanjo's national security adviser, Aliyu Gusau (see Section 1.d.). In August police and security agents again sealed off the premises of This Day newspaper and ordered the staff to leave the premises.

State governments also have threatened and detained journalists who have criticized their policies. According to the country's Media Rights Agenda, since May 1999 there were nine cases of arrests and detentions of journalists and vendors; state security personnel were the perpetrators in all of these incidents. In March Ebonyi state police detained two journalists with the Ebonyi Times, Emmanuel Okike-ogah and Ogbonaya Okorie, for publishing what the State Government described as "seditious articles in an unregistered newspaper." The articles claimed that the governor of Ebonyi State had bribed state legislators into approving a list of commissioners. Also in March, police in Aba, Abia state, arrested and detained Ademola Adegbamigbe of The News magazine, and a professional photographer who Adegbamigbe had hired to assist him, while covering the civil violence following the introduction of Shari'a law in the north (see Section 2.c.). On March 2 in Kaduna state, police raided the offices of the Nigerian Tribune in Ibadan after the publication of an article on Islamic law, and Zamfara state seized copies of the Nigerian Tribune, the Guardian, and Vanguard after they published articles critical on Shari'a law (see Section 2.c.).

In January Abuja FCT police accompanied Yusuf Mamman, an Alliance for Democracy (AD) faction leader, to the AD headquarters in Abuja to prevent a rival faction leader, Adamu Song, from holding a press conference. Police attempted to seize the videocamera of an Africa Independence Television cameraman and the digital camera of a This Day newspaperman. Mamman asked police to arrest Song for "invading" AD offices; however, they failed to do so following the press conference. Police routinely are involved in political disputes under the guise of breach of the peace or assault. Nothing was ever done about the potentially improper use of the police in this case.

There are two national, government-owned daily newspapers in English, the New Nigerian and the Daily Times. The New Nigerian publishes an additional Hausa edition. Several states own daily or weekly newspapers that also are published in English. They tend to be poorly produced, have limited circulation, and require large state subsidies to continue operating. Several private newspapers and magazines have begun publication since the inauguration of the civilian government. Five major daily newspapers, one newsmagazine, and several sensational evening newspapers and tabloid publications had begun publication at year's end.

Because newspapers and television are relatively expensive and literacy is not universal, radio remains the most important medium of mass communication and information. There is a national radio broadcaster, the Federal Radio Corporation of Nigeria, which broadcasts in English, Hausa, Yoruba, Igbo, and other languages. Fifty-one state radio stations broadcast in English and local languages. For many years, the Government prohibited nationwide private radio broadcasting, but the Abacha regime granted broadcasting rights to local and regional private radio stations in 1994. There were six private radio stations operating at the beginning of the year. Several of these stations continue to struggle with financial difficulties, including Raypower FM, which ceased operations in September. No new private radio licenses were issued during the year by the National Broadcasting Commission (NBC), the body responsible for the deregulation and monitoring of the broadcast media. Ten applications pending from 1999 were still awaiting NBC approval at year's end.

The National Television Station, NTA, is federally owned, while 30 states also operate television stations. There are nine privately owned television stations that broadcast domestic news and political commentary. There are two private satellite television services. The 1993 Press Law requires local television stations to limit programming from other countries to 40 percent. The 1993 Press Law also restricts the foreign content of satellite broadcasting to 20 percent, but the Government does not restrict access to, or reception of, international cable or satellite television. The Government did not restrict Internet access, although unreliable and costly digital telephone service limited access and hindered service providers. All Internet service providers were privately owned.

In October 1999, the NBC, in cooperation with the Information Ministry, revoked the licenses of 20 private radio and television broadcasters for nonpayment of license fees. The Director General of NBC cited Decree 38 of 1992, which mandates the commission to revoke a license where the prescribed fee was not paid on the due date. Several major domestic broadcasters as well as affiliates of international broadcasters such as Voice of America and the British Broadcasting Corporation were among those affected. They were reported to owe a total of $745,000 (70 million naira). All 20 of the broadcasters paid the delinquent fees and continued broadcasting.

While private television and radio broadcasters remained economically viable on advertising revenues alone, despite the restrictions that the Government imposed on them, governmentsponsored broadcasters complained that government funding and advertising were inadequate for their needs.

Journalists and editors of state media reportedly no longer fear suspension for their editorial decisions, although some selfcensorship lingered. State broadcasters and journalists remain important tools for civilian governors; these officials use the state-owned media to showcase the state's accomplishments and to stress the extent to which their states are in political accord with the Government.

Since the May 1999 elections, foreign journalists who sought to enter the country to cover political developments generally have been able to obtain visas, and many of the obstacles that previously frustrated foreign journalists were removed. Officials within the Ministry of Information became more accommodating to requests from foreign journalists.

Throughout the Abacha regime there was no academic freedom for students or academic staff; however, under Obasanjo's government, concrete steps have been taken to address the problems in the education sector and to restore academic freedom. In May 1999, Obasanjo approved the establishment of four new private universities, but the quality of secondary education continued to deteriorate. However, student groups alleged that numerous strikes, inadequate facilities, and the rise of cultism (or gangs) on campuses continue to hamper educational progress. On several occasions during the year, protests by students resulted in harassment and arrest by police forces and in one incident, the killing of a student (see Sections 1.a. and 1.d.). For example, in October protests during the country's Independence Day celebrations resulted in the arrests of 2 students in Lagos (see Section 1.d.).

b. Freedom of Peaceful Assembly and Association.—The 1999 Constitution provides citizens with the right to assemble freely; and the Government generally respected this right, although some limits remained.

Throughout the year, the Government nominally required organizers of outdoor public functions to apply for permits, although both government authorities and those assembling often ignored this requirement. The Government retained legal provisions banning gatherings whose political, ethnic, or religious content might lead to unrest. Open-air religious services away from places of worship remained prohibited in most states due to religious tensions in various parts of the country. For example, the Kogi state government banned open air preaching and public pro-

cessions beginning on March 2, but it did so in consultation with a number of religious and traditional groups, and local governments. Also in March, the Kaduna state government banned processions, rallies, demonstrations, and meetings in public places in order to prevent repetition of the violence that followed the establishment of Shari'a law in February (see Sections 1.a. and 2.c.).

In late February, the Enugu police halted in mid-session a conference on the history of Biafra that was attended by many eastern-based ethnic groups, including those of Igbo, Ibibio, Oron, and Ikot Ebere ethnicity due to concerns that the conference could fuel to existing ethnic violence. On March 1, the Assistant Commissioner of Police, Francis Ihechere, was quoted in the Guardian newspaper as stating that the Government had prohibited gatherings of more than four persons. In March Gombe state announced that it had prosecuted and convicted 19 people for unlawful assembly during the Shari'a crisis. The police claimed that the assembly would lead to a breach of the peace and that they were protecting other citizen's constitutional rights to peace and security. The defendants were sentenced to either 6 months" imprisonment or a $10 (1,000 naira) fine. On September 3, the Lagos police denied a permit to the Committee of Concerned Citizens (CCC), a southern-based interest group comprised primarily of Christian elder statesmen, who wished to hold a 2-day workshop on the adoption of Shari'a law. Police claimed that they knew of plans to disrupt the meeting and were denying the permit to protect the committee and prospective workshop attendees.

The Constitution provides for the right to associate freely with other persons in political parties, trade unions, or special interest associations, and the Government generally respected this right in practice; however, there were exceptions. In July Lagos state police used tear gas to disperse a demonstration by striking public sector workers. One person died from the violence (see Section 6.a.). On April 13, Lagos State police prevented approximately 1,000 members of the Movement for the Actualization of Sovereign State of Biafra from staging a rally and raising the Biafran flag.

c.Freedom of Religion

The Constitution provides for freedom of religion, including freedom to change one's religion or belief, and freedom to manifest and propagate one's religion or belief in worship, teaching, practice, and observance; however, the Government restricted these rights in practice in certain respects. The status of respect for religious freedom deteriorated during the year due to the implementation of an expanded version of Shari'a law in several northern states, which challenged constitutional protections for religious freedom and sparked interreligious violence.

The Constitution prohibits state and local governments from adopting an official religion; however, it also provides that states may elect to use Islamic (Shari'a) customary law and courts. About half of the population is Muslim, about 40 percent Christian, and about 10 percent practice traditional indigenous religion or no religion. Since independence, the jurisdiction of Shari'a courts has been limited to family or personal law cases involving Muslims, or to civil disputes between Muslims and non-Muslims who consent to the courts' jurisdiction. However, the Constitution states that a Shari'a court of appeal may exercise "such other jurisdiction as may be conferred upon it by the law of the State." Some states have interpreted this language as granting them the right to expand the jurisdiction of existing Shari'a courts to include criminal matters. Several Christians have alleged that, with the adoption of an expanded Shari'a law in several states and the continued use of state funds to fund the construction of mosques, teaching of Alkalis (Muslim judges), and pilgrimages to Mecca (Hajj), Islam has been adopted as the de facto state religion of several northern states. However, state funds also are used to fund Christian pilgrimages to Jerusalem. In general states with a clear Christian or Muslim majority explicitly favor the majority faith. The Constitution also provides that the Federal Government is to establish a Federal Shari'a Court of Appeal and Final Court of Appeal; however, the Government had not yet established such courts by year's end.

The Government continued to enforce a ban on the existence of religious organizations on campuses of primary schools, although individual students retain the right to practice their religion in recognized places of worship. Many states allow the teaching of Koranic or Biblical knowledge in primary and secondary schools; however, in almost all states with religious minorities, there are reports that students are forced to take classes that violate their religious principles. Islam is a mandatory part of the curriculum in public schools in Zamfara and other northern states, to the exclusion of Christianity. State authorities claim that students are permitted to decline to attend these classes or to request a teacher of their own religion to provide alternative instruction. In practice the dominant religion of the state is taught in the school, and students cannot use these other mechanisms. There are

reports that Christianity is taught in the same manner in Enugu and Edo states, and that Muslim students cannot access Koranic teaching in the public schools.

The law prohibits religious discrimination; however, reports were common that government officials discriminated against persons practicing a religion different from their own, notably in hiring or awarding contracts. Christians in the northern, predominantly Muslim part of the country accused local government officials of attempting to use zoning regulations to stop or slow the establishment of non-Muslim, usually Christian, churches. Typically, a small section of a city was unofficially segregated for nonMuslims to build their places of worship. In several cases, citizens in these enclaves reported that they were discriminated against by not receiving police protection or waste removal services.

Purdah continued in parts of the country leading to continued restrictions on the freedom of movement of women (see Section 5).

In October 1999, the governor of Zamfara state signed into law two bills aimed at instituting Islamic Shari'a law in his state. Implementation of the law began on January 22. Zamfara's law adopted traditional Shari'a in its entirety, with the exception that apostasy was not criminalized. Following Zamfara's lead, several northern states began to implement varying forms of expanded Shari'a; by year's end 9 states had adopted variations of Shari'a law " Sokoto, Niger, Kano, Kebbi, Jigawa, Yobe, Zamfara, Katsina, and Kaduna states. Previously, Shari'a law had been practiced in the north in the areas of personal law, only if both litigants agreed to settle their disputes in Shari'a courts. Elements of Shari'a also had been present in the northern penal code, which had been applicable in the north since independence.

As the result of nationwide violence in February and March related to the expansion of Shari'a laws (see Section 5), several northern state governments banned open air preaching and public religious processions. The Kogi state government enacted such a ban on March 1, and the Kaduna State government followed shortly thereafter, enacting a ban on all forms of "processions, rallies, demonstrations, and meetings in public places." On March 23, Gombe state officials arrested 19 reportedly peaceful persons for "unlawful assembly capable of causing a breach of peace in the state." Such bans were viewed as necessary public safety measures after the death of approximately 1,500 persons. However, large outdoor religious gatherings continued to be quite common, especially in the southern part of the country.

On February 29, in response to the nationwide violence (see Section 5), President Obasanjo convened a meeting of the Nigerian Council of State, a consultative body consisting of the President and Vice President, all past heads of state and past chief justices, all governors, the Attorney General, and the President of the Senate and Speaker of the House. The result of the meeting was an agreement that northern governors would halt initiatives to expand Shari'a laws and return to the northern Nigerian Penal Code; however, a few states continued to expand their Shari'a laws. Niger state declared that it would expand Shari'a laws on the same day as the Council of State meeting, and the amputation of the cow thief's right hand in Zamfara state occurred on March 23 (see Section 1.c.).

Although the expanded Shari'a laws technically do not apply to Christians, the Christian minority, especially in Zamfara state, was subjected to many of the social provisions of the law, such as the separation of the sexes in public transportation vehicles (a law that was repealed after only 2 weeks) and bans on the selling of alcohol. Niger State also enforced a ban on selling alcohol. However, the federal Government has disregarded the ban on alcohol sales in military installations. All Muslims were subjected to the new Shari'a provisions in the states that enacted them, which, according to many legal scholars, constitute an abridgement of their freedom of religion and conscience. The implementation of Shari'a law has been challenged constitutionally. For example, in May an international human rights nongovernmental organization (NGO), Huri-Laws, took the Zamfara state government to court, challenging the constitutionality of Zamfara's expanded Shari'a penal code. The case was ongoing at year's end. No other cases had reached the Supreme Court. In the meantime, Shari'a courts have begun to execute sentences of amputation, at least in Zamfara state (see Section 1.c.).

In September, Lagos police denied the CCC a permit to hold a workshop on the adoption of Shari'a law (see Section 2.b.).

Although distribution of religious publications remained generally unrestricted, the Government continued to enforce lightly a ban on published religious advertisements. There were reports by Christians in Zamfara State that the state government restricted the distribution of religious (Christian) literature. The Right Reverend Samson Bala, First Bishop of Zamfara, Gusau diocese, said that the state radio station had "closed its doors to Christians." Commercials and paid advertisements containing Christian literature are not accepted, he said, and only Islamic religious programs are aired.

Following violence in relation to the expansion of Shari'a laws in Kaduna in February, several northern state governments banned any type of proselytizing, in spite of the fact that it is permitted by the Constitution. Missionaries reported that law enforcement officials harassed them when they proselytized outside of majority Christian neighborhoods. Proselytizing did not appear to be restricted in the southern part of the country.

The Federal Government continued to settle property claims by Muslim Brotherhood leader Ibrahim El-Zakzaky for compensation for his home and mosque, which were razed by law enforcement in 1997. All 96 of the Muslim Brotherhood followers jailed under the previous regime were released during the year.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution entitles citizens to move freely throughout the country and reside where they wish, and in general, the Government respected this right; however, police occasionally restricted this right by setting up roadblocks and checkpoints where security and law enforcement officials routinely engaged in extortion, violence, and excessive use of force (see Sections 1.a. and 1.c.). For example, the Governor of Niger State allegedly instructed state police on March 1 to install roadblocks to prevent southerners from returning to their homes. The southerners, particularly Igbo traders, were attempting to return home because they feared violent reprisals in response to the deaths of Hausas in Aba and Owerri (see Section 1.a.).

Clashes between the Ife and Modakeke ethnic groups resulted in a dusk-to-dawn curfew following the deaths of as many as 50 persons (see Sections 1.a. and 5). In June youths set up roadblocks outside of the Osun state town of Ife and killed passengers who were not members of the same ethnic group (see Section 1.a.).

The Constitution also prohibits the denial of exit or entry to any citizen, and the Government generally respected this law; however, the law also provides that women are required to obtain permission from a male family member before having an application for a passport processed. Some men take their wives' and children's passports and other identification documents with them while traveling abroad to prevent their family from leaving the country (see Section 5).

Prominent human rights and prodemocracy activists who fled the country during the regime of General Sani Abacha continued to return to the country as did many economic refugees. There were no reports that the Government denied passports to political figures or journalists or interrogated citizens who were issued visas to foreign countries; however, there have been sporadic reports that persons still were questioned upon entry or exit to the country at Murtala Muhammed international airport. These persons, all of whom were opponents of the Abacha regime, were identified in immigration computer systems as individuals to be questioned by immigration or security officers. For example, Dr. Olua Kamalu, deputy president of MOSOP, reported that the SSS seized his passport on July 25. Dr. Kamalu was planning a trip to Ghana to attend a visa interview at a foreign embassy.

During periods of civil unrest, numerous persons were displaced temporarily from their villages. Thousands of persons, both Christian and Muslim, were displaced internally following the Kaduna riots in February and in May. A large number of Muslim families left the city of Onitsha due to continued ethnic and religious tension in nearby Aba, Abia State. Hundreds of persons voluntarily left other states throughout the country in anticipation of violent reprisals following interfaith and interethnic clashes in Kaduna and Onitsha (see Section 2.c.). Typically, only the head of household returned to areas of unrest after authorities regained control. Most returnees remained apprehensive about continuing to work in these areas and returned only to finish business contracts or to sell their homes in order to arrange a more organized departure.

A few hundred residents of the Odi village, razed by soldiers in 1999, have returned to the area; however the federal Government has not provided them with assistance to reconstruct their village (see Section 1.a.).

The law contains provisions for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the Lagos office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian agencies in assisting refugees through the National Commission for Refugees and its Federal Commissioner. The Eligibility Committee established under Decree 52 of 1989, which governs the granting of refugee status, asylum, and resettlement, reviews refugee and resettlement applications. A representative from the UNHCR participates in this committee. The issue of the provision of first asylum has not arisen since the establishment of the National Commission for Refugees under Decree 52.

At year's end, there were 6,933 recognized refugees: 13 from Angola; 23 from Benin; 4 from Cameroon; 1,703 from Sierra Leone; 3,194 from Chad; 74 from Sudan; 1,561 from Liberia; 69 from Cote d'Ivoire; and 292 from other countries. The Gov-

ernment also resettled in the country 3 Cameroonians, 3 Chadians, 5 Sudanese, 13 Liberians, and 17 persons from other countries.

There were no reports of the forced return of persons to a country where they feared persecution.

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

In 1998 and 1999 citizens had the opportunity to exercise their right to change their government. General Abdulsalami Abubakar oversaw a transition to civilian rule that included elections for local governments (in December 1998), state governors and assemblies (in January 1999), and national legislators and the president (in February 1999). Voter apathy and widespread fraud marred the legislative elections; however, the turnout increased for the presidential race, which proceeded peacefully with reports of only a few violent incidents. The Independent National Electoral Commission (INEC) certified former President Olusegun Obasanjo's victory over Chief Olu Falae with a reported 62 percent of the votes.

Irregularities occurred at each stage of the electoral process, particularly the presidential nominating convention and election where, for example, large sums of money were offered by both political camps to delegates to vote against political opponents. During the presidential election, international observers and foreign diplomats witnessed serious irregularities in procedures. All three parties engaged in the local purchase of false ballots and fraudulent tally sheets so that there were vast discrepancies between what observers saw and inflated tallies in some areas. In addition there were administrative problems such as late delivery of voting materials at a large number of polling stations. Those areas with the worst problems were the southern tier of states in the Niger Delta region, several states in Igboland, and a handful of north central states. The production of "ghost votes" in these states amounted to as much as 70 or 80 percent of the total reported votes. Although all parties engaged in attempts to rig the vote, the PDP machine in the Delta and Igboland was responsible for the worst excesses. These votes may have added an estimated 15 percent to Obasanjo's total figure; however, observers believe that even if they were thrown out, he still would have maintained roughly a 15 percent lead over Falae's total. International observers confirmed the results and stated that, despite widespread fraud, Obasanjo's victory reflected the will of most voters. Although Falae initially protested the election results, eventually he dropped his legal challenge. INEC issued a report on the conduct of the election in July 1999 that documented the fraud. Obasanjo, 109 senators, 360 members of the House of the National Assembly, and 36 governors and state assemblies assumed office on May 29, 1999. The President, Vice President, and other national and state officials serve 4-year terms. The next state and national elections are scheduled for 2003, while local government elections are scheduled for 2002. INEC is working with several international electoral assistance organizations to help improve the process in 2003; however, no INEC officials have faced disciplinary action as result of their involvement in corrupt activities in the 1999 election.

The Constitution outlaws the seizure of the government by force and contains provisions for the removal of the President, Vice President, ministers, legislators, and state government officials for gross misconduct or medical reasons. In November 1999, Senate President Evan Enwerem was removed after another credentials scandal. His replacement, Chuba Okadigbo, was removed in August after an internal Senate investigation on contracting procedures resulted in his indictment. Several other public officials were subjected to close scrutiny by the press, public, and legislative investigators.

The political system remains in transition. The three branches of the new government acted independently during the Administration's first year in office. Despite his party's substantial majority in the legislature, the President was not able to exercise authority without legislative oversight and inclusiveness. The Senate and the House of Representatives took the screening of government ministers, ambassadorial appointments, budget review, and other executive initiatives seriously and amended the Government's budget request, anticorruption commission bill, and various personnel procedures. They also rejected several ministerial and ambassadorial appointments. Obasanjo created several commissions to investigate past government contracts and human rights abuses, which were overwhelmed with applications to present evidence of wrongdoing (see Section 4). However, the judicial branch remained weakened by years of neglect and politicization.

Abubakar's military Government, which consulted with a selected group of constitutional and legal experts around the country to revise the 1979 and 1995 Constitutions, promulgated the 1999 Constitution on May 5, 1999. The constitution-writing process was criticized for not being open to enough participants and for not being subjected to wider debate on the country's federal structure, revenue alloca-

tion and power-sharing formulas, and minority ethnic groups' rights. Complaints about the Constitution persisted and there were continued calls for a national conference, mainly from the southwest.

Although the Constitution allows the free formation of political parties, only three parties were registered with the INEC. The Constitution requires parties to have membership in two-thirds of the country's 36 states. In anticipation of the 2003 election INEC began preparing a draft electoral law for the National Assembly to consider in the next legislative session. Public forums were held during the year in all 36 states and the federal capital territory of Abuja to solicit citizens" views on the draft law. Over 10,000 citizens participated in these public fora; however, the draft law was not subject to much public debate outside of this exercise. The new law is designed to specify the requirements of party formation and registration.

Women are underrepresented in government and politics, although there were no legal impediments to political participation or voting by women. Men continued to dominate the political arena. NGO's continued to protest the underrepresentation of women in the political process, and women were underrepresented in the new civilian government. Only 6 women were appointed as ministers out of a total of 56 positions. There were 3 women among the Senate's 109 members, and only 12 women were elected to the 360-member House of Representatives. Women's rights groups pushed local, state, and the Federal Government (and local levels as well) to adopt a 30 percent affirmative action program; however, these efforts were unsuccessful.

There are no legal impediments to participation in government by members of any ethnic group. The Constitution requires that government appointments reflect the country's "federal character." However, there are more than 250 ethnic groups, and it is difficult to insure representation of every group in the Government. The federal- and state-level ministers generally are selected to represent the country's regional, ethnic, and religious makeup. President Obasanjo attempted to create an ethnically inclusive Government. The 56-member Cabinet and 109 ambassadorial slots were allocated to an equal number of candidates from each state to achieve a regional balance. Despite this effort, northerners and southeasterners criticized the Government for favoring westerners or ethnic Yorubas, while the southwesterners criticized the Government for relying too heavily on northern and southeastern appointments.

Middle-belt and Christian officers dominate the military hierarchy. In June 1999, Obasanjo retired all military officers who held political office, which meant that a disproportionate number of northern Hausa officers—who dominated the upper ranks under the previous military regimes—left the service.

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

The Government permitted local human rights groups to operate and did not interfere with their activities; nor did it detain, intimidate, or harass their members. Criticisms of the Government's past human rights record were abundant in various media. High-level government officials noted that the human rights community assisted in the advancement of democracy. In June President Obasanjo, along with a number of cabinet members and National Assembly members, met with a number of prominent human rights representatives for discussions.

The Catholic Secretariat, a local sectarian interest group, continued to hold a monthly open forum in Lagos on various subjects relating to past and present human rights issues. Discussion panels have included a number of NGO's, media, and religious leaders. Each session ended with recommendations to the Government on how best to resolve these issues. The Government had not responded to any of these recommendations at year's end.

The International Committee of the Red Cross (ICRC) is active, with offices in Abuja and Lagos under the direction of a regional delegate. Its primary human rights activities during the year involved the training of prison officials on human rights, sanitation, and prisoner health.

The National Human Rights Commission (NHRC) was established by Decree 22 in 1995 and tasked with monitoring and protecting human rights in the country, enjoyed greater recognition by and coordination with NGO's, and was moving slowly toward establishing its credibility as an independent monitoring body. The NHRC is chaired by retired Justice Uche Omo and includes 15 other members. The NHRC is represented in some states by state-level affiliates. The NHRC is supposed to work closely with NGO's that are devoted to human rights issues. Since its inception, the NHRC has been denied adequate funding to do its job properly. At year's end, the NHRC had created a strategic work plan through 2002, and was in the process of developing a national action plan to be deposited with the UNCHR.

The HRVIP, commonly known as the Oputa panel, is a one-time panel that was established in June 1999 by President Obasanjo to investigate human rights abuses

dating to 1966 and the time of the first military coup. The Oputa panel can recommend courses of action to the justice system for perpetrators of past abuses, something the NHRC does not do. According to Justice Oputa, the chair, the panel's primary goal is to provide the country with a systematic examination of past human rights abuses to develop a national consensus on the boundaries of acceptable behavior by government entities as well as individuals. The panel will hear individual cases to establish patterns of abuses. The most common cases involved allegations of unlawful arrest, detention, and torture. The panel will also hear cases in which the rights of groups were violated. On October 23, the commission began a series of public hearings across the country to investigate the claims of over 10,000 petitioners.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The 1999 Constitution provides citizens with the right to freedom from discrimination based on "community, place of origin, ethnic group, sex, religion, or political opinion." However, customary and religious discrimination against women persisted, occasional religious violence was a problem, social discrimination on the basis of both religion and ethnicity remained widespread, and ethnic and regional tensions continued to contribute to serious violence both between groups of citizens and between citizens and the security forces.

Women.—Reports of spousal abuse are common, especially those of wife beating. Police normally do not intervene in domestic disputes, which seldom are discussed publicly. The Penal Code permits husbands to use physical means to chastise their wives as long as it does not result in "grievous harm," which is defined as loss of sight, hearing, power of speech, facial disfigurement, or other life threatening injuries. A women's rights group has estimated that spousal abuse occurs in 20 percent of adult relationships. In more traditional areas of the country, courts and police are reluctant to intervene to protect women who accuse their husbands formally if the level of alleged abuse does not exceed customary norms in the areas. Rape and sexual harassment continue to be problems. Prostitution is rampant, particularly in urban areas. A number of states, including most northern states which have begun the enforcement of Shari'a law, have begun to enforce existing laws or to introduce new laws to combat prostitution. Katsina, Jigawa, and Edo states have recently criminalized prostitution but it is not illegal in Lagos State; however, authorities can use statutes that outlaw pandering as a justification for arresting prostitutes (See Section 6.c). The adoption of Shari'a-based legal systems by northern states has led to the strong enforcement of laws against prostitution for both adults and children (see Section 2.c.). Southern states, like Edo, also are criminalizing prostitution and raising the legal age for marriage from 16 to 18. There is an active market for trafficking in women to Europe, and elsewhere (see Section 6.f.). In some parts of the country, women continue to be harassed for social and religious reasons. Purdah, the Islamic practice of keeping girls and women in seclusion from men outside the family, continued in parts of the far north.

Women experience considerable discrimination as well as physical abuse. There are no laws barring women from particular fields of employment; however women often experience discrimination because the Government tolerates customary and religious practices that adversely affect them. The Nigerian NGO's Coalition expressed concern about continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and in salary inequality. There are credible reports that several businesses operate with a "get pregnant, get fired" policy. Women remain underrepresented in the formal sector but play an active and vital role in the country's important informal economy. While the number of women employed in the business sector increases every year, women do not receive equal pay for equal work and often find it extremely difficult to acquire commercial credit or to obtain tax deductions or rebates as heads of households. Unmarried women in particular endure many forms of discrimination.

While some women have made considerable individual progress, both in the academic and business world, women remain underprivileged. Although women are not barred legally from owning land, under some customary land tenure systems only men can own land, and women can gain access to land only through marriage or family. In addition many customary practices do not recognize a women's right to inherit her husband's property, and many widows were rendered destitute when their in-laws take virtually all of the deceased husband's property. Widows are subjected to unfavorable conditions as a result of discriminatory traditional customs and economic deprivation. "Confinement" is the most common rite of deprivation to which widows are subjected, and it occurs predominately in eastern Nigeria. Confined widows are under restrictions for as long as 1 year and usually are required

to shave their heads and dress in black garments. In other areas, a widow is considered a part of her husband's property, to be "inherited" by his family. Polygyny continues to be practiced widely among all ethnic groups and among Christians as well as Muslims and practitioners of traditional persuasions. Women are required by law to obtain permission from a male family member to get a passport (see Section 2.d.). The testimony of women is not equal to that of men in Shari'a courts. If one woman testifies, a second woman must also to provide testimony to equal the weight of the testimony of one man.

A number of states—Zamfara, Niger, Katsina, Jigawa, Sokoto, Kano, and Yobe—have adopted Islamic (Shari'a) law in varying degrees. In Zamfara state, local governments are instituting laws that will require the separation of Muslim men and women in transportation, health care, and primary educational services (see Section 2.c.). Separate transportation and health facilities for men and women already had begun to be implemented. A woman was pulled from a motorcycle and injured by vigilantes for breaking the new rule requiring separate transportation for women in a local government area of Zamfara State. The woman was not a Muslim. In September an unmarried 17-year-old woman was sentenced to 180 lashes for fornication and false testimony (see Section 1.c.).

A national network of women's rights NGO's described the Government's 1998 report on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) for the period 1986-94 as "inaccurate" in its positive portrayal of the status of women. The NGO Coalition for a Shadow Report on the Implementation of CEDAW (NGO CEDAW Coalition) issued its alternative report in March 1999, which was critical of the Government's failure to remove legal impediments and social discrimination faced by women. During the year, there reportedly was not much progress made to rectify the problems described in the NGO report.

Children.—Public schools continued to be inadequate, and limited facilities precluded access to education for many children. The Constitution's general provisions call for the Government, "when practical," to provide free, compulsory, and universal primary education; however, despite the President's commitment to compulsory education, compulsory primary education rarely was provided, particularly in the north (see Section 6.d.). Girls are discriminated against in access to education for social and economic reasons. The literacy rate for males is 58 percent but only 41 percent for females. Rural girls are even more disadvantaged than their urban counterparts. Only 42 percent of rural girls are enrolled in school compared with 72 percent of urban girls. In the north, Muslim communities favor boys over girls in deciding which children to enroll in secondary and elementary schools. In the south, economic hardship also restricts many families' ability to send girls to school and, instead, they are directed into commercial activities such as trading and street vending. While the Government increased spending on children's health in recent years, it seldom enforced even the inadequate laws designed to protect the rights of children.

Cases of child abuse, abandoned infants, child prostitution, and physically harmful child labor practices remained common throughout the country (see Sections 6.c and 6.d.). Although the law stipulates that "no child shall be ordered to be imprisoned," juvenile offenders are incarcerated routinely along with adult criminals. The Government only occasionally criticized child abuse and neglect, and it made little effort to stop customary practices harmful to children, such as the sale of young girls into marriage (see Section 6.f.). There were credible reports that poor families sell their daughters into marriage as a means of supplementing their income. Young girls often are forced into marriage as soon as they reach puberty, regardless of age, in order to prevent the "indecency" associated with premarital sex.

A number of states have adopted Islamic (Shari'a) law in varying degrees. While most schools in the north traditionally have separated children by gender, it is now required by law in Zamfara, Sokoto, and Kebbi state schools (see Section 2.c.).

There was evidence of trafficking in children (see Section 6.f.).

The Government publicly opposes Female Genital Mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health; however, it has taken no legal action to curb the practice. There are no federal laws banning FGM. Because of the considerable problems that anti-FGM groups faced at the federal level, most are refocusing their energies to combat FGM at the state and local government area (LGA) level. Edo State banned FGM in October. Ogun, Cross River, Osun, Rivers, and Bayelsa states banned FGM during the year. However, the punishments imposed are minimal, in Edo state the punishment is a $10.00 (1,000 Naira) fine and 6 months imprisonment. In addition once a state legislature criminalizes FGM, NGO's have found that they must convince the LGA authorities that state laws are applicable in their districts.

The Women's Centre for Peace and Development (WOPED) estimated that at least 50 percent of women are mutilated. Studies conducted by the U.N. Development Systems and the World Health Organization estimated the FGM rate at approximately 60 percent among the nation's female population. However, according to local experts, the actual prevalence may be as high as 100 percent in some ethnic conclaves in the south. While practiced in all parts of the country, FGM is more predominant in the southern and eastern zones. Women from Northern states are less likely to be mutilated; however, those affected are more likely to undergo the severe type of FGM known as infibulation. WOPED believes that the practice is perpetuated because of a cultural belief that uncircumcised women are promiscuous, unclean, unsuitable for marriage, physically undesirable, or potential health risks to themselves and their children, especially during childbirth. The National Association of Nigerian Nurses and Midwives, The Nigerian Women's Association, and the Nigerian Medical Association worked to eradicate the practice and to train health care workers on the medical effects of FGM; however, contact with health care workers remains limited. Nevertheless, most observers agree that the number of females who are currently subjected to FGM is declining.

Indigenous forms of FGM vary from the simple removal of the clitoral hood or labia minora to excision of the clitoris and the most dangerous form, infibulation. The age at which females are subjected to the practice varies from the first week of life until after a woman delivers her first child. The Ministry of Health, women's groups, and many NGO's sponsored public awareness projects to educate communities about the health hazards of FGM. The press repeatedly criticized the practice.

People with Disabilities.—While the Government called for private business to institute policies that ensured fair treatment for the disabled, it did not enact any laws requiring greater accessibility to buildings or public transportation, nor did if formulate any policy specifically ensuring the right of the disabled to work.

Religious Minorities.—The law prohibits religious discrimination; however private businesses frequently are guilty of informal religious discrimination in their hiring practices and purchasing patterns.

Religious differences often correspond to regional and ethnic differences. For example, the northern region is overwhelmingly Muslim as are the large Hausa and Fulani ethnic groups of the region. Many southern ethnic groups are predominantly Christian. Consequently, at times it is difficult to distinguish religious discrimination and tension from ethnic and regional discrimination and tension, which are pervasive. Religious tensions underscored what were predominantly ethnic confrontations throughout the year.

When Kaduna state announced plans to implement Shari'a law, the large Christian minority in the state protested on February 21, leading to several days of violent confrontations. Estimates of the number of persons killed range from 1,000 to 1,500; many churches and mosques were burned. Many Christians in the north, fearing continued violence, returned to their historic homelands in the southeast.

On February 28, when the bodies of the victims from the Kaduna violence were returned home to the southeast, reciprocal violence erupted in Aba, Abia state, and, to a lesser extent, in the neighboring towns of Owerri, Imo state, and Onitsha, Anambra state. This violence was characterized by attacks on the minority Muslim Hausas by the majority Igbos. Estimates of the number of persons killed range from 400 to 500. Many of the Hausas were victimized due to their ethnic identity rather than their religious beliefs.

In addition to the violence related to the expansion of Shari'a law in Kaduna, Aba, Owerri, and Onitsha, there was civil unrest on March 7 in Sokoto following a pro-Shari'a rally by university students. Although there were no confirmed deaths, at least one church was burned and two others were vandalized. Local Christians sought refuge in military barracks, but they returned to their homes once calm was restored.

On March 27, at least one person was killed and several were injured in Borno State when a long-festering argument over the location of a church escalated into violence between Muslims and Christians. The church was burned down.

On May 22 and 23, rioting erupted in Nayari, Kaduna state after Christian residents found the body of a person whom they believed to have been a Christian killed by Muslims. Christians retaliated against Muslims and almost completely destroyed all Muslim residences and businesses, causing most Muslim residents to flee. Press reports indicated that as many as 200 persons were killed, although this total could not be confirmed. The exact cause of the outbreak remains unclear, although some observers believe that the violence was organized and preplanned by Kaduna Christians in order to prevent Muslims from returning to the neighborhood to rebuild their community following the violence related to the expansion of Shari'a laws in

February (see Section 2.c.). Some alleged perpetrators were detained, but eventually were released without standing trial.

In September Christians attacked Muslims in the Bambam community in southern Gombe State. The attackers, protesting against the arrival of the state's Shari'a committee, killed 18 persons and burned a number of buildings including places of worship for both Muslims and Christians, businesses, and at least 20 residences.

Sporadic incidents of attacks on individual religious leaders were reported, but the nature and perpetrators of the attacks varied (see Section 2.c.).

National/Racial/Ethnic Minorities.—The country's population of about 120 million is ethnically diverse, and consists of more than 250 groups, many of which speak distinct primary languages and are concentrated geographically. There is no majority ethnic group. The three largest ethnic groups, the Hausa-Fulani of the north, the Yoruba of the southwest, and the Igbos of the southeast, together make up about two-thirds of the population. The Ijaw of the South Delta area, the fourth largest group, claim a population of 12 million, roughly the same as the Kanuri population in the far northeast and Tiv population in the south. Because of the lack of reliable statistics, it is difficult to determine the populations of the various ethnic groups.

The Constitution prohibits ethnic discrimination by the Government. In addition the Constitution mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country in order to promote national unity and loyalty. This provision was designed as a safeguard against domination of the Government by persons from a few states or ethnic and sectional groups. These provisions were included in response to previous domination of the Government and the armed forces by northerners and Muslims. The Government of Olusegun Obasanjo was an example of this diversity. Obasanjo is a Yoruba from the southwest, the Vice President is a northerner, and the Senate President is an Igbo. The Government also attempted to balance key positions and deputy positions among the different regions and ethnic groups. For example, the Minister of Defense is from one of the middlebelt states, while his deputy is a southwestern Yoruba. The Senate used its oversight role to reject many of Obasanjo's ambassadorial appointments and insisted on three nominees from each state for each appointment. The political parties also engaged in "zoning," the practice of rotating positions within the party among the different regions and ethnicities to ensure that each region and ethnicity is given adequate representation. Nonetheless, claims of marginalization by members of southern minority groups and Igbos continued. The ethnic groups of the Niger Delta, in particular, continued their calls for high-level representation on petroleum issues and within the security forces. Northern Muslims, who lost previously held positions within the military hierarchy, accused the Obasanjo Government of favoring southerners. Traditional linkages continued to impose considerable pressure on individual government officials to favor their own ethnic groups for important positions and patronage.

Societal discrimination on the basis of ethnicity is widely practiced by members of all ethnic groups and is evident in private sector hiring patterns, de facto ethnic segregation of urban neighborhoods, and a continuing paucity of marriages across major ethnic and regional lines. There is a long history of tension among the diverse ethnic groups (see Sections 1.a. and 2.c.).

Clashes between the Ife and the Modakeke ethnic groups, both composed of Yoruba speakers and located in Osun state, increased from March to May, prompting a dusk-to-dawn curfew following the deaths of as many as 50 persons and much property destruction. Youths from both sides reportedly stopped vehicles at roadblocks to determine the ethnic status of passengers and shot those not of the same ethnic background. In the east, over 150 persons were killed in border disputes between Cross River and Akwa Ibom states. A clash between rival groups for the throne of the Owo in Ondo state resulted in the deaths of at least five persons and the destruction of a number of homes and businesses, resulting in another dusk to dawn curfew. In all of these inter-religious and interethnic clashes, the police were accused of favoring sides based on their own religious or ethnic identity.

The competing aspirations and tensions among the smaller ethnic groups related to the control and powers of subnational governments occasionally erupted into violence. Clashes occurred between rival ethnic groups in Delta, Rivers, Benue, Cross River, Bayelsa, Osun, Kaduna, Nassarawa, and Taraba states, often resulting in fatalities (see Section 1.a.).

There were unconfirmed reports that members of the armed forces beat and raped members of ethnic minorities (see Section 1.c.).

Other ethnic minorities, particularly in Delta, Rivers, Bayelsa, and Akwa Ibom states, have echoed the Ogoni ethnic group's claims of environmental degradation

and government indifference to their development in the Delta. Groups such as the Ijaw, Itsekiri, Urhobo, and Isoko continued to express their unhappiness about their perceived economic exploitation and the environmental destruction of their homelands, and incidents of ethnic conflict and confrontation with government forces increased in the delta area, particularly after the Ijaw Youth Council issued the Kaiama Declaration in December 1998 (see Section 1.a.). Other ethnic groups saw the Kaiama Declaration, which terms the entire Delta the property of the Ijaw, as threatening their rights. Disparate organizations of youths from a variety of ethnic groups continued to take oil company personnel hostage in the delta region (see Section 1.b.). In August Ijaw youth took 250 persons hostage in a Mallard Bay facility during a protest for more contracting jobs. As a result of this ongoing violence, many oil companies continued to employ local police, and in some cases military troops, to protect their facilities and personnel. Local youths claimed that these "militias" engaged in extrajudicial killings and other human rights abuses, in some cases with the support of foreign oil companies (see Section 1.a.).

In late October, the Niger Delta Development Commission (NDDC), an entity proposed in 1999 to increase government resources committed to the area and grant more local autonomy over expenditure of these resources, began operations. The 19 members of the commission come from both oil producing and non-producing states, ostensibly to provide a balanced representation of interests. The National Assembly must authorize a separate budgetary appropriation in order for the NDDC to begin the bulk of its work. The commissioners are scheduled to begin consultations in the Delta region in early 2001.

The Government continued its investigation into all contracts previously awarded under the auspices of the Oil and Minerals Producing Areas Development Commission. This commission, established in 1992 during the regime of General Ibrahim Babangida, widely was regarded as corrupt and ineffective in improving the conditions of Niger Delta residents.

In February the Enugu police halted a conference on the history of Biafra (see Section 2.b.)

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides all citizens with the right to assemble freely and associate with other persons, and to form or belong to any trade union or other association for the protection of their interests; however, several statutory restrictions on the right of association and on trade unions remained in effect despite repeals of parts of the military-era antilabor decrees. Only a single central labor federation (the Nigerian Labour Congress) is permitted, and the Government recognizes only 29 trade unions. Trade unions must be registered formally by the Federal Government, and a minimum of 50 workers is required to form a trade union. Nonmanagement senior staff are prevented from joining trade unions, and senior staff associations are denied a seat on the National Labor Advisory Council. The ILO Committee of Experts has repeatedly cited several of these restrictions; however, the Government had not addressed these problems by year's end.

Workers, except members of the armed forces and employees designated as essential by the Government, may join trade unions. Essential workers include members of the armed forces and government employees in the police, customs, immigration, prisons, federal mint, central bank, and telecommunications sectors. Employees working in a designated export-processing zone may not join a union until 10 years after the start-up of the enterprise (see Section 6.b.).

According to figures provided by the Nigerian Labour Congress, total union membership is approximately 4 million. Less than 10 percent of the total work force belongs to unions. With the exception of a small number of workers engaged in commercial food processing, the agricultural sector, which employs the bulk of the work force, is not unionized. The informal sector and small and medium enterprises remain mostly nonunionized.

Since 1978 the Government has mandated a single trade union structure with service and industrial unions grouped under the NLC. The trade union movement is composed of two groups consisting of junior and senior staff workers. The single trade union structure and segregation of junior from senior staff were intended to dilute the bargaining strength of workers. Junior staff workers—primarily blue-collar workers—are organized into 29 industrial unions with a membership of approximately 4 million persons and are affiliated with the NLC. Twenty-one unions make up the Senior Staff Consultative Association of Nigeria (SESCAN), which has a membership of approximately 400,000 to 600,000. SESCAN—which is composed primarily of white-collar workers—has not been officially sanctioned by the Government, is prohibited from affiliating with the NLC, and is not seated on the National Labor Advisory Council. In 1999 SESCAN continued, without success to lay the

legal and political groundwork to achieve government recognition, which will require legislation.

In August the Government decertified the maritime workers union on the grounds that the union had not scheduled internal elections in accordance with its charter's requirement. In September the Government issued directives requiring maritime workers to register with specific contracting firms. As a result this historically powerful union was weakened; however, it continued to challenge the Government's action during the year.

Workers have the right to strike; however, certain essential workers are required to provide advance notice of a strike. Essential services include banking, postal services, transportation, firefighting, public health, and utilities.

There were several strikes throughout the year. The most important strike occurred in June, following a government decision to increase fuel prices by 50 percent. The NLC called a general strike that was widely observed, resulting in significant economic disruption. Following negotiations, the fuel price increase largely was eliminated. The strike action damaged relations between the NLC and the Government (see Section 2.b.). The oil worker unions National Union of Petroleum and Natural Gas Workers (NUPENG) and the Petroleum and Natural Gas Senior Staff Association of Nigeria (Pengassan) successfully went on strike in September over wages in order to force oil marketing companies to negotiate. The oil workers' wage demands were triggered in part by the Government's announcement of public sector salary increases in May. The oil worker unions also called wildcat strikes over issues including the firing of one company's tanker truck drivers who sought to affiliate with NUPENG, and, the raiding of a NUPENG office during civil unrest in the Delta. Academic and teacher unions went on strike several times during the year over nonpayment of wages and poor working conditions, as did doctors in Ibadan.

In July Lagos public sector workers went on strike to protest the state government's refusal to pay a higher minimum wage. On July 5, the protests turned violent when police used tear gas to disperse workers demonstrating outside of the Lagos State Secretariat complex. One person reportedly died in the violence, although the reason for the death was unclear. A compromise package offered by the state was accepted by the workers; however, the local union leadership continued to press for more pay at year's end.

There are no laws prohibiting retribution against strikers and strike leaders, but strikers who believe that they are victims of unfair retribution may submit their cases to the Industrial Arbitration Panel (IAP) with prior approval of the Labor Ministry. The IAP's decisions are binding on all parties but may be appealed to the Nigerian Industrial Court (NIC). Union representatives have described the arbitration process as cumbersome and time consuming, and as an ineffective deterrent to retribution against strikers.

The NLC and labor unions are free to affiliate with international bodies; however, prior approval from the Minister is required. The NLC has affiliated with the Organization of African Trade Unions.

b. The Right to Organize and Bargain Collectively.—The labor laws provide for both the right to organize and the right to bargain collectively between management and trade unions. Collective bargaining occurs throughout the public sector and the organized private sector. Complaints of antiunion discrimination may be brought to the Ministry of Labor for mediation and conciliation. The Labor Minister may refer unresolved disputes to the IAP and the NIC (see Section 6.a.). Union officials have questioned the independence of the NIC in view of its refusal in previous years to resolve various disputes stemming from the Government's failure to fulfill contract provisions for public sector employees. Union leaders also have criticized the arbitration system's dependence on the Labor Minister's referrals. The previous Labor Minister made no referrals to the IAP. The IAP and NIC were active during the year, following the Government's appointment of new members to these bodies. The Ministry referred to the IAP and NIC a highprofile case involving the wages of Lagos state workers. Those bodies decided in favor of the employer.

Under the law, a worker under a collective bargaining agreement may not participate in a strike unless his representative has complied with the requirements of the Trade Disputes Act, which include provisions for mandatory mediation and for referring the labor dispute to the Government. The Act allows the Government discretion to refer the matter to a labor conciliator, arbitration panel, board of inquiry, or the National Industrial Court. The Act also forbids any employer from granting a general wage increase to its workers without prior approval by the Government. However, in practice the Act does not appear to be enforced effectively; strikes, including in the public sector, are widespread (see Section 1.a.) and private sector wage increases generally are not submitted to the Government for prior approval. The Gov-

ernment retains broad authority over labor matters and often intervenes in disputes seen to challenge key political or economic objectives.

In 1999 the Government directed each state administration to establish its own salary structure on the basis of its ability to pay and with reference to the national minimum wage (see Section 6.e.). The Government's decision was taken without consultation with the civil service unions. Several state governments have argued that they are unable to pay the approximately $65 (6,500 naira) monthly minimum wage to their employees (see Section 6.e.). An important case involving Lagos state, the largest public sector employer outside the Federal Government, was dismissed as unready for adjudication by the NIC. Other states are pursuing pay concessions, layoffs, the elimination of "ghost" workers, or a combination of all three actions to meet the new wage scale.

An export-processing zone (EPZ) remains under development in Calabar, Cross River State, while a second EPZ is planned for Port Harcourt, Rivers State. Workers and employers in such zones are subject to national labor laws, which provide for a 10-year amnesty on trade unions in EPZ's from the startup of an enterprise. The ILO has commented that this prohibition and a 10-year prohibition on strikes and lockouts is incompatible with Convention 87 (on freedom of association and protection of the right to organize). The 1992 Export Processing Zones Decree has been criticized by the ILO for not allowing any unauthorized person to enter any EPZ.

c. Prohibition of Forced or Compulsory Labor.—The 1974 Labor Decree and the 1999 Constitution prohibit forced or compulsory labor; however, trafficking in women and children for purposes of forced prostitution and forced labor is a problem (see Sections 5 and 6.f.). In addition, forced labor has been used in "Environmental Saturday" community clean-up projects that continued until Obasanjo abolished them in July 1999. "Environmental Saturday" was observed the last Saturday of every month in Lagos and was purportedly a community-based clean-up effort. However, uniformed "sanitation police" had the power (and regularly exercised it) to invade citizens" homes and force them to clean the areas surrounding their homes until the police deemed them clean. Widespread harassment of citizens by police was reported on "Environmental Saturdays."

Although employment of persons under 18 years of age generally is prohibited, except for agriculture and domestic work, the Government does not specifically prohibit forced and bonded labor by children. There were occasional reports of forced child labor, including child slavery rings operating between Nigeria and neighboring countries where children are imported to work as domestic servants (see Sections 5 and 6.f.). The reports suggest that Nigerian children are exported to other African countries for domestic and agricultural work, and that children from neighboring countries are imported to work as domestic servants.

d. Status of Child Labor Practices and Minimum Age for Employment.—The 1974 Labor Decree prohibits employment of children less than 15 years of age in commerce and industry and restricts other child labor to home-based agricultural or domestic work. The law further stipulates that children may not be employed in agricultural or domestic work for more than 8 hours per day. The Decree allows the apprenticeship of youths at the age 13 under specific conditions.

Primary education is compulsory until grade 6, although this requirement rarely is enforced. Studies indicate declining school enrollment due to continuing deterioration of public schools and to increased economic pressures on families. The lack of sufficient primary school infrastructure and high school fees has ended some families' access to education, forcing them to place children in the labor market. Growing economic difficulties have led to a substantial increase in the use of children in commercial activities aimed at enhancing family incomes which tend to be meager. The ILO estimates that upward of 12 million children ages 10-14 (25 percent of all children) are employed in some capacity. The use of children as beggars, hawkers, and bus conductors is widespread in urban areas. The use of children as domestic servants is common. According to an ILO statement in 1998, the incidence of trafficking in children for forced prostitution also is growing (see Sections 5, 6.c., and 6.f.).

Private and government initiatives to stem the growing incidence of child employment continue but have not been effective. UNICEF operated a program in Kaduna that sought to remove young girls from the streets where they hawked petty goods and relocate them to an informal educational setting. UNICEF reported that despite the narrow focus on young girls, the program only began to address the problem during the year. In conjunction with the ILO, the Government formulated a national program of action in support of child rights, survival, protection, development, and participation. In August a formal agreement establishing the program was signed by the ILO and the Labor Ministry; however, the program had not shown any results by year's end due to logistical problems and changing personnel in the Ministry.

The Labor Ministry has an inspections department whose major responsibilities include enforcement of legal provisions relating to conditions of work and protection of workers. However, there are less than 50 inspectors for the entire country, and the Ministry conducts inspections only in the formal business sector where the incidence of child labor is not significant.

The 1974 Labor Decree and the 1999 Constitution prohibit forced or compulsory labor, a prohibition that extends to children, although they are not mentioned specifically in the laws; however, there continue to be cases of trafficking in children as indentured servants or for criminal activities such as prostitution (see Sections 5, 6.c and 6.f.).

e. Acceptable Conditions of Work.—The 1974 Labor Decree set a minimum wage, which is reviewed on an ad hoc basis. In April the minimum wage was reviewed and increased, along with the public sector wage scale.

In May the minimum wage increased to $75 (7,500 naira) per month for federal workers and $55 to $65 (5000 to 6500 naira) per month for state employees. Private employers in the formal sector track the public sector wage scale. Along with the many allowances that are paid, this boost in the minimum wage appears sufficient to support a decent standard of living. However, many government agencies were slow to pay the new wage scale, and all federal salaries were frozen for 3 months during the summer, pending a census of government employees. "Ghost workers" (who appear on the employment rolls but not on the job) remained a significant problem that was not addressed fully during the year. As in 1998, the Government decided to increase federal salaries without adequate consultations with state governments, whose employees demanded similar wages; as a result, several state governments maintained that they could not afford to pay this wage. The issue of the minimum wage caused several labor disruptions throughout the year, and remains unresolved in several states.

The 1974 Labor Decree called for a 40-hour workweek, prescribed 2 to 4 weeks annual leave, and stipulated that workers must be paid extra for hours worked over the legal limit. The Decree also stated that employees who work on Sundays and statutory public holidays must be paid a full day's pay in addition to their normal wages. There is no law prohibiting excessive compulsory overtime.

The 1974 Labor Decree sets out general health and safety provisions, some of which are aimed specifically at young or female workers. While it requires that the factory inspectorate of the Ministry of Labor and Employment inspect factories for compliance with health and safety standards, this agency is greatly understaffed, lacks basic resources and training, and consequently neglects safety oversight of many enterprises, particularly construction sites and other nonfactory work. The Decree also requires employers to compensate injured workers and dependent survivors of those killed in industrial accidents. The Labor Ministry, which is charged with enforcement of these laws, has been largely ineffective in identifying violators. The Government has failed to act on various ILO recommendations since 1991 to update its moribund program on inspection and accident reporting. The Labor Decree does not provide workers with the right to remove themselves from dangerous work situations without loss of employment.

f. Trafficking in Persons.—No law makes trafficking in persons a crime. There is an active and growing market for trafficking in women and children to Europe. The full nature and scope of the trade remained unknown, but immigration and police officials throughout Europe reported a steady flow of women entrapped and sold into prostitution in Europe, particularly the Netherlands, Italy, and the Czech Republic. Italian authorities deported several hundred sex workers to Nigeria during the year. Other European countries deported similar numbers. Nigerian Interpol claimed that women usually entered the sex trade independently, were not controlled by syndicates, and were economically motivated. However, Human Rights Watch recently reported that according women's rights organizations, hundreds of women migrated to Europe in response to job offers as domestic workers or waitresses. Upon arrival, many were forced into prostitution in order to pay off debts. In addition, there is evidence that Nigerian crime syndicates may use indebtedness, threats of beatings and rape, physical injury to the victim's family, arrest, and deportation to persuade those forced into sex work from attempting to escape. The police reported that the women's families often condoned their entry into the trade. In 1999 there was at least one documented case of the trafficking in children to work as indentured servants in the United States.

The ILO reported that, based on a nationwide survey of child trafficking, approximately 19 percent of school children and 40 percent of street children have been trafficked for forced labor. The economic strategies that underlie child trafficking may be reflected in the fact that families who employ them also pay their school fees. Child traffickers also take advantage of a cultural tradition of "fostering" under

which it is culturally accepted to send one's child to live and work with a family in an urban center for educational and employment purposes. Often the children in these situations only work and do not get any formal education. They are forced to serve as domestics or to become street hawkers selling nuts, fruits, or other items. There were credible reports that poor families sell their daughters into marriage as a means of supplementing their income (see Section 5).

According to reports from the media and the ILO, there is an active trade in child laborers, some of whom are exported to Cameroon, Gabon, Benin, and Equatorial Guinea to work in agricultural enterprises, others of whom are coerced into prostitution. Authorities also have identified a trade route for traffickers of children for labor through Katsina and Sokoto to the Middle East and East Africa. The eastern part of the country and some southern states such as Cross River and Akwa Ibom have been the focus of trafficking of children for labor and, in some cases, human sacrifice. The country remains a destination point for the trafficking of Togolese children to serve as domestic or agricultural workers.

The Government is investigating allegations of the collusion of customs officials in trafficking. Some of the returnees have alleged that immigration officials actively connive with syndicates; however, there were no arrests of immigration officials for trafficking offenses during the year.

The Assistant Inspector General of Police is investigating allegations of the collusion of customs officials in trafficking.

There is government and societal acknowledgement that trafficking in women is a continuing problem, particularly to Western Europe. Police attempts to stem the trafficking of persons include extended jail sentences and public humiliation; however, such actions focused primarily on victims. Traffickers were not punished. Awareness campaigns, often conducted by NGO's and others, only recently have begun to generate widespread attention. For example, in September the Edo state governor and his wife, who heads a local NGO knows as the Idia Renaissance, used the passage of new legislation banning prostitution and related activities to raise awareness of the trafficking problem. Also in September, President Obasanjo's wife assisted a Catholic charity in distributing new passports to sex workers stranded in Italy. However, there are no reliable statistics to determine if these campaigns were effective in reducing incidences of trafficking. The development of a reliable statistical base for assessing the child trafficking problem began under ILO auspices.

RWANDA

The largely Tutsi Rwandan Patriotic Front (RPF), which took power following the civil war and genocide of 1994, is the principal political force and controls the Government of National Unity. On March 23, President Pasteur Bizimungu, who had been President since 1994, tendered his resignation. In accordance with the 1993 Arusha Accords, the RPF submitted two candidates to the National Assembly, which elected former Vice President and Minister of Defense General Paul Kagame, who was sworn in as President on April 22. The leadership transition took place without incident and was the first nonviolent presidential change in the country's history. President Kagame did not name a Vice President, but named a new Minister of Defense, Colonel Emmanuel Habyarimana, shortly after taking office. On February 28, Prime Minister Pierre Celestin Rwigema resigned and in accordance with the Arusha accords, on March 8, he was replaced by Bernard Makuza. The Prime Minister runs the Government on a daily basis and is responsible for relations with the National Assembly, which is influenced by the executive branch. In January the former Speaker of the Assembly, Joseph Seberenzi, was forced from office due to a political party power struggle. In 1994 the parties agreed to suspend party activity below the national level for the duration of the transition period, which originally was scheduled to end in July 1999. However, in June 1999, the Government announced the extension of the transition period for another 4 years. While March 1999 local elections for community development committees were held, commune level elections were postponed until 2001 due to legislative, logistical, and financial problems. The judiciary suffers from a lack of resources, inefficiency, and some corruption.

The Minister of Defense is responsible for external security and military defense; the Minister of Internal Security is responsible for civilian security matters as well as supervision of the prisons and the national police. The new civilian Rwandan National Police (RNP) replaced the gendarmerie and the communal police. The security apparatus consists of the Rwandan Patriotic Army (RPA) and the police. A volunteer

force of armed civilian local defense units with limited arrest powers also works throughout the country. The security situation in the northwest remained calm. There were numerous and widespread unconfirmed reports that armed bands of Rwandan Hutus posing as Interahamwe fighters committed abuses in the DRC. The Rwandan army allegedly recruited these groups in order ostensibly to demonstrate the need for a continued Rwandan military presence in the areas they controlled. Members of the security forces committed serious human rights abuses, although to a lesser extent than in the previous year.

The country is very poor, and 70 percent of the population lives in poverty. The 1994 genocide destroyed the country's social fabric, human resource base, institutional capacity, and economic and social infrastructure. A 2-year drought has led to food shortages and famine in some parts of the country. Per capita annual income is $252. Subsistence agriculture employs more than 90 percent of the labor force. The principal exports are coffee and tea. Small-scale commercial activities are increasing, but the industrial and tourism base remains limited.

The Government's human rights record remained poor, and the Government continued to be responsible for numerous, serious abuses; however, there were some improvements in a few areas. Citizens do not have the right to change their government. The security forces committed extrajudicial killings within the country; there also were many reports, some of which were credible, that Rwandan army units operating in the Democratic Republic of the Congo (DRC) committed deliberate extrajudicial killings and other serious abuses. Some deaths in custody were due to mistreatment or abuse by corrupt officials. There were allegations of a small number of disappearances. Security forces beat suspects, and there were some reports of torture. Prison conditions remained harsh and life threatening and prisoners died from starvation, curable diseases, or abuse. Most of the prisoners housed in jails and local detention centers (cachots) are accused of participating in the 1994 genocide; many have been detained for up to 6 years without being charged. Arbitrary arrest and detention, and prolonged pretrial detention remained problems. The Government took steps to prosecute and punish some human rights abusers. The judiciary is subject to executive influence and does not always ensure due process or expeditious trials. Genocide trials continued at a slow pace. The Government released approximately 3,000 detainees whose files were incomplete, who were acquitted, or who were ill or elderly. The Government restricted freedom of the press, and limited freedom of assembly and association. The Government imposed some restrictions on freedom of religion. The Government limited freedom of movement. Security forces generally did not harass refugees who returned from neighboring countries. The Government was hostile toward some nongovernmental human rights organizations. Violence and discrimination against women were problems, as was discrimination based on indigenous and ethnic status. There were reports that prisoners were hired out for labor in private homes and businesses. Child labor persists, particularly in the agricultural sector.

Insurgents tied to those responsible for the 1994 genocide committed several killings.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—The RPA continued to commit extrajudicial killings inside the country, although fewer than the previous year, due to its success in largely suppressing the insurgency in the northwest, as it pushed Hutu rebels including the former Rwandan armed forces (ex-FAR) and the Interahamwe militia inside the territory of the DRC. Security in the northwest remained calm. However, there were credible reports that RPA forces committed extrajudicial killings in the DRC.

On March 5, three men reportedly in military uniform shot and killed Assiel Kabera, an advisor to then-President Bizimungu, outside his house. The Government maintains that Kabera's killing was related to a family dispute involving Antoinnette Kagagu, who was killed the week before outside her home. In February Kagagu was acquitted of the 1998 murder of her husband and Kabera reportedly was involved in a dispute over custody of her children. No one was arrested or charged in Kabera's murder by year's end; however, the Government stated that an investigation was ongoing.

Human rights organizations claim that several incidents of alleged attacks by rebels led to counterattacks by security forces. In late December 1999, there were reports that soldiers illegally detained a man from Gisenyi and four others in a ditch for 6 weeks (see Section 1.d.). When the men escaped in mid-February, allegedly after having been told they were to be killed the next day, RPA soldiers recap-

tured one, shot him, and left him for dead. When the soldiers discovered the man still was alive, they told residents they were transporting him to the hospital, but beat the man to death instead. There also were reports that in early January, security forces beat to death Jean Damascene Gatabazi, an alleged bandit. During the year, the Government began to provide to human rights organizations, and even other governments, systematic replies and rebuttals to allegations of human rights abuses. It also increased measures to arrest alleged offenders from the security services; according to the Government, 27 soldiers were arrested and detained on charges of murder, manslaughter, or armed robbery in the DRC. Others were arrested on charges of offenses committed in Rwanda. According to the Government, all of those arrested were awaiting trial in military prisons at year's end.

The improvement in the security situation in the northwest led to a corresponding decline in alleged reprisals by the RPA; however, there were reports of incursions and murders by armed infiltrators in the northwest, some of whom were ex-FAR or Interahamwe.

The National Demining Office (NDO), an independent unit of the RPA, reported three deaths from landmine or unexploded ordnance explosions in July; numerous persons were injured (see Section 1.c.). These mines are believed to be left over from the 199094 conflict between the former government and the RPA.

Harsh prison conditions contributed to the deaths of approximately 1,100 inmates during the year. Some deaths in custody were due to abuse by corrupt prison officials (see Section 1.c.).

Since the start of the current war in the DRC in August 1998, RPA troops have participated on the side of the Congolese rebel movement Rassemblement Congolais pour la Democratie (RCD) against the DRC Government. In July 1999, all parties involved in the war in the DRC signed the Lusaka Agreement, which included a cease-fire; however, all parties, including RPA soldiers, repeatedly participated in battles after the declaration.

There were allegations of human rights violations during fighting between RPA and Ugandan army troops in Kisangani, DRC, in May and June, which resulted in hundreds of civilian deaths, over 1,700 persons injured (see Section 1.c.), and 60,000 displaced persons (see Section 2.d.). The most severe of these clashes occurred from June 5 to 11, during which time both forces shelled the city with artillery and mortar fire, destroying homes and much of the city's infrastructure. Credible sources claim that RPA and Ugandan troops raped many women and shot persons during extensive fighting in the city. Humanitarian organizations report that approximately 700 Congolese civilians were killed during the fighting. Many died from injuries because they were unable to get medical attention; transportation to hospitals during the fighting often was unavailable. Many displaced persons remained at a camp outside of the city for several months because they feared to return to their homes. There was widespread reporting throughout the year of killings and other human rights abuses by both pro-DRC and anti-DRC government forces, including the RPA, in the conflict in the DRC. Verification of these reports was extremely difficult, particularly those emanating from remote areas and those affected by active combat, primarily in eastern DRC. Independent observers often found access difficult due to hazardous security conditions and frequent impediments imposed by authorities. Both pro- and anti-DRC Government forces extensively used propaganda disseminated via local media, including charges leveled against opposing forces, further complicating efforts to obtain accurate information regarding such events.

The Government admits that human rights abuses have occurred in territory under RPA/RCD control, but claims that these were acts committed by individuals, not by the military as an institution. On January 29, in Bunia, a Rwandan soldier reportedly summarily executed a Congolese rebel soldier based on the suspicion that the Congolese soldier was passing information to an opposing rebel group. On February 5, RCD and RPA soldiers reportedly attacked the village of Kilambo, North Kivu Province. The rebels allegedly tied up men, raped their wives in front of them (see Section 1.c.), and then killed 30 persons. From March 6 to 8, RPA forces reportedly made repeated attacks on the village of Kilambo in Masisi, North Kivu Province, and allegedly executed numerous persons suspected of collaborating with the Interahamwe. For example, the RPA reportedly killed two men known as Kapalata and Mamboleo, Samuel Kanyomo, a woman named Suzana, and her three children. On June 23, in Walikale, DRC, RPA Captain Alexis Rugira and other RPA soldiers, stole Baligizi Mufungizi's bicycle and killed him. Captain Rugira, Lt. Gapfunsi, S/Maj. Rutabana, and two privates were arrested and were in pretrial detention awaiting prosecution by the military tribunal at year's end. On September 1, RPA Captain Peter Kabanda and other RPA soldiers allegedly killed 67 unarmed civilians in Masisi, North Kivu, DRC. The captain and the other RPA soldiers were ar-

rested for acting contrary to operational orders and for failing to differentiate between the enemy and unarmed civilians. The soldiers were in detention awaiting prosecution for murder before the military tribunal at year's end. There were other reports of extrajudicial killings committed either by elements of the RCD, which the RPA materially supported and in some respects often directed, or in which direct involvement by RPA soldiers was not clear to persons who found it difficult to distinguish between RCD and RPA forces. Some of these reports of RPA killings surfaced in Kinshasa, DRC, media directly or indirectly controlled by the DRC Government; however, other such reports emerged through international religious or humanitarian organizations and were based on the accounts of multiple witnesses or photographic or other evidence. The reported extrajudicial killings of civilians by RCD and Rwandan forces in the DRC often reportedly were committed in reprisal for guerrilla attacks on RCD or Rwandan forces.

There were unconfirmed reports that Rwandan and Ugandan forces used landmines during the fighting in Kisangani; however, the number of resulting deaths and injuries is unknown.

There was no investigation nor action taken in the January 1999 case in which the RPA killed two infiltrators in Gitarama prefecture. There was no investigation nor action taken in the February 1999 case in which the RPA killed four insurgents in Ruhengeri, and put the body of one on display at the Nyarutovu internally displaced persons (IDP) camp. There was no investigation nor action taken in the May 1999 case in which the army reportedly killed 49 persons, mostly women and children, after they fled into Volcanoes National Park.

Although the Government has arrested and investigated several soldiers for their roles in human rights violations committed in DRC territory since the start of the current war in 1998, none of those in custody listed in the Government's report had been brought to trial by year's end. The RPA and RCD claimed that they continue to investigate the RCD commanders believed to be responsible for the January 1999 massacre in Makobola, DRC; in that incident 37 civilians allegedly were killed in revenge for the killing of RCD soldiers by Mai-Mai forces. One suspect was arrested, but allegedly escaped from detention and fled to Uganda. The Government claims the Interahamwe militia, not the RCD, killed Roman Catholic Father Kakuja in November 1999. RCD forces allegedly killed six militiamen in pursuit of the priest's attackers. During the year, there were numerous reports that RCD forces, participating with or supported by the RPA, buried 15 women alive at Mwenga in December 1999. However, the Government denied these charges and claims that 3 women, not 15, were only badly beaten by civilians who accused the women of witchcraft. According to the Government, the women were rescued from mob justice by RCD troops, but later died from their injuries. In December 1999, the RCD/RPA arrested the RCD commander, but he escaped from jail on February 5 along with 32 other detainees.

Domestic courts continued adjudicating cases arising from the 1994 genocide (see Section 1.c.). On June 14, following a 19-month trial, the Court of First Instance acquitted of all genocide charges Roman Catholic Bishop Augustin Misago, the highest-ranking Catholic clergyman and the first Bishop to be charged with genocide. The Government has filed an appeal, which was pending at year's end. In August two group trials were held by the Court of First Instance in Cyangugu prefecture resulting in numerous convictions, for which sentences, including death and life imprisonment were handed down. On October 25, the Ruhengeri Court of Appeals overturned the convictions of Edouard Nturiye and Francois Kayiranga, two Catholic priests who were sentenced to death in 1998 on genocide charges.

In June 1999 in the DRC, Rwandan prosecutorial police arrested and transferred to Kigali former Radio Milles Collines broadcaster Valerie Bemeriki on charges of genocide and crimes against humanity. She allegedly incited persons to kill during the 1994 genocide with her inflammatory radio broadcasts. Bemeriki remained in detention pending trial at year's end.

The International Criminal Tribunal for Rwanda (ICTR), based in Arusha, Tanzania, also prosecuted genocide suspects (see Section 4). On January 27, Alfred Musema was sentenced to life imprisonment for genocide and crimes against humanity, including rape. On March 31, the ICTR Appeals Chamber ruled that JeanBosco Barayagwiza, former officer in the foreign ministry and a member of the Radio Television Libre des Mille Collines planning committee, remain in ICTR custody to be tried for genocide and crimes against humanity (see Section 4). A joint trial broadcast by the media, including Barayagwiza, began on September 18 and was ongoing at year's end. On October 19, the ICTR denied former Prime Minister Jean Kambanda's appeal against a life sentence for genocide; he immediately was remanded to begin his sentence. Kambanda had challenged his 1998 sentence on various grounds. The joint trial against former Minister of Family and Women's Af-

fairs Pauline Nyiramasuhuko and other former government officials was placed on the schedule for April 2001.

A number of ICTR cases were ongoing at year's end. The genocide trial against former mayor Ignace Bagilishema continued during the year. Former Information Minister Eliezer Niyitegeka, former Health Minister Casimir Bizimungu, and a number of former ministers remained in detention awaiting trial in Arusha. Major Francois-Xavier Nzuwonemey, former Reconnaissance Battalion Commander, and Lt. Colonel Tharcisse Muvunyi, both of whom were transferred to Arusha during the year, were in detention pending trial at year's end (see Section 4). Elizaphan Ntakirutimana, a preacher who was extradited to Arusha in March, remained in detention pending trial for allegedly inciting the massacre of hundreds of Tutsi seeking refuge in his church (see Section 4). Bernard Ntuyahaga, a former army major, who feared he would be deported to Rwanda to face trial, turned himself in to the ICTR seeking to be a protected witness; however, he was released from ICTR custody and subsequently was arrested by Tanzanian authorities on immigration violations. In November former army captain Innocent Sagahutu was transferred from Denmark to Arusha. Sagahutu and Ntuyahaga are accused of murdering the former Prime Minister and 10 Belgian peacekeepers assigned to protect her in 1994. Ntuyahaga remains in a Tanzanian jail awaiting a ruling on Belgium's and Rwanda's extradition requests. Sagahutu remained in detention pending a joint military trial by the ICTR for 12 counts of complicity in the 1994 genocide.

Lightly armed civilian local defense units (LDU's) exist, but are not professional security forces. During the year, soldiers and LDU members allegedly killed civilians on several occasions when they mistook the civilians for infiltrators from the Congo. There were reports that individual LDU members or demobilized soldiers were responsible for the shooting and killing of some civilians. Most killings apparently were the result of personal quarrels, thievery, or drunkenness. There was no investigation nor action taken in the August 1999 case in which members of an LDU shot and killed a woman in the Nkamira transit camp.

In June approximately 12 bodies, some headless or without clothes, were seen floating in the Akagera River, but it is unclear who the persons were or how they were killed.

b. Disappearance.—Based on interviews with residents of Kibungo prefecture, local and international human rights organizations alleged that some Hutu residents, mostly boys and small business owners, disappeared from their homes or from prisons (see Section 1.c.).

There were sporadic, unconfirmed reports that persons arrested and detained in areas of the DRC controlled by anti-DRC government forces were transferred to Rwanda and remained unaccounted for by year's end. For example, on May 15, RPA soldiers reportedly arrested Ainakafota, the director of the BolongoBas office of Friends of Nelson Mandela for Human Rights (ANMDH) in Orientale Province, DRC, and two other staff members of the human rights NGO, on suspicions of spying. The ANMDH and family members have not been able to locate Ainakafota or the staff members since their arrest; inquiries to Rwandan officials concerning their whereabouts have produced no results.

In the DRC, RPA and Ugandan troops, in addition to RCD rebels, reportedly abducted many young women from the villages they raided. These night raids on villages became so frequent that in many parts of the Kivu Provinces peasants slept in their fields.

There were no developments regarding several refugees returning from the DRC in 1999 who registered at a transit center, but failed to arrive in their home communes.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The fundamental law prohibits torture; however, a nongovernmental organization (NGO) credibly reported that beatings at the time of arrest are common, and some released detainees reported that they had been tortured. There were Amnesty International and Human Rights Watch reports in April that accused the RPA of forcibly returning to the country and mistreating former soldiers and others alleged to have helped political opponents leave the country, or believed to support the former King. For example, there were reports that four men arrested in Burundi and Tanzania under false pretenses were detained and tortured by RPA soldiers after being forcibly repatriated to the country; however, the National Commission for Human Rights (NCHR) and the men's families visited the men in detention and reported that the men did not appear to have been tortured. In June the Government refuted such claims in a written response to Human Rights Watch. There were reports that at least three of the men was released by year's end.

On August 11, three soldiers harassed and beat the wife of Vales Kwitegetse, a journalist with the governmentcontrolled newspaper Imvaho (see Section 2.a.).

The NDO reported that 22 persons were injured from landmine or unexploded ordnance explosions during the year; 3 persons also were killed (see Section 1.a.).

During the year, there were numerous credible reports that RCD forces, participating with or supported by the RPA, beat, tortured, and then buried alive 15 women at Mwenga, DRC, in December 1999 (see Section 1.a.). However, the Government denied these charges and claims that 3 women, not 15, were beaten severely by civilians who accused the women of witchcraft.

There were reports that Rwandan and Ugandan soldiers allegedly raped women during extensive fighting in Kisangani in May and June (see Section 1.a.). Rwandan troops and RCD rebels also reportedly engaged in the rape of women in public places and often in the presence of their families. A woman raped in this manner generally is forced out of her village, and must leave her husband and children behind.

On February 5, RCD and RPA soldiers reportedly attacked the village of Kilambo, North Kivu Province. The rebels allegedly tied up men, raped their wives in front of them, and then killed 30 persons (see Section 1.a.).

There were reports that both Rwandan and Ugandan forces used landmines during the fighting in Kisangani (see Section 1.a.).

The RPA continues to dismiss soldiers for indiscipline and criminal offenses.

At least one international NGO has complained that government security forces have harassed some of its informants (see Section 4).

Unlike in the previous year, there were no reports during the year from a domestic human rights group that detainees interviewed for its reports showed wounds resulting from mistreatment.

There was no investigation nor action taken against the police who reportedly beat and arrested six university students who, along with other students, were marching to the Prime Minister's office in August 1999.

Prison conditions are harsh and life threatening. The International Committee of the Red Cross (ICRC) has registered approximately 110,000 prisoners detained on genocide-related or security-related charges and estimates that an additional 5,000 prisoners are detained on charges unrelated to the genocide; however, the Ministry of Justice routinely refers to the prison population as 130,000. The prison population has remained stable since early 1998. The ICRC feeds inmates in the 19 main prisons and also provides additional expertise and logistical and material support to improve conditions for inmates. Overcrowding is a chronic problem, and sanitary conditions are extremely poor. The ICRC does not believe that prison conditions have improved with the 1999 transfer of prison administration to the Ministry of Internal Affairs; however, conditions in the cachots have improved. The Government does not provide adequate food or medical treatment. On some occasions during the year, the Government was unable to provide any food; in June a food shortage was remedied with supplies from the ICRC. Harsh prison conditions and malnutrition contributed to the deaths of numerous inmates. Some deaths in custody were due to abuse by officials. Most of the approximately 1,100 deaths during the year were the result of curable diseases, suspected HIV/AIDS, or the cumulative effects of severe overcrowding. The Ministry continued to dismiss prison officials, some of whom subsequently were jailed on corruption charges. Women are detained separately from men; however, hundreds of children were incarcerated with adults throughout the prison system (see Section 5).

There were reports that some Hutu residents, mostly boys and small business owners, disappeared from their homes or from prisons (see Section 1.b.).

The ICRC, human rights organizations, diplomats, and journalists have regular access to the prisons. The ICRC continued its visits to communal jails and military-supervised jails.

d. Arbitrary Arrest, Detention, or Exile.—The fundamental law provides legal safeguards against arbitrary arrest and detention; however, authorities rarely observed them in practice, and security forces continued to arrest and detain persons arbitrarily. The justice system collapsed during the war and genocide of 1994. With help from the international community it is being rebuilt slowly and is beginning to function more normally. The Government does not have the capacity to ensure that provisions in the Constitution are enforced or that due process protections are observed.

In December 1999, there were reports that soldiers illegally detained a man from Gisenyi and four others in a ditch for 6 weeks (see Section 1.a.).

On April 22 in the DRC, security forces arrested civil society activist Bruno Bahati as he returned from the National Consultations, and reportedly kept him in detention in both Rwanda and the Kivu Provinces until August (see Section 2.d.). Rwandan authorities freed Bahati following international criticism.

In late July, security forces detained several members of the taxi drivers union, ATRACO, who staged a protest and peaceful demonstration against the union's

leader for internal reasons (see Section 6.a.); it was unknown whether the protest was legal.

In general the law requires that authorities investigate, then obtain a judicial warrant before arresting a suspect. The police may detain persons for up to 48 hours without a warrant; formal charges must be brought within 5 days of arrest. These provisions are disregarded widely. The law permits preventive detention if authorities believe that public safety is threatened or that the accused might flee. There is no bail, but the authorities may release a suspect pending trial if they are satisfied that there is no risk that the person may flee or become a threat to public safety.

Over 95 percent of the approximately 115,000 individuals presently incarcerated are awaiting trial on genocide charges. Some have been in jail since 1994. The Government does not have the capacity to process cases within a reasonable time frame. In March 1997, the Government, with extensive assistance from donors, established mobile groups whose mandate is to establish or complete files, which indicate the basis for charges, for all prisoners. While these groups have handled more than 60,000 cases, approximately 18,000 prisoners remain without files. In 1999 the National Assembly amended the law to permit the continued detention of genocide suspects through mid-2001.

On April 21, former chairman of the Mouvement Democratique Republicain (MDR) political party Bonaventure Ubalijoro was released provisionally for humanitarian reasons after 13 months in prison without charges. He had been arrested in March 1999, allegedly for embezzlement, but there were rumors that Ubalijoro was arrested for his presumed involvement in the death of a dozen prisoners in the 1960's while he was Minister of Internal Security.

Despite some problems with reprisals in communities that had not been sufficiently sensitized to receiving released prisoners, the Government continued to release prisoners who were elderly, ill, without files, acquitted, or sentenced to terms outside of prison. Prisoners without files were presented to their villages to allow villagers to make complaints against the prisoners or to confirm that there was no reason to detain them. As of December, 480 suspects were presented to the public in this process, called the Gisovu Project, and of these, 226 were released. Many of the nearly 3,000 detainees released were those without case files. Rearrests because of community criticism were rare. This change was attributed to improved enforcement by the Ministry of Justice of the laws governing arrest and to recognition of the fact that the existing prison caseload is already more than the system can handle. In 1999 in Kibuye prefecture, judicial officials delayed the release of 1,000 genocide suspects who have no case files due to fear that the community had not been sensitized sufficiently to receive the suspects peacefully.

During the year, international human rights organizations were granted access to military detention facilities where civilians sometimes are detained.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The fundamental law provides for an independent judiciary; however, the Government did not respect this provision fully; the judiciary is subject to executive influence and also suffers from inefficiency, a lack of resources, and some corruption. There were occasional reports of bribery of officials, ranging from clerks to judges. The 12-member Anti-Corruption Commission charged with fighting corruption in the judiciary continued to make progress. It is chaired by the Minister of Justice and charged with investigating all activities involving corruption and educating citizens on methods that can be used to fight corruption. Several magistrates and prosecutors were suspended or dismissed on corruption charges during the year. There were reports that some magistrates were removed from office from May through August following "not guilty" verdicts of suspects alleged to have participated in the 1994 genocide. There also were credible reports that a few magistrates were removed from offices on false charges of genocide.

The fundamental law provides for a system of communal courts, appeals courts, and a Supreme Court of six justices. The President nominates two candidates for each Supreme Court seat, and the National Assembly may choose one or reject both; however, the latter is not known to have happened.

The law provides for public trials with the right to a defense, but not at public expense. The shortage of lawyers and the abject poverty of most defendants make it difficult for many defendants to obtain representation. International NGO's such as Avocats Sans Frontiers (ASF or Lawyers Without Borders) provide defense and counsel some of those in need, but it is estimated that less than 50 percent of prisoners have defense counsel. Lawyers from ASF rarely accept individual cases and assist mostly in group trials; numerous individuals represent themselves without legal assistance. During the year, new judges, prosecutors, and judicial defenders were sworn in and assigned to courts throughout the country. Over 100 judicial de-

fenders trained by a foreign NGO began their work. However, the Government does not have sufficient prosecutors, judges, or courtrooms to hold trials within a reasonable time. The judiciary is focused on resolving the enormous genocide caseload of some 110,000 prisoners. The Government increased its use of group trials as one method of reducing the caseload. It also embarked on a nationwide campaign to explain gacaca, a grassroots participatory form of justice aimed at prosecuting genocide suspects, ahead of its expected enactment. On June 13, the former Secretary General in the Ministry of Justice, Aloysie Cyanzayire, was elected President of the sixth chamber of the Supreme Court, which will oversee the implementation of gacaca. The gacaca bill had not become law by year's end, but it is estimated that gacaca trials may begin in 2001. According to the draft gacaca law, lawyers will not to be permitted to participate officially in gacaca proceedings, and gacaca "judges" are to be elected by their communities.

By year's end, approximately 3,343 persons had been judged on genocide-related charges, most following group trials. According to a detailed study by LIPRODHOR, a local human rights organization, between January and September, 1,588 persons were judged. Of the 585 persons judged on genocide-related charges between January and March, 58 received the death penalty; 124 were sentenced to life in prison; 248 received various prison terms; 75 received other penalties; and 80 were acquitted. The vast majority of trials met international standards. The military tribunals conducted no trials during the first quarter of the year. LIPRODHOR also actively monitors trials and interviews released prisoners. No public executions occurred.

A portion of the Organic Genocide Law is designed to encourage confessions in exchange for reduced sentences for the vast majority of those involved in the genocide. As a result of efforts by the Government, international donors, and NGO's to advertise widely the confession provisions, over 20,000 prisoners had confessed since the law was implemented in 1996. However, only a small number of confessions were processed due to the lengthy administrative review and hearing, and the lack of officials to process the confessions through the system.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, and authorities generally respected these prohibitions.

Forced conscription has been practiced by the RPA, particularly after the RPA entered the conflict in the DRC. Citizens who served in the military may be recalled to compulsory duty at any time.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The fundamental law provides for freedom of speech and of the press; however, the Government restricted freedom of the press in practice, despite some improvements. Some journalists were critical of the Government and generally were not harassed. Other journalists, including one foreign journalist, claimed that the Government intimidated journalists whose reporting was contrary to official views. Most journalists practice selfcensorship due to fear of government reprisals.

On September 2, Vales Kwitegetse, a journalist with the government-controlled newspaper Imvaho, fled to Uganda after military officers threatened his life and beat his wife (see Section 1.c.). Kwitegetse was investigating a story about corruption involving the chief of the Government's antismuggling unit.

In September 1999, Helena Nyirabikali, a female journalist who worked for the state-owned weekly newspaper Imvaho for over 15 years, was arrested on genocide charges. She was transferred to a hospital during the year where she died from a heart-related illness.

In February 1999, John Mugabi, editor of the monthly newspaper Newsline, was detained on libel charges after he refused to reveal the source(s) for an article he had written. Mugabi was released provisionally in May 1999. Several conditions were placed on his freedom of movement and travel; however, although those conditions were not lifted, he faced no restrictions during the year, and was able to travel outside of the country.

All associations, including the Rwandan Journalists Association (ARJ), and all NGO's, must register and apply for a license under the NGO legislation that the National Assembly passed in 1999; however, this legislation had not become law by year's end. In June the Government required all NGO's to reregister and temporary permits were awarded pending implementation of the new law. Without a license, the Association legally may not act on behalf of its members nor apply for assistance from NGO's or other donors. The Government did not act on the application of any NGO for a license; however, the Government gave temporary permits to NGO's, in-

cluding the ARJ, in order for them to operate legally until the new law is implemented and it can receive a license.

Media sources are limited. There are several privately owned newspapers, which publish weekly in English, French, or Kinyarwanda. There is no daily newspaper. The Government owns the only national radio station and the only television station, which has 5 hours of programming per day. The government-controlled radio station, Radio Rwanda, is widely listened to and each Sunday broadcasts a call-in program, which discusses and debates controversial subjects. Radio Rwanda journalists are civil servants of the National Office of Information (ORINFOR). The British Broadcasting Corporation broadcasts on FM from Kigali in several languages. The German broadcasting service Deutsche Welle also broadcasts from Kigali.

The government-owned telecommunications company is the sole Internet service provider; however, during the year, several licenses were granted to private companies that plan to provide Internet services in the future.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The fundamental law provides for freedom of peaceful assembly; however, the authorities limited this right in practice. They legally may require advance notice for outdoor rallies, demonstrations, and meetings; authorities generally prohibit nighttime meetings.

The Constitution provides for freedom of association; however, the Government limited this right in practice. Private organizations are required to register but, with few exceptions (see Section 2.a.), the Government generally grants licenses without undue delay. All unions must register with the Government (see Section 6.a.).

The National Revolutionary Movement for Democracy and Development (MRND), and the Coalition for Defense of the Republic (CDR), both implicated in planning and executing the 1994 genocide, are banned by law.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, it imposes some restrictions. There is no state religion.

The Government requires nonprofit organizations, including religious groups, to register with the Ministry of Justice in order to acquire "juridical existence." This registration generally is routine and not burdensome. Relevant legislation makes no provision for tax-exempt status for such organizations. Failure to register leaves an organization unable to legally conclude agreements with other organizations, including agreements to receive assistance.

There were no reports that government officials barred from office persons who refused for religious reasons to take the oath of office; such an incident occurred during the 1999 election. The law provides for small fines and imprisonment for up to 6 months for anyone who interferes with a religious ceremony or with a minister in the exercise of his profession.

The Government forbids religious meetings at night on the grounds that insurgents formerly used the guise of nighttime "religious meetings" to assemble their supporters before attacking nearby targets.

Local officials on several occasions briefly detained persons who, on religious grounds, refused to participate in nighttime security patrols or cooperate in other government programs. Among the detainees were adherents of "Temperance" and "Abagorozi," both said to be offshoots of the Adventist Church and Jehovah's Witnesses. The Government harassed, arrested, and detained some members of Jehovah's Witnesses during the first 6 months of the year. Despite these accusations, there does not appear to be a pattern of systemic government discrimination against any particular religious group.

After the doomsday cult-related deaths in Uganda in March, the Government cautioned local officials to be alert to similar cults in Rwanda. In April local officials detained nine leaders and members of a religious organization called "The Evangelic Ministry in Africa and the World" in Byumba prefecture, near the border with Uganda. This organization had convinced a number of persons to leave work or school and surrender their material possessions in expectation of an imminent second coming of Christ.

Several members of the clergy of various faiths, notably Catholicism, have faced charges of genocide in both Rwandan courts and the ICTR. In June a Rwandan Court found Roman Catholic Bishop Augustin Misago not guilty of all charges related to his actions during the 1994 genocide. He was released soon after the decision was announced. On October 25, two Catholic priests were released when their 1998 convictions on genocide charges were overturned upon appeal (see Section 1.a.).

Catholic officials have charged that the Government is prejudiced against the Church. Catholic officials also have criticized the determination of the Government

to maintain some massacre sites in churches as memorials to the genocide, rather than returning the buildings to the Church.

Numerous human rights groups reported that RPA and Ugandan troops in the DRC, as well as various rebel factions, targeted Catholic clergy for abuse. Abuses reportedly took the form of attacks on missions, killings of priests, the rape of nuns, and the burning of churches. Credible reports indicate that occupying troops and their rebel allies deliberately targeted Catholic churches as a means of both intimidating the local population and in revenge for the Church's perceived role in the 1994 genocide in Rwanda.

On February 11, RCD/Goma rebel forces operating in DRC prevented the Archbishop of Bukavu, Emmanuel Kataliko, from returning to his diocese. Rebels alleged that the Archbishop's Christmas message urged harassment of Tutsis in eastern DRC. A number of sources in eastern DRC indicate that the decision to exile Kataliko to the town of Bunia was made by officials of the Government of Rwanda. Archbishop Kataliko was allowed to return to Bukavu, DRC, in September; however, on October 3, the Archbishop died of an apparent heart attack while in Rome.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government limited them in practice. Citizens must show identification when requested. Travel authorization is not needed and citizens can move or settle temporarily anywhere without a residence permit. However, citizens must obtain a new national identification card when making a permanent move to a new commune.

Rebel and Rwandan authorities used threats and intimidation to prevent several dozen Congolese who had traveled from eastern DRC from returning after attending the National Consultations. This action resulted in civil society members from eastern DRC being stranded in Kinshasa for weeks, and sometimes months, after the National Consultations. On April 22, security forces arrested civil society activist Bruno Bahati as he returned from the National Consultations, and reportedly kept him in detention in both Rwanda and the Kivu Provinces until August. Rwandan authorities freed Bahati following international criticism (see Section 1.d.).

Over 600,000 persons were displaced in the northwest in late 1998 and moved into villages, called umudugudus, as a result of insurgent activities and government military operations to halt them. During late 1998 and the first half of 1999, the displaced persons were moved into 183 villages under the Government's policy of villagization. Although the Government claimed that the move to villages was voluntary, some observers believe that many persons were compelled to move by government authorities; others may have relocated out fear of government security forces or insurgents. The Government no longer compels these persons to remain in the villages; however, restrictions on where persons can build houses forces some to remain in the villages. One NGO estimates that over 90 percent of the population of Kibungo prefecture and 60 percent of Umutara prefecture were living in villages; however, other sources dispute those percentages.

The law does not provide for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Constitution recognizes the right to asylum "under conditions determined by law;" however, there is no law in place to recognize refugees. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and provided first asylum to a number of refugees. The vast majority were Congolese refugees who fled their country during unrest in 1996. Approximately 500 Burundians still are awaiting compensation for their property seized in 1997 when the Government revoked their refugee status, granted in the 1970's.

Over 80,000 Rwandan refugees remain in the DRC, Tanzania, Uganda, Burundi, Malawi, Zambia, Angola, Republic of the Congo, Cameroon, Central African Republic, Togo, and Benin. However, due to the conflict in the DRC, many refugees have returned to the country. The average weekly rate of return of refugees from northeast DRC was approximately 400.

There were reports of persons from Kibungo prefecture seeking refuge in Tanzania during the year, at least in part due to drought conditions. Other persons in the region left after men or boys in their families reportedly disappeared (see Section 1.b.). With the replacement of the Kibungo prefect and other local leaders in August, the flow of refugees into Tanzania from Kibungo decreased significantly. By September approximately 60 refugees per week returned from Tanzania.

There were no reports of the forced return of persons to a country where they feared persecution.

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

Citizens do not have the right to change their government by democratic means. The Rwandan Patriotic Front (RPF) is the dominant political force in the country. Following the genocide of 1994, political parties agreed to form a government of national unity based on the 1992-93 Arusha Accords. This agreement laid the basis for the apportionment of ministries and other offices. The RPF brought representatives of four opposition parties into the Government after its military victory in 1994, but none of the officials was elected. Political parties also agreed to suspend political activities for a period of 5 years, during which time the transition to elected government was to have been completed. This 5year period was scheduled to end in July 1999; however, the Government announced in June 1999 the extension of the transition period by 4 additional years. The announcement did not mention political party activities; however, the parties continue to observe the suspension. Other political parties alleged that the RPF actively promoted itself regionally and at the communal level, while prohibiting other political parties from doing the same. A National Assembly is functioning, with nine political entities represented, including the RPA. The political bureaus or executive committees of their respective parties chose assembly members, known as deputies. For the first time in 1999, the "political forum," an informal grouping of senior members of each of the political parties represented in parliament, dismissed 21 deputies for misconduct, alleged corruption, or incompetence. The parliamentary commissions of inquiry investigated allegations of corruption and other alleged misdeeds of ministers. Some of the inquiries resulted in the sanctioning and resignation of ministers.

The central Government appoints officials at the commune and prefecture levels. The Government announced that planned communal elections, the first since 1968, would be postponed until 2001 due to legislative, logistical, and financial difficulties. Political parties will not participate in the communal elections. In March 1999, the Government held elections for local development committees at the cell level (the smallest geographic jurisdiction) and sectors (the nextlargest jurisdiction). Some of the committees were very active; they proposed, selected, and implemented development projects financed by the limited resources available to them.

The National Unity and Reconciliation Commission, charged with educating the public on such issues as ethnic understanding, peace building, history, and civics, is active. The National Constitution Commission, charged with the preparation of a new Constitution, was established and its 12 members appointed in November.

No legal restrictions hinder the participation of women in political life; however, women remain underrepresented in politics and in the Government. The Constitution was revised to increase the number of seats in the assembly from 70 to 74, including 2 seats for female representatives; however, the women were not sworn in by year's end. Prior to the increase in seats, there were 18 female assembly members and 3 female cabinet members. The Batwa ethnic group also is largely underrepresented in government and politics.

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

A variety of domestic human rights groups operate without government restriction, investigating and publishing their findings on human rights violations. However, none has the resources to conduct extensive human rights monitoring. Local NGO activities often are limited to receiving and compiling reports from citizens about human rights abuses and conducting selective investigations. Reports are published occasionally; statements criticizing specific incidents are more common. Only one or two local human rights NGO's are viewed as strictly impartial.

The Government was critical of the reports by some international human rights NGO's, and was hostile towards those whose reporting was perceived as biased and inaccurate. In June the Government produced point-by-point refutations to the accusations contained in the Human Rights Watch report published in April, calling into question the authors' motives. At least one international NGO has complained that government security forces have harassed some of its informants (see Section 1.c.).

The National Commission for Human Rights (NCHR) hosted several human rights seminars during the year. The Government allows the commission to operate independently and without undue influence. The NCHR intervened in some cases of human rights abuses on behalf of citizens. For example, following a request from family members, the NCHR raised with the Government the case of four men arrested in Burundi and Tanzania and forcibly repatriated to the country (see Section 1.c.).

The ICRC operates normally and is active in visiting prisons.

The ICTR, based in Arusha, Tanzania, continued to prosecute genocide suspects during the year (see Section 1.a.). Cooperation between the Government and the ICTR improved following the ICTR Appeals Chamber's March 31 decision that Jean-Bosco Barayagwiza remain in ICTR custody to be tried for genocide and crimes against humanity; his trial began on September 18 (see Section 1.a.). The judges revised their decision on the basis of the chief prosecutor's introduction of additional facts. The ICTR operates under an agreement signed in 1999, which clarified some aspects of protection measures, but concentrated largely on the ICTR staff's privileges and immunities. During the year, the Government of Swaziland signed an agreement with the ICTR to accept prisoners convicted by the ICTR; the Governments of Mali and Benin signed similar agreements in 1999. The Government of Italy also agreed to house Georges Riuggiu, the only non-Rwandan in ICTR custody; however, the implementation of this agreement had not occurred by year's end. On February 6, in London, Lt. Colonel Tharcisse Muvunyi was arrested and transferred to Arusha on genocide charges. On May 23, Major Francois-Xavier Nzuwonemey, former Reconnaissance Battalion Commander, was transferred from France to Arusha. In March Elizaphan Ntakirutimana was extradited to Arusha for trial.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides that all citizens are equal before the law, without discrimination on the basis of race, color, origin, ethnicity, clan, sex, opinion, religion, or social standing; however, the Government provides only limited enforcement of these provisions.

Women.—Violence against women is common. Wife beating and domestic violence occur frequently. Cases normally are handled within the context of the extended family and rarely come before the courts.

Numerous suspects have been tried and convicted for crimes of violence against women and girls. In April Aman Bazambanza was found guilty in a 15 suspect group trial of raping 2 young girls in Kigali rural prefecture; the court sentenced 10 of the suspects to 20 years in prison and 4 others to 10 years. The lengthy sentences for rape were the first such sentences in the justice system. Several other rape trials were held throughout the country in which perpetrators received the maximum sentences under the law.

Despite constitutional provisions, women continue to face discrimination. Women traditionally perform most of the subsistence farming and play a limited role in the modern sector; however, a number of women run small and medium-sized enterprises or are executives. Women have limited opportunities for education, employment, and promotion. The 1992 Family Code generally improved the legal position of women in matters relating to marriage, divorce, and child custody but does not meet the constitutional commitment to gender equality. For example, the code formally designates men as heads of households. Civil society groups and human rights NGO's provided training on women's rights under the matrimonial regimes and inheritance law, which came into effect at the end of 1999. The law allows women to inherit property from their husbands and fathers and allows couples to choose the type of property rights they wish to adopt (i.e., joint ownership, community property, etc.).

The Ministry of Gender and Women in Development is charged with handling issues of particular concern to women. The Minister is an active advocate for women's rights. Since the 1994 genocide a large number of women's groups has emerged. These organizations are extremely active in promoting women's issues, particularly problems faced by widows, orphaned girls, and households headed by children, and addressing social and cultural barriers to the equality of women.

Children.—The Government is committed to children's rights and welfare. It attempts to provide education and health care to every child. Over 85 percent of the children who were separated from or lost their parents during the 1994 genocide and the massive repatriation in 1996 have been reunited with family members or placed in foster homes. At an August conference on children's rights hosted by UNICEF, the Government asked for the immediate return of approximately 30,000 children living abroad; it claims that most were taken without the consent of their parents during the genocide. Many of the children abroad have been adopted. In November the Government asked that 41 children adopted in Italy be repatriated; discussions between the Governments of Rwanda and Italy continued at year's end.

All families must pay school fees to enroll a child. The Government routinely waived fees for orphans. UNICEF estimates that over 60,000 children age 18 or younger head households in the country. The Government worked closely with local and international NGO's to secure assistance for children in such situations. The Government regularly held sessions with local officials to sensitize them to the

needs of households headed by children and emphasized the additional responsibility officials bear in connection with this group.

The public schools lack essential and basic supplies and cannot accommodate all children of primary school age. A UNICEF study reports that 400,000 school-aged children were unable to go to school in 1999. Private schools often are too distant or too expensive to serve as an alternative for many children. Entry to secondary school is by examination. According to the 1996 study conducted by the Government and the U.N. Population Fund, 59.6 percent of the population age six and over had primary education, but only 48 percent of the whole population is literate; 52 percent of men are literate compared to 45 percent of women. Only 3.9 percent of citizens had completed secondary school and only 0.2 percent had an university education. The highest percentage of those with no education is in the 30andover age group, indicating a trend toward increased educational levels in recent years.

Although the Penal Code prohibits the imprisonment of children with adults, the ICRC reported that 185 children, most of whom are age 2 or younger, are incarcerated with their mothers. In 1999 the ICRC reported that approximately 570 children who were under the age of 14 at the time of their arrest are incarcerated on genocide-related charges; some 25 children under the age of 14 currently are incarcerated.

On February 1, local authorities again arrested 1,300 street children and ordered them to return to their communes of origin or face the penalties for vagabondage and other crimes attributed to them. Many returned to street again a short time later.

In the DRC, RPA and Ugandan troops, in addition to RCD rebels, reportedly abducted many young women from the villages they raided. These night raids on villages became so frequent that in many parts of the Kivu Provinces rural peasants slept in their fields.

People with Disabilities.—Although there are no laws restricting persons with disabilities from employment, education, or other state services, in practice few disabled persons have access to education or employment. No laws or provisions mandate access to public facilities.

Indigenous People.—With the removal of ethnic labels from identification cards in 1996, the Batwa are no longer designated officially as an "ethnic group." Less than 1 percent of the population is considered Batwa. The Batwa, survivors of the Twa (Pygmy) tribes of the mountainous forest areas bordering the DRC, exist on the margins of society and continued to be treated as inferior citizens by both the Hutu and Tutsi groups. There are seven Batwa organizations focused on the protection of their interests, access to land, housing, and education, and eradication of discrimination against them; however, they have been unable to protect their interests. Few Batwa have access to the education system, resulting in their minimal representation in government institutions. There is no reliable information on specific human rights abuses perpetrated against the Batwa population since the 1994 upheaval. There is one Batwa representative on the National Commission for Human Rights.

National/Racial/Ethnic Minorities.—Before April 1994, an estimated 85 percent of citizens were Hutu, 14 percent were Tutsi, and 1 percent were Batwa (Twa). However, Hutus and Tutsis are not clearly distinct groups, since the two have intermarried for generations. The 1994 mass killings and migrations probably affected the ethnic composition of the population, but the extent and nature of the changes are unknown.

Large-scale interethnic violence in the country between Hutus and Tutsis has erupted on three occasions since independence in 1962, resulting on each occasion in tens or hundreds of thousands of deaths. The most recent and severe outbreak of such violence, in 1994, involved genocidal killing of much of the Tutsi population under the direction a Hutu-dominated government and implemented in large part by Hutu-dominated armed forces (now the ex-FAR) and Interahamwe militia; that genocide ended later the same year when a predominately Tutsi militia, operating out of Uganda and occupied Rwandan territory, overthrew that government and established the current Government. The Government has called for national reconciliation and committed itself to abolishing policies of the former government that had created and deepened ethnic cleavages. It eliminated references to ethnic origin from the national identity card. The Government has not addressed statutorily the problem of ethnic quotas in education, training, and government employment, but discrimination against the Tutsi minority in education, training, and government employment effectively ceased with the change of government in 1994. Some Hutu organizations and individuals accuse the Government of favoring Tutsis, particularly English-speaking Tutsis, in government employment, admission to professional schooling, recruitment into or promotion within the army, and other matters. Some

organizations also complain that in hiring, the government favors English-speaking Tutsis over French-speaking Tutsis.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to create professional associations and labor unions, and the Government generally respects this right in practice. The labor movement has been hampered in practice due to the massive disruptions caused by the 1994 genocide. Unions have been continued to regroup and assert themselves.

Union membership is voluntary and open to all salaried workers, including public sector employees. There are no restrictions on the right of association, but all unions must register with the Ministry of Justice for official recognition. There are no known cases in which the Government denied recognition. The law prohibits unions from having political affiliations, but in practice this is not always respected. Union activists complain that employers threaten to fire employees who attempt to organize or join unions.

Organized labor represents only a small part of the work force. More than 90 percent of workers are engaged in small-scale subsistence farming. About 7 percent work in the modern (wage) sector, including both public and private industrial production, and about 75 percent of those active in the modern sector are members of labor unions.

Until 1991 the Central Union of Rwandan Workers (CESTRAR) was the only authorized trade union organization. With the political reforms introduced in the 1991 Constitution, the CESTRAR officially became independent of the Government and the later-outlawed MRND political party. Unions outside the CESTRAR have been registered.

The Constitution provides for the right to strike, except for public service workers. A union's executive committee must approve a strike, and a union must try to resolve its differences first with management according to steps prescribed by the Ministry of Public Service and Labor. Members of the taxi drivers union, ATRACO, staged a protest and peaceful demonstration against the union's leader for internal reasons in late July; security forces detained several persons (see Section 1.d.).

Labor organizations may affiliate with international labor bodies. The CESTRAR is affiliated with the Organization of African Trade Union Unity and the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for collective bargaining, although only the CESTRAR had an established collective bargaining agreement with the Government. In practice since most union members are in the public sector, the Government is involved intimately in the collective bargaining process (see Section 6.e.).

The law prohibits antiunion discrimination, and there were reports during the year that some employers threatened their employees who wished to join unions. No formal mechanisms exist to resolve complaints involving discrimination against unions.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced labor; however, prisoners are assigned to work details, which generally involved rebuilding houses, clearing land, or other public maintenance duties. Prisoners also can be hired to perform work on private residences and businesses. It is unclear how much revenue the prisoners are given in return for their work.

Although the law does not specifically prohibit forced and bonded labor by children, such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age For Employment.—Except for subsistence agriculture, the law prohibits children under age 18 from working without their parents' or guardians' authorization, and they generally may not work at night. The minimum age for full employment is 18 years, and 14 years for apprenticeships, providing that the child has completed primary school. The Ministry of Public Service and Labor has not enforced child labor laws effectively; however, in July the Ministry of Public Service and Labor and the Ministry of Local Government and Social Affairs, in collaboration with UNICEF, announced a national program aimed at educating children about their rights. It is rare to see child labor outside the agricultural sector.

The law does not specifically prohibit forced or bonded labor by children; however, such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—The Ministry of Public Service and Labor sets minimum wages in the small modern sector. The Government, the main employer, effectively sets most other wage rates as well. There is no single minimum wage; minimum wages vary according to the nature of the job. The minimum wages paid

are insufficient to provide a decent standard of living for a worker and family and in practice, workers accept less than the minimum wage. Often families supplement their incomes by working in small business or subsistence agriculture.

Officially, government offices and private sector entities have a 40hour workweek. The law controls hours of work and occupational health and safety standards in the modern wage sector, but labor inspectors from the Ministry of Public Service and Labor enforce them only loosely. Workers do not have the right to remove themselves from dangerous work situations without jeopardizing their jobs.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

SAO TOME AND PRINCIPE

The Democratic Republic of Sao Tome and Principe is a multiparty democracy. The Government is composed of an executive branch and a unicameral legislature (the National Assembly). The President appoints the Prime Minister, who in turn appoints the ministers of the Government. Miguel Trovoada, leader of the Independent Democratic Alliance (ADI), was reelected President in 1996 for a second 5-year term in an election deemed generally free and fair by international observers, despite allegations of an unconstitutional modification of the voter lists between the first and second rounds. In the November 1998 legislative elections, the Movement for the Liberation of Sao Tome and Principe (MLSTP) won an outright majority with 31 of 55 seats, and holds all 10 seats in the Cabinet. The judiciary is generally independent; however, it is subject at times to influence and manipulation.

The Minister of National Defense, Security, and Internal Order supervises the military services and the police. Many members of the military are part-time farmers or fishermen. After a military mutiny in 1995, the Government and international donors have dedicated resources to improving soldiers' living conditions. No defense expenditures have been used for lethal weapons since the advent of multiparty democracy in 1990.

The economy is based on the export of a single product, cocoa, produced in an archaic, state-run system of plantations called "rocas." The Government has privatized some of the state-held land but had limited success in privatizing state-owned enterprises. The Government has not been successful in its efforts at structural adjustment, and the economy continued to face serious difficulties. While the inflation rate held at 10 percent during the year and the currency stabilized, the country remained highly dependent on foreign aid, and external debt is six times gross domestic product. Per capita income is less than $330 per year, and economic growth is slow. Unemployment, although difficult to quantify, remained very high.

The Government generally respected the rights of its citizens; however, there were problems in a few areas. The principal human rights problems continued to be harsh prison conditions, an inefficient judicial system, violence and discrimination against women, and outdated plantation labor practices that limit worker rights.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture or cruel and inhuman punishment, and the Government respects these prohibitions in practice. There were no reports of violations during arrests or interrogations.

Prison conditions are harsh but not life threatening. Facilities are overcrowded, and food is inadequate. Women and men are held separately, and juveniles are separated from adults.

Human rights monitors are not known to have requested permission to make prison visits; it is believed that the Government would permit such visits if requested.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, detention, or exile, and the Government respects these prohibitions in practice.

Exile is not used as a punishment. All those exiled under the one-party regime of 1975 to 1990 remain free to return, and several prominent politicians have done so.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respect the independence of the judiciary in principle; however, the judicial system is subject to influence and manipulation. The judiciary has returned verdicts against both the President and the Government. The Government has important powers relating to the judiciary, including setting salaries for judges and all ministerial employees in accordance with standard government salary guidelines. Government salaries are extremely low, and the authorities are concerned that judges may be tempted to accept bribes.

The legal system is based on Portuguese and customary law, with the Supreme Court at the apex.

The Constitution provides for the right to fair public trial, the right of appeal, and the right to legal representation. However, in practice the judicial infrastructure suffers from severe budgetary constraints, inadequate facilities, and a shortage of trained judges and lawyers, causing long delays in bringing cases to court and greatly hindering investigations in criminal cases.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the integrity of the person and the right to privacy of home, correspondence, and private communication, and the Government respects these provisions in practice. The Government does not engage in intrusive practices, such as surveillance of persons or the monitoring of communications. The judicial police are responsible for criminal investigations and must obtain authorization from the Ministry of Justice to conduct searches.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression and freedom of the press, and the Government generally respects these rights in practice. Two government-run and six independent newspapers and newsletters are published sporadically, usually on a monthly or bimonthly basis.

Television and radio are state operated. While there are no independent local stations, no laws forbid them. The Voice of America, Radio International Portugal, and Radio France International rebroadcast locally. The law grants all opposition parties access to the state-run media, including a minimum of 3 minutes per month on television.

All parties freely distribute newsletters and press releases stating their views and criticizing the Government, the President, and one another. There were no reports of government censorship or threats of censorship from any group, nor any reports of efforts by national security forces to suppress criticism.

The Government does not restrict access to or the use of e-mail, the Internet, or satellite telephones. However, the only domestic Internet service provider is a joint venture in which the Government's Post and Telecommunications Office is a partner, and the cost of Internet access remains high; consequently, access remains limited in practice.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government respects this right in practice. The Government requires that requests for authorization for large-scale events be filed 48 hours in advance, but it generally grants the appropriate permits.

The Constitution provides for freedom of association, and the Government respects this right in practice.

c. Freedom of Religion.—The Constitution provides for religious freedom, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice.

Domestic law contains no specific provisions for granting asylee or refugee status in accordance with the 1951 U.N. Convention Regarding the Status of Refugees and its 1967 Protocol. However, the authorities traditionally have welcomed those seeking refuge or asylum. No requests for first asylum were reported during the year, but in theory the Government would be prepared to grant such requests.

There were no reports that persons were forced to return to a country where they feared persecution.

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

Citizens exercised this right for the first time in 1991 in free and fair presidential and legislative elections, and subsequently in the 1994 and 1998 legislative elections, and the 1996 presidential elections. These elections resulted in the peaceful

transfer of power between political party coalitions. Voter participation exceeded 80 percent in these elections. International observers noted that the 1998 legislative elections were free and transparent. Each of the three principal political parties has significant representation in the unicameral National Assembly. Elections are by secret ballot on the basis of universal suffrage for citizens 18 years of age or older. In the 1998 legislative elections, the MLSTP won an outright majority with 31 out of 55 seats and filled all 10 Cabinet positions.

The Constitution provides for the election of the President, who as Head of State names the Prime Minister. The Prime Minister appoints members of the Government.

There are no restrictions in law or in practice on the participation of women in politics; however, women are underrepresented in politics and government. Women hold 4 of 55 seats in the National Assembly, 1 of 12 seats in the Cabinet, and 3 of 4 seats on the Supreme Court.

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

A small number of local human rights groups have formed since 1991 and operate without restriction or governmental interference. There were no known requests by international human rights groups to visit the country.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for the equality of all citizens regardless of sex, race, racial origin, political tendency, creed, or philosophic conviction; however, the Government has not sought actively to enforce these provisions.

Women.—While the extent of the problem is unknown, violence against women occurs, and medical professionals and officials reported firsthand experience in dealing with violence, including rape. They also reported that although women have the right to legal recourse—including against spouses—many were reluctant to bring legal action or were ignorant of their rights under the law. Traditional beliefs and practices also inhibit women from taking domestic disputes outside the family.

While the Constitution stipulates that women and men have equal political, economic, and social rights, and while many women have access to opportunities in education, business, and government, in practice women still encounter significant societal discrimination. Traditional beliefs concerning the division of labor between men and women leave women with much of the hard work in agriculture, with most child-rearing responsibilities, and with less access to education and to professions. According to a 1991 study, female literacy is approximately 62 percent, while male literacy is approximately 85 percent.

Children.—A number of government and donor-funded programs were established to improve conditions for children, notably an ongoing malaria control project and purchase of school and medical equipment. There has been improvement in maternity and infant care, in nutrition, and in access to basic health services, especially in urban areas. Mistreatment of children was not widespread; however, there were few social protections for orphans and abandoned children.

Education is free and universal; there are no differences between the treatment of girls and boys in regard to education. Education is compulsory through sixth grade, irrespective of the age of the student.

People with Disabilities.—The law does not mandate access to buildings, transportation, or services for persons with disabilities. There are no reports of discrimination against the disabled.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association and the right to strike. Few unions exist in the very small modern wage sector; however, independent cooperatives have taken advantage of the government land distribution program to attract workers and in many cases to improve production and incomes significantly. Public sector employees still make up the great majority of wage earners. Strikes are legal, including those by government employees and other essential workers. There were frequent strikes during the year by civil servants seeking an increase in the minimum wage, while the Government sought to reduce expenses. However, in November the Government reached agreement with the strikers. There are no laws or regulations that prohibit employers from retaliating against strikers; however, there were no reports of retaliation.

No restrictions bar trade unions from joining federations or affiliating with international bodies, but none have done so.

b. The Right to Organize and Bargain Collectively.—The Constitution provides that workers may organize and bargain collectively; however, due to its role as the

principal employer in the wage sector, the Government remains the key interlocutor for labor on all matters, including wages. There are no laws prohibiting antiunion discrimination, but there were no reports of antiunion discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and bonded labor, and it is not known to occur. The Government prohibits forced and bonded labor by children, and such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—Employers in the modern wage sector generally respect the legally mandated minimum employment age of 18 years. The Ministry of Justice and Labor is responsible for enforcing this law. Children are engaged in labor in subsistence agriculture, on plantations, and in informal commerce, sometimes from an early age. The Government prohibits forced and bonded labor by children, and the prohibition is respected in practice (see Section 6.c.). The Ministry of Labor is responsible for enforcing the prohibition against forced and bonded labor by children.

The Government has not taken action on ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—Working conditions on many of the state-owned plantations—the largest wage employment sector—are extremely bad. There is no legally mandated minimum wage. The average salary for plantation workers does not provide a decent standard of living for a worker and family, and the real value of their pay is eroded constantly by high rates of inflation. In principle workers and their families are provided free (but inadequate) housing, rudimentary education for their children, and health care, as well as the privilege of reduced prices and credit at the "company store." These arrangements are intended to subsidize food and clothing. However, corruption is widespread, and international lending institutions have criticized the Government for ineffective administration of these subsidies. Workers often are forced to pay higher prices on the parallel market to obtain the goods theoretically provided at a discount as part of their compensation.

The Government, with foreign donor assistance, privatized or redistributed the land in many state-run plantations in an effort to improve work, pay, and living conditions. While the program has redistributed some land, not all of the newly privatized plantations were successful, particularly because the world price for cocoa dropped.

The legal workweek is 40 hours with 48 consecutive hours mandated for a rest period, a norm respected in the modern wage sector. The 1979 Social Security Law prescribes basic occupational health and safety standards. Inspectors from the Ministry of Justice and Labor are responsible for enforcement of these standards, but their efforts are ineffective. Employees have the right under the law to leave unsafe working conditions.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, within, or through the country.

SENEGAL

Senegal is a moderately decentralized republic dominated by a strong presidency. In March opposition leader Abdoulaye Wade, backed by a coalition of opposition parties, defeated President Abdou Diouf, whose Socialist Party had dominated political life for the past 40 years, in an election considered to be both free and fair and marred only by reports of sporadic pre-election violence and minor procedural irregularities. The post election transition period was markedly free from violence and characterized by good conduct on the part of all candidates. In 1998 the Government amended the Constitution to create a second legislative chamber, a Senate, to which the President appoints one-fifth of the members, and an electoral college consisting largely of elected local and regional government officials chooses most of the others. In protest against this electoral system, most of the opposition parties boycotted the first senatorial elections held by the Government in January 1999. The ruling Socialist Party won all seats in this election, and the Government formally inaugurated the Senate in February 1999. In May 1998, the PS won 50 percent of votes cast and 93 of 140 seats in elections for an expanded National Assembly. Unlike previous elections, these were supervised by a National Election Observatory (ONEL), independent of the Government. Although the elections were marred by violence and by persistent flaws in the electoral system, observers concluded that they were generally free, fair, and transparent. The Government continued to implement decentralized regional and local administrations. Sporadic fighting continued in the

Casamance area in the southern part of the country between the Government and the secessionist Movement of Democratic Forces in the Casamance (MFDC). On December 16, the Government and the MFDC, joined by representatives from both the Gambia and Guinea-Bissau, met in Zinguinchor to start a new round of peace talks. The prospects for success of these talks were still unclear by year's end. The Constitution provides for an independent judiciary; however, it is subject in practice to government influence and pressure.

The armed forces are professional and generally disciplined. They traditionally remain aloof from politics and are firmly under civilian control. The paramilitary gendarmerie and the police are less professional and less disciplined. Some members of the security forces, the gendarmerie, and the police continued to commit serious human rights abuses.

The country is predominantly agricultural with about 70 percent of the labor force engaged in farming. Recorded gross domestic product (GDP) per capita is estimated at about $600, but this excludes a large informal economy. Since the devaluation of the CFA franc in 1994, the Government has implemented a series of economic policy reforms to enhance competitiveness by dismantling monopolies, liberalizing markets, and privatizing several state-owned industries. Recorded GDP per capita has grown at an average rate of between 2 and 3 percent per year since 1995. Exports account for about one-third of recorded GDP, and are led by fish and fish products, phosphates and fertilizers, tourism, and peanuts. The Government continued to receive external assistance from international financial institutions and other sources, and such assistance represents approximately 32 percent of the national budget.

The Government generally respected the rights of its citizens in some areas; however, its human rights record was marked by serious problems in other areas. Free and fair presidential elections in March, in which the opposition candidate won, ended the Socialist Party's domination of political life; however, the previous Government's 1998 creation of a second legislative chamber, in which no members are elected directly by the citizenry and one-fifth of the members are appointed by the President, reduced the ability of citizens to change their Government and increased the presidency's domination of the State. Government forces reportedly were responsible for extrajudicial killings, including some civilian deaths. Police tortured and beat suspects during questioning and arbitrarily arrested and detained persons.

Prison conditions are poor, and lengthy pretrial detention is a problem. The Government rarely tries or punishes members of the military, gendarmerie, or police for human rights abuses. The judiciary is subject to government influence and pressure and suffers from low salaries and insufficient resources. In the past, the police sometimes infringed on citizens" privacy rights. At times the Government limited freedom of the press. There were some instances in which the Government limited freedom of assembly. In April the Government announced the establishment of a Human Rights Office in the President's office to investigate complaints filed by individuals regarding human rights violations. The office had not begun to function by year's end, although it reportedly received numerous letters. Domestic violence and discrimination against women, female genital mutilation, and child labor remained problems. Mob violence also is a problem.

Rebel MFDC forces reportedly were responsible for killings, torture, and rape.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no confirmed reports of political killings by government officials; however, government forces reportedly were responsible for extrajudicial killings, including some civilian deaths. After a period of calm during 1999, the incidence of violence in the Casamance region increased during the year and resulted in some deaths. During the year, the press continued to report on frequent small arms attacks, raids, ambushes and clashes with military forces by suspected MFDC gunmen, with continuing military and civilian fatalities.

While there were no new reported cases of death caused by civilian law enforcement authorities this year, cases from previous years remained unsolved.

No investigation or other action was taken in the April 1999 case in which security forces shot a young man mistaken for a rebel.

In February 1998, police officers from the Thiaroye station in Dakar arrested and beat a young man after he tried to flee during an identity verification check. The young man died before receiving medical care, and the authorities listed the cause of death as natural. With the help of the African Assembly for the Defense of Human rights (RADDHO), a local human rights organization, the family of the de-

ceased filed a legal complaint. According to RADDHO, in August 1999 the Dakar regional court supported the finding of "death from natural causes" and closed the case.

In December 1997, a child was shot and killed in the Hann area of Dakar when police opened fire on a group that was demonstrating against an eviction order. With the help of RADDHO, the family of the deceased filed a legal complaint in December 1998 which was still pending at year's end.

On many occasions vigilante groups and mobs lynched suspected thieves. This type of mob violence generally remains unpunished. However, on October 18, a mob in Medina killed a man suspected of having committed a burglary in the area. Members of the household allegedly robbed by the man and some of their neighbors were charged with manslaughter and tried on November 15 by the regional court in Dakar. On November 30, the court sentenced the accused to 6 months in prison.

On April 11, a group of suspected MFDC gunmen attacked a military post in Sare Wali, about 19 miles from the provincial capital of Kolda close to the border with Guinea-Bissau, killing 3 government soldiers. According to official sources, government forces killed 15 rebels during the incident. In a separate incident on April 11 suspected MFDC gunmen attacked the village of Fanda, during which they killed one government soldier, harassed civilians and stole property. According to official press sources, government security forces killed several MFDC gunmen during the attack.

There were at least two reports of deaths caused by the use of landmines by suspected MFDC rebels in the Casamance region. The incidents reportedly occurred in May in the Niomone and Cap Skirring areas, with eight civilian deaths reported in the Niomone area and two in the Skirring area.

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

In 1999 there were several credible reports of disappearances in connection with the conflict in the Casamance. In its 1999 annual report, RADDHO accused security forces of responsibility for the disappearance of seven civilians in June, and 3 suspected rebels in April of that year (see Section 1.d.). These persons remained unaccounted for at year's end.

In September a group of Casamance professionals helped family members of two missing persons, Alexis Etienne Diatta and Jean Diandy, file legal complaints against security forces for abduction. The families of both Diatta and Diandy reported the disappearances to civilian authorities, who were unsuccessful in finding either person. Government investigations into both disappearances reportedly are underway.

RADDHO alleged that government security forces abducted two civilians in September and December 1998 respectively. Their whereabouts remain unknown.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—There are credible reports that police and gendarmes often beat suspects during questioning and pretrial detention, in spite of constitutional prohibitions against such treatment. The press repeatedly reported instances of torture perpetrated by police, usually beatings, and the problem remained a serious public concern.

According to human rights activists from Guinea-Bissau, in June Senegalese security officials arrested four Guinea Bissauan citizens from the border village of Kuntima in northern GuineaBissau. The four reportedly were suspected of involvement in attacks by armed robbers from Guinea-Bissau, or by MFDC separatist rebels. Human rights activists alleged that security forces tortured the suspects while they were detained in a jail in the city of Kolda. The suspects were released later that month.

Despite stronger legal provisions against torture put in place in 1997, those cases that are pursued often take years before a final judgment is reached. Government action to resolve the October 1998 case of alleged rough, abusive, and inhuman treatment of RADDHO's Casamance regional office head, Ankilling Diabone, by security forces remained pending during the year. According to RADDHO, the Government opened an investigation that it could not complete without interviewing Diabone, who went to France and has declined to return.

According to credible press reports, on May 5 suspected MFDC separatist rebels brutalized and raped four women abducted from a farm in Sanoun, close to the Guinea-Bissau border. The women were released the following day.

On June 21 suspected MFDC rebels attacked the village of Sare Kambi, and stole property. During the attack gunmen beat up a man and abducted his two wives. The rebels reportedly were attacking villages in the border area in retaliation for their alleged cooperation with government security forces.

On July 4, a panel of judges in the Court of Criminal Appeals dropped charges of torture and complicity in crimes against humanity made against former Chadian

president Hissen Habre, arguing that the court has no jurisdiction in the case. Attorneys representing the coalition of human rights organizations that initiated the lawsuit appealed the decision before the Court of Final Appeals, and the case was pending at year's end.

Prison conditions are poor. Prisons remain overcrowded, and food and health care are inadequate. However, there have been no reports of deaths in prison as a result of these conditions.

The Government permits prison visits by independent human rights monitors. Local human rights groups such as RADDHO, the National Organization for Human Rights (ONDH), and the International Prison Observatory occasionally visit prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the authorities at times arbitrarily arrest and detain persons.

The law specifies that warrants, issued by judges, are required for arrests; however, laws also grant the police broad powers to detain prisoners for lengthy periods. Police officers may hold without charge a person suspected of a crime for 48 hours after arrest and for up to 96 hours if ordered by a public prosecutor. This period may be doubled in the case of crimes against the security of the State. The prosecutor decides whether to forward the case to an investigating judge who may open an investigation. At this point, the suspects are charged preliminarily and may be held or released on their own recognizance. There is a system of bail, but it rarely is used. During the initial 48 hours of detention the accused has no access to family or an attorney, but has the right to demand a medical exam. Government-sponsored legislation passed in January 1999 enhanced the rights of the accused by according the right to an attorney after this initial period of detention. Previously this right was accorded only after formal charges were filed. The accused may be held in custody for 6 months, and the investigating magistrate can certify that an additional 6-month extension is required. Such extensions may be reviewed by a court on appeal. The new legislation also gave judges the right to order release pending trial without the prosecutor's consent.

Police rarely are prosecuted for violations of arrest and detention procedures, and the authorities may detain a prisoner for long periods of time while they investigate and build a case against a suspect. The authorities routinely hold prisoners in custody unless and until a court demands their release. Despite the 6-month limitation on detention, the time between the charging phase and trial averages 2 years. In a 1998 effort to improve the administration of justice the Government recruited 48 law school graduates to be trained as magistrates over a 2year period. In 1999 approximately 90 graduated judges were assigned to different courts nationwide, which allowed for the opening of judicial districts in all 30 administrative districts and access to the judicial system by citizens in the countryside.

According to human rights activists from Guinea-Bissau, in June Senegalese security officials arrested and detained four GuineaBissauan citizens from the border village of Kuntima in Northern Guinea-Bissau (see Section 1.c.)

Following fighting in the Casamance in late April 1999, the military rounded up 15 persons with Diola names on suspicion of involvement with the MFDC. All but three of these prisoners were released within 4 days; however, those three remained unaccounted for at year's end.

In January 1999, the National Assembly passed legislation to eliminate the law that held "acts or maneuvers aimed at casting discredit on government institutions" as criminal offenses punishable by imprisonment of 3 to 5 years and a fine of up to $2,500 (1.5 million CFA francs). Legal experts considered this provision to be a legal instrument that the Government could use to jail political dissenters. On a few occasions in the past the Government had jailed opposition leaders under this provision, apparently on the basis of their political activities.

The Constitution prohibits exile, and it is not used.

e. Denial of Fair Public Trial.—The Constitution provides for a judiciary independent of the executive, the legislature, and the armed forces; however, in practice it is subject to government influence and pressure. Magistrates are vulnerable to outside pressures due to low pay, poor working conditions, and family and political ties. Also, the Minister of Justice and subordinate authorities have extensive authority to influence judicial procedures by keeping the accused in pretrial detention.

The legal system is based on French civil law and is composed of ordinary courts and a number of higher and special courts, including the three created in May 1992 to replace the Supreme Court: The Council of State; the Constitutional Council; and the Court of Final Appeal. These courts remain understaffed, and many of the special courts, including one to deal with unlawful enrichment and others to try government officials for treason and malfeasance, are dormant. Muslims have the right to choose customary law or civil law for certain civil cases, such as those concerning

inheritance and divorce. However, customary law decisions are rendered by civil court judges. There is a separate system of military courts for members of the armed forces and the gendarmerie. The right of appeal exists in all courts except military courts and the special Unlawful Enrichment Court. Military courts may try civilians only if they are involved in violations of military law committed by military personnel.

In principle the accused is innocent until proven guilty, and when brought to trial it is the State's burden to prove that the accused is guilty of the charges. Trials are public, and defendants have the right to be present in court, to confront witnesses, to present evidence, and to have an attorney. However, some defendants are denied legal assistance at public expense due to a lack of funding. Evidentiary hearings may be closed to the public and the press, but the defendant and counsel have access to all evidence presented and may introduce their own evidence before the investigating judge decides to refer the case to the prosecutor for trial. A panel of judges presides over ordinary courts for both civil and criminal cases; in criminal cases citizens also serve on the panel.

The Minister of Justice has taken steps to eliminate the backlog of cases in the judiciary system. In December the Government adopted legislation for the appointment of judges in charge of monitoring the implementation of court decisions and for the establishment of alternative justice mechanisms, including a "maison de la justice" to be staffed by voluntary jurists—usually retired judges or attorneys.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits arbitrary invasion of the home, and there was little government interference in the private lives of citizens. The law requires search warrants, and only judges may issue them. In past years, during high profile or politically charged investigations, police often proceeded without the required search warrants; however, there were no reports of this during the year.

There were no reports that government officials monitored mail or telephone communications without judicial authorization.

MFDC rebels sought to collect supplies and money from civilians. On June 25 suspected MFDC separatist rebels attacked and stole civilian property in the villages of Sare Manfaly, Sare Ansou, Sare Yero Oussou, close to the border with Guinea-Bissau. In a separate violent attack launched on June 28, gunmen stole civilian property and set fire to village food supplies and seed stocks.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, at times it imposed some limits on these rights. Laws prohibit the press from the expression of views that "discredit" the State, incite the population to disorder, or disseminate "false news." A criminal case against three Sud Communication journalists for defamation was pending at year's end.

On July 27, the Government filed a lawsuit against the publisher of the independent weekly paper Le Temoin and one of its reporters, on charges of publishing false news. The charges were made in connection with a story published by the newspaper a few weeks earlier, in which the newspaper claimed that President Wade had yelled at Mauritanian President Ould Taya during a telephone conversation. A few weeks earlier, the publisher of Le Temoin was interrogated twice by internal security officials. The lawsuit was pending at year's end.

On August 23, the Government charged the publisher and the Casamance correspondent of the independent daily newspaper Le Matin with publishing false news and undermining the morale of the armed forces and of the populace, and with compromising the State's internal security. The Government also charged the publisher of Le Matin with insulting the head of state. In a radio interview following the announcement of the Government's decision to file a lawsuit against Le Matin, the publisher of Le Matin criticized the Government's action. On August 26, after meeting with the publisher and owner of Le Matin, President Wade withdrew all of the lawsuits that he had filed against both Le Matin and Le Temoin.

On December 13, the Government issued a general warning to the national press that the dissemination of communications from the MFDC would be considered attempts to derail the Casamance peace process and would be prosecuted under the penal code. On the same day, the publisher and managing editor of the newspaper Le Populaire were summoned and interrogated for 7 hours by the criminal investigation division after the newspaper published a review of the 19-year old Casamance conflict. On December 16, they were arrested and then released on the same day after being charged with "disseminating false news and undermining public security." Their cases were pending at year's end.

A broad spectrum of thought and opinion is available to the public through regularly published magazines and newspapers, including foreign publications. Political and economic views expressed in the independent press often are critical of the Government and its programs. While publishers are required to register prior to starting publication, the Government routinely approves such registrations.

Radio, being relatively inexpensive, remained the most important medium of mass information and the main source of news for citizens outside urban areas. Six privately owned radio stations broadcast within the country; of these, citizens own five. There are also three international stations that rebroadcast within the country. All of the locally owned stations broadcast national news and political commentary. Some of them often were critical of the Government; no harassment was reported.

A government monopoly controls local television, an important source of news. While there are no privately owned domestic television stations, French-owned pay television is available but offers no local news.

In August 1999 the Government investigated an incident in which some followers of a local Islamic leader belonging to the Mouride Brotherhood set fire to the bedroom of the local correspondent of a Dakar-based daily newspaper. The case was closed without arrests or criminal charges that same month.

At year's end, at least 10 Internet service providers operated in the country. The Government did not restrict access to the Internet. A personal account with unlimited access time cost about $18 (10,000 CFA francs) per month. Several cybercafes in the capital city, Dakar, provided short-term access to the Internet that was used by many persons unable to afford personal accounts.

Academic freedom generally is respected; however, student meetings on part of the campus of the University of Dakar are banned informally (see Section 2.b.), ostensibly to prevent militant student groups from disrupting classes and studies. In March 1999, on two occasions, police forcibly dispersed, and destroyed the property of, students demonstrating on the campus of Dakar University in favor of increased scholarships (see Section 2.b.). In December 1999, police personnel also forcibly dispersed similar protests by students demanding immediate payment of scholarships (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and while the Government generally respected this provision in practice, there were a few instances in which the Government limited this right. The Government requires prior authorization for public demonstrations, which it usually grants. Meetings by students on the academic campus of the University of Dakar are banned informally, but this prohibition does not extend to the dormitory areas of the campus. In March and December 1999, police officials forcibly dispersed two unauthorized student demonstrations.

While in past years, the Government frequently denied authorization or forcibly dispersed peaceful marches by the opposition, there were significantly fewer such incidents during the year. In January the Government authorized a peaceful march by the Front for Election Transparency (FRTE), a group composed of representatives of all opposition parties and formed for the purposes of the march, to protest alleged irregularities in the electoral process, including the importation of voter cards from Israel. Prominent opposition leaders and thousands of their supporters joined the march to the Ministry of the Interior (MOI) where march leaders formally delivered their platform to the Minister. However, on November 15, the Government, citing security concerns, banned a political rally called by the Front for Patriotic Alliance, a minor political party.

The Constitution provides for the right of association, and the Government generally respects this provision in practice. Citizens who wish to form associations must register with the MOI. Business-related associations register with the Ministry of Commerce. By law and in practice, the MOI must register such groups as long as the objectives of the association are stated clearly and they do not violate the law.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

Any group—religious or other—that wants to form an association with legal status must register with the MOI in accordance with the civil and commercial code. Registration, which generally is granted, enables an association to conduct business, including owning property, establishing a bank account, and receiving financial contributions from any private source. Registered religious groups, like all registered nonprofit organizations, also are exempt from many forms of taxation. The Minister must have a legal basis for refusing registration. There were no reports of any applications for such registration being delayed or denied during the period covered by this report.

d. Freedom of Movement Within the Country, Foreign Travel Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice. Some public employees, including teachers, are required by law to obtain government approval before departing the country, although this is not regularly enforced in practice.

At times, usually during sweeps for MFDC rebels, the security forces temporarily restricted access to the Casamance region or areas within it. The security forces also regularly maintained checkpoints in the Ziguinchor region to screen for MFDC rebels and arms transports. Security forces generally allowed travelers to proceed after checking documents and searching vehicles. In late July and early August, citizens in the Kolda and Ziguinchor regions closed the border with Guinea-Bissau for several days to protest the Government's failure to provide adequate security.

Following several violent attacks perpetrated by suspected MFDC separatists from neighboring Guinea Bissau, more than 2,600 civilians from the rural communities of Tankato Escale and Sare Yoba, including women, elderly people and children, fled from their homes and sought refuge in the region of Kolda, where they received government resettlement assistance.

The law includes provisions for granting refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Since 1989 as a country of first asylum, Senegal has hosted Mauritanian refugees. The Government cooperates with the UNHCR and other humanitarian organizations in providing assistance for refugees. The UNHCR reported no significant protection problems for these refugees. While no formal repatriation agreement exists with the UNHCR, the two governments have cooperated to permit repatriation for several years. As a result, the UNHCR terminated its assistance programs for Mauritanian refugees at the end of 1998, although it continued to provide protection services. Mauritanian refugees generally live in dispersed locations along the length of the Senegal-Mauritania border and are allowed free movement within Senegal. However, most of these refugees are unable to obtain current refugee documents from the authorities and sometimes encounter administrative difficulties when using their expired refugee application receipts issued in 1989. Due to the lack of a formal and supervised repatriation, and in the absence of an up-to-date registration program, the exact number of remaining Mauritanian refugees is difficult to establish. The UNHCR estimates that under 30,000 remain in the country.

Several hundred Guinea-Bissauan refugees chose to remain in Senegal, living with relatives or on their own.

There were no reports of the forced return of persons to a country where they feared persecution.

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

Citizens have the constitutional right to change their Government through periodic multiparty elections, and they exercised this right during the February/March presidential election that ended the Socialist Party's 40-year domination of political power. After 26 years in opposition, Abdoulaye Wade, backed by a coalition of opposition parties, defeated incumbent President Abdou Diouf in what was considered to be a free and fair election, which was marred only by reports of sporadic preelection violence and minor procedural irregularities. A new draft constitution, originally scheduled for a popular referendum in November, was postponed; a referendum is scheduled to take place in 2001. However, the previous Government's 1998 creation of a second legislative chamber, in which no members are directly elected by the citizenry and one-fifth of the members are appointed by the President, reduced the ability of citizens to change their Government and increased the presidency's domination of the State.

In 1998 the National Assembly passed legislation proposed by the Government to increase its membership from 120 to 140 in order to equalize the number of deputies elected by simple majority vote in the districts and by proportional representation nationwide. There are 56 legally registered parties.

Also in 1998, the National Assembly passed a bill that created a second legislative chamber, a 60-member Senate. Forty-five of its members are elected by an electoral college on the basis of dual proportional and majority systems and regional slates. The electoral college has 13,920 members consisting of elected local government officials and members of the National Assembly. The President appoints 12 members of the Senate, and the remaining 3 are elected from slates representing several associations of expatriate citizens. Most major opposition parties decided to boycott the first Senate election held in January 1999 under this electoral system because the ruling party's domination of elected local and regional offices gave opposition parties

little chance of winning Senate seats. With the exception of 2 minor party members who filled appointed seats, the Senate, inaugurated in February, was made up entirely of PS members until the March Presidential elections, after which 6 PS senators defected to the PDS.

In 1997 the Government created the National Observatory of Elections to supervise and oversee elections. The ONEL was established as a temporary, independent oversight body empowered to order bureaucrats to obey the law and to take legal action against individuals and parties who violated it. The MOI remains responsible for the actual organization and implementation of the elections, which is done through a directorate of elections. The ONEL significantly improved the level of transparency of the May 1998 National Assembly elections and the February/March presidential election, despite persistent flaws in the system. In July the Prime Minister announced the Government's intention to transform the ONEL into a permanent independent electoral commission; however, this had not occurred by year's end.

The period prior to the March elections was marked by some violence. In February during the election campaign, suspected PDS militants in Saint Louis set fire to the office of the proDiouf PLS party, a spin-off of the PDS party. The incident followed a clash between activists from both parties. During the same month, opposition activists in Rufisque set fire to the house of the Socialist Party mayor following a clash between supporters of the opposition candidate Abdoulaye Wade and those of then-President Diouf.

The electoral process was marked by minor irregularities such as the illegal issuance of birth certificates to Socialist party supporters in Keur Madiabel by a judge in the district court in Kaolack. Following a complaint filed by the ONEL, the documents were cancelled. ONEL also noted that national identity card applications were processed illegally in some instances. Access to personal identification cards was an important issue in the election, since they are necessary to vote.

Elections are held by balloting that is described officially as secret but may permit voters to leave the polling place with evidence of how they voted. At polling places on election day, registered citizens receive a package of ballot papers, one for each candidate. Each citizen votes by depositing into a sealed ballot box, alone inside a closed booth, an envelope containing one of these ballots. In the same booth, a trash receptacle is provided in which the voter may privately dispose of the unused ballots; however, polling officials cannot readily ensure that this is done. Nevertheless, despite apparent potential for abuse, this balloting system has not been the subject of complaints or reports of abuse in recent elections.

Women are underrepresented in the political process. While there are no legal impediments to their participation in government and politics, cultural and educational factors hamper them. In addition political parties often rank women low on party lists, making it difficult for them to be elected to the National Assembly or to be appointed ministers. Only 5 of the 29 ministers in the President's Cabinet are women, and there are only 2 women in the 19-member Economic and Social Council, the Government's policymaking body. During 1999, a woman, Marieme Wane Ly, formed and headed a political party for the first time. Only 18 female deputies hold seats in the 140-member National Assembly. There are only 10 women in the 60-seat Senate. Women's lower representation reflects not only a disparity in education (see Section 5) but also cultural factors.

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

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and receptive to their views.

In 1997 the Government enacted a law to strengthen the National Committee on Human Rights. The Committee includes members from the Government and civic organizations, including private human rights groups. It may, on its own initiative, investigate human rights abuses, including torture; however, it did not investigate any cases of abuse during the year.

In July a panel of judges dropped charges of torture and complicity in crimes against humanity that the Government brought against former Chadian President Hissen Habre (see Section 1.c.)

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution states that "men and women shall be equal in law" and prohibits discrimination based on race, religion, sex, class, or language. However, discrimina-

tion against women is pervasive, and the Government frequently does not enforce antidiscrimination laws.

Women.—There are credible reports that violence against women, usually wife beating, is common. According to a study funded by the Canadian Center for International Research and Development (CECI) focusing on the capital Dakar and on the city of Kaolack, 87 percent of 515 women interviewed had suffered from some form of domestic violence. The study also showed that domestic violence was more widespread in Dakar than in Kaolack. Police usually do not intervene in domestic disputes, and most people are reluctant to go outside the family for redress. In contrast, the law and society view rape as a very serious crime, and the law stipulates that persons convicted of rape may be imprisoned for up to 10 years. If the victim is a minor, her age is considered an aggravating circumstance. Rape trials often result in convictions. In January 1999, the Government passed legislation amending the criminal law to make sexual harassment a crime punishable by imprisonment of up to 3 years and a fine of $650 (500,000 CFA francs). The legislation also increased the potential fine for domestic violence to $650 (500,000 CFA francs) and the length of imprisonment for domestic violence to 5 years. Several women's groups have formed to address this problem.

Despite constitutional protections, women face extensive societal discrimination, especially in rural areas where Islamic and traditional customs, including polygyny, and Islamic rules of inheritance are strongest, and women generally are confined to traditional roles. By law women have the right to choose when and whom they marry; however, in some areas, traditional practice can restrict a woman's choice. The minimum age of consent to marry is 21 for males and 16 for females. Under certain conditions, a judge may grant a special dispensation to a person under age. The law is not enforced in some communities, where marriages occasionally are arranged. Under family law, women may or may not consent to polygynous unions when contracting a marriage; however, once in polygynous unions women do not have the right of notification or approval prior to a subsequent marriage. In the countryside, women perform much of the subsistence farming and child rearing and have limited educational opportunities. Although the Government has committed itself to equalizing male and female primary school enrollment, there is still much social discrimination against women in educational opportunities. Only 23 percent of females over 15 years of age are literate, while the rate for males over age 15 is 43 percent.

It is estimated that only 20 percent of women are engaged in paid employment. Moreover, traditional practices make it difficult for women to obtain bank credit. Due to the fact that legally men are considered heads of household, women pay higher taxes than men for equal wages and employers pay child allowances to men and not women. Women usually marry young (the majority by age 16 in rural areas) and average 5.7 live births (down from 7 in 1995). About half of all women live in polygynous unions.

In urban areas, women encounter somewhat less discrimination and are active in government, political life, the legal profession, and business. About 14 percent of lawyers are women. Urban women are more likely to take advantage of the Government's efforts to increase respect for women's legal rights to divorce, alimony, and child support, and to seek education and employment. In general urban women receive equal pay for equal work.

Children.—The Ministry of Family, Social Action, and National Solidarity, established in 1990 (formerly the Ministry of Women, Children, and the Family, and renamed in 1998), is responsible for promoting children's welfare. Numerous organizations assist the Ministry in support of children's rights, including the Ministry of Health, which maintained a nationwide effort focusing on child survival. The Government continues to increase the number of classrooms and encourage more children, particularly females, to enter and stay in school. The law requires that children attend school until age 12, but this is not enforced due to a shortage of schools. Organized street begging by children who are Koranic students results in a significant interruption of their education, and many children work in their family's fields (see Section 6.d.).

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is not practiced by the country's largest ethnic group, the Wolofs (representing 43 percent of the population), but it is performed on girls belonging to some other ethnic groups. Infibulation, the most extreme and dangerous form of FGM, is practiced by members of the Toucouleur and Peulh ethnic groups, particularly those in rural areas. Unsubstantiated recent studies estimate that between 5 and 20 percent of girls are mutilated.

In January 1999 the Government passed legislation banning FGM. The law made FGM a criminal offense, carrying a jail term ranging from 6 months to 5 years for persons directly practicing FGM or ordering it to be carried out on a third person. Most human rights organizations considered the law to be a decisive step towards greater protection of women. However, a few women's rights activists criticized the new legislation because they perceived it as being dictated by Western donors. A few Muslim religious leaders also criticized the law because they consider FGM to be a religious practice. While the Government sponsors programs to educate women regarding the dangers of FGM, other critics of the new law contended that these programs should have been more widespread prior to implementation of the ban.

On April 7, inhabitants of 26 villages on the Sine Saloum Islands publicly announced their decision to ban the practice of FGM in their communities. The decision was the result of an educational campaign initiated by the Government with the assistance of a number of international and domestic NGO's. Since July 1997, approximately 172 villages nationwide have banned FGM among their inhabitants.

In January 1999, the Government passed a law mandating longer jail terms of up to 10 years for convicted pedophiles.

People with Disabilities.—There are no laws that mandate accessibility for the disabled, and in practice most persons with disabilities are generally unable to participate in many occupations due to physical barriers and a lack of equipment and training opportunities that would make such participation possible.

On June 29, the Council of State (the country's highest administrative court) ruled on an antidiscrimination lawsuit filed in October 1999 by the National Association of Disabled People (ANHMS) against the regional educational board in the eastern province of Tambacounda. The board had refused to hire a physically disabled candidate who had passed a recruitment test, on the grounds that physically disabled persons are not qualified for the job of teaching. The court overruled the board's decision on the grounds that a physical disability did not represent a valid legal ground for barring a person from teaching.

National/Racial/Ethnic Minorities.—The country is ethnically diverse. The largest ethnic groups are the Wolof (more than 40 percent of the country's population), the Pular (also called Peuhl or Fulani, nearly 25 percent), and the Serer (more than 15 percent). Other smaller groups include the Diola, Mandingo, and Soninke. Each group has its own primary language although French and Wolof are widely used as secondary languages. While general regions of origin can be identified for most ethnic groups, these regional separations are no longer distinct.

In most of the country, ethnic and regional tensions have not contributed significantly to recent human rights abuses, and opposition to the Government generally has taken the form of nonviolent political parties that have not had readily identifiable ethnic or regional bases. This has not been true in the Casamance region, the part of the country to the south of The Gambia. Casamance is substantially less arid, less Islamic, and less Wolof than the rest of the country. Resentment on the part of Casamance groups, including the Diola, of domination by northerners, including the Wolof, reportedly has contributed significantly to the secessionist MFDC rebellion in the Casamance region, which began in 1982 and has continued to give rise to many human rights abuses (see Sections 1.a., 1.c., and 1.g.). Flaws in the country's first local and regional elections, held in 1996, have reduced the effectiveness of the Government's ongoing decentralization program.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide all workers with the right of association, and they are free to form or join unions; however, the Labor Code requires the Minister of the Interior to give prior authorization before a trade union can exist legally.

The International Labor Organization (ILO) continued to call on the Government to ensure that trade unions are not subject to dissolution by administrative authority and to amend the law, which accords power to the Minister of Interior to approve the formation of unions. Any group of workers in the same occupation, similar trades, or the same professions may form a union. While the Ministry does not always grant initial recognition to a union, once it gives recognition, it virtually never withdraws it. However, the Government may disband a union if its activities deviate from its charter. The Labor Code does not apply to the informal and agricultural sectors where most persons work.

Although they represent a small percentage of the working population, unions wield significant political influence because of their ability to disrupt vital sectors of the economy. The small industrial component of the total work force of 4 million is almost totally unionized. The only union in the agrarian sector is one rep-

resenting workers at a privately owned sugar company. Some farmers are organized into the National Farming Association, an advocacy organization.

The National Confederation of Senegalese Workers (CNTS), the largest union organization, has close ties to the Socialist Party, and several members hold Socialist Party seats in the Assembly. While ostensibly an independent organization, the umbrella CNTS consistently supported government policies during the Diouf administration.

The rival to the CNTS is the National Union of Autonomous Labor Unions of Senegal (UNSAS). The UNSAS is a federation of strategically important unions such as those formed by electrical workers, telecommunication workers, teachers, water technicians, and hospital, railroad, and sugar workers.

The Constitution and the Labor Code provide for the right to strike, but with restrictions. Unions representing members of the civil service must notify the Government of their intent to strike no less than 1 month in advance, and private sector unions must make a similar notification 3 days in advance. The Government or the employer can use the time to seek a settlement to the dispute but cannot stop the strike.

There were no illegal strikes during the year.

The Labor Code permits unions to affiliate with international bodies. The CNTS is active in regional and international labor organizations and is the dominant Senegalese member of the Organization of African Trade Union Unity.

b. The Right to Organize and Bargain Collectively.—The law provides unions with the right to organize and to bargain collectively, and these rights are protected in practice. There are also legal prohibitions governing discrimination by employers against union members and organizers. Employers found guilty of antiunion discrimination are required to reinstate workers. There were no known instances in which workers were prevented from exercising the right to organize and bargain collectively. The Ministry of Labor (MOL) can intervene in disputes between labor and management if requested, and it plays a mediation role in the private and state enterprise sectors.

Labor laws apply to all industrial firms including those in the Dakar industrial free trade zone.

c. Prohibition of Forced or Compulsory Labor.—There were no reports of forced or bonded labor, which is prohibited by law. The Constitution prohibits child labor of all kinds, including forced and bonded labor, and the Government enforces this ban in the formal sector. There were no reports that forced or bonded labor by children takes place in the informal or agricultural sectors.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution bans child labor of all kinds, and the Government enforces this ban in the formal sector, which is under the purview of the labor law. However, instead of attending school, many children work in their family's fields.

In 1998 the country began a 3-year program of action for the elimination of child labor, the International Program for the Elimination of Child Labor (IPEC), which is scheduled for completion in 2001. Under the law, the minimum age for employment is 16 years for apprenticeships and 18 years for all other types of work. In June the legislature ratified ILO Convention 132 To Eliminate the Worst Forms of Child Labor; it is scheduled to take effect in 2001. Inspectors from the MOL closely monitor and enforce minimum age restrictions within the small formal wage sector, which includes state-owned corporations, large private enterprises, and cooperatives. However, children under the minimum age frequently work in the much larger traditional or informal sectors, such as family farms in rural areas or in small businesses, where the Government does not enforce minimum age and other workplace regulations. On June 1, Senegal ratified ILO Convention 182, outlawing the worst forms of child labor.

The Constitution prohibits child labor of all kinds, including forced and bonded labor, and there is no evidence that forced or bonded child labor takes place in the informal or agricultural sectors (see Section 6.c.).

e. Acceptable Conditions of Work.—Legislation mandating a monthly minimum wage has been in force since the country's independence in 1960. The Ministries of Labor and Finance determine wage rates after negotiating with the unions and management councils. The minimum wage is $0.37 (223.7 CFA francs) per hour. This wage still is not adequate to provide a decent standard of living for a worker and family.

Within the formal sector, the law mandates a standard workweek of 40 to 48 hours for most occupations, with at least one 24hour rest period and 1 month per year of annual leave; enrollment in government systems for social security and retirement; safety standards; and a variety of other measures. These regulations are

incorporated into the Labor Code and are supervised by inspectors from the MOL. However, enforcement is uneven, especially outside the formal sector.

There is no explicit legal protection for workers who file complaints about unsafe conditions. While there are legal regulations concerning workplace safety, government officials often do not enforce them. In theory workers have the right to remove themselves from unsafe working conditions, but in practice the right seldom is exercised in circumstances of high unemployment and a slow legal system.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports from Portugal that women from Senegal were trafficked there for purposes of forced prostitution.

SEYCHELLES

President France Albert Rene and the Seychelles People's Progressive Front (SPPF) have governed since a 1977 military coup. In the 1990's, the SPPF guided the country's return to a multiparty political system, which culminated in 1993 in the country's first free and fair presidential and parliamentary elections since 1977. President Rene and the SPPF won in 1993 and again in 1998 elections, which were judged by international and national observers to have been free and fair despite the fact that President Rene and the SPPF dominated the election. In 1998 Rene was reelected president with 67 percent of the ballots cast. The SPPF won 30 of the 34 National Assembly seats, 24 by direct election and 6 by proportional representation. The President and the SPPF dominate the country through a pervasive system of political patronage and control over government jobs, contracts, and resources. The judiciary is subject to executive interference.

The President has complete control over the security apparatus, which includes a national guard force, the army, the Presidential Protection Unit, the coast guard, the marines, and the police. There is also an armed paramilitary Police Mobile Unit. Security forces on occasion were responsible for some human rights abuses.

The economy provides the country's 80,410 residents with an average per capita income of more than $6,800 per year. The Government provides generally adequate social services. The Government in recent years has diversified the economy by increasing the revenues received from fishing rights and investing in the fish processing sector with foreign joint partners in order to move the economy away from its heavy reliance on tourism. Manufacturing now has surpassed tourism as the most important economic activity; however, no significant new investments were made during the year. Overall growth remained sluggish, largely due to shortages of foreign exchange and the pervasive presence of inefficient state enterprises. There was no progress toward privatization during the year. The country's application to join the World Trade Organization has forced it to consider reforming its trade and foreign exchange regimes; however, it has made few substantive changes to date.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. President Rene, whose party dominates the legislature, continued to wield power virtually unchecked. Security forces arbitrarily arrested and detained citizens; however, such actions were limited to detention during the weekend in order to avoid compliance with the Constitution's 24-hour "charge or release" provision. The Government failed to investigate or punish those involved in the violations of citizens" human rights during a law enforcement crackdown in 1998. The judiciary is inefficient, lacks resources, and is subject to executive influence. Violence against women increased and child abuse remained a problem. Discrimination against foreign workers also was a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly forbids torture; however, while there were no reported instances of the use of torture by the army, there was a report that police beat a man while he was in police custody in March on the island of La Digue. The family of the detainee sued the Commissioner of Police and the three police officers on duty at the time for $4,386 (SR 25,000) in damages. Police were investigating the claim at year's end; however, no action had been taken.

The Government has failed to investigate or punish those members of the security forces who allegedly tortured suspects in custody in 1998. Several cases that were brought against the Government and the army by individuals who claimed to have been detained illegally and tortured in 1998 remained pending. In two cases, the Government accepted liability, but the question of damages remained pending. In two other cases, the Government continued to contest both its liability and its responsibility for damages. In November 1999, a citizen fled to another country and sought refugee status, claiming that members of the security forces harassed him because they believed that he maintained documentation of human rights abuses by the security forces. The citizen was granted asylum in another country in January.

Conditions at the Long Island prison, the only such facility in the country, remained Spartan. With approximately 166 inmates, the prison was considered overcrowded; approximately 32 prisoners were released during the last 3 months of the year to alleviate overcrowding. Prisoners have access to medical care. Family members were allowed monthly visits, and prisoners have access to reading but not writing materials. Men are held separately from women, and juveniles are held separately from adults. There were no reports of abuse of women or juveniles by guards or other inmates.

There is no regular system of independent monitoring of prisons; however, local and international nongovernmental organizations (NGO's) were allowed to visit. At least one visit was conducted during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides that persons arrested must be brought before a magistrate within 24 hours with allowances made for boat travel from distant islands. The law provides for detention without charge for up to 7 days if authorized by court order. Defense attorneys assert that extended periods of detention under harsh conditions are used to extort confessions from suspects. In some instances, the police continued to detain individuals on a Friday or Saturday in order to allow for a longer period of detention without charge, thereby avoiding compliance with the Constitution's 24-hour "charge or release" provision. The police released such persons on a Monday before the court could rule on a writ of habeas corpus.

Detainees have the right of access to legal counsel, but security forces, in hopes of eliciting a confession or other information, sometimes withhold this right. Free counsel is provided to the indigent. Bail is available for most offenses.

Several persons have brought civil cases against the police for unlawful arrest or entry, with limited success. The military's Chief of Staff was subpoenaed in November 1998 to appear in court to answer charges of contempt of the Supreme Court concerning the continued illegal detention of a man who had been ordered released by the court. This case and several others, involving claims for damages related to illegal detention and torture, were settled out of court during the year (see Section 1.c.).

The law prohibits forced exile, and the Government does not employ it. Following the 1977 coup, a number of persons went into voluntary exile, and others were released from prison with the condition that they leave the country immediately. A number of these former exiles who returned to the country were able to reacquire their property; however, several claims remained in the court system at year's end.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, it is inefficient, lacks resources, and is subject to executive interference.

The judicial system includes magistrates' courts, the Supreme Court, the Constitutional Court, and the Court of Appeal.

Depending on the gravity of the offense, criminal cases are heard by magistrates' court or the Supreme Court. A jury is used in cases involving murder or treason. Trials are public, and the accused is considered innocent until proven guilty. Defendants have the right to counsel, to be present at their trial, to confront witnesses, and to appeal. The Constitutional Court convenes weekly or as necessary to consider constitutional issues only. The Court of Appeal convenes three times per year for 2 weeks in April, August, and October to consider appeals from the Supreme Court and Constitutional Court only.

Defendants generally have the right to a fair trial. All judges are appointed for 7 years and can be reappointed by the President on the recommendation of the Constitutional Appointment Committee. All sitting judges were hired from other Commonwealth countries, including Mauritius, India, Sri Lanka, Nigeria, and Zambia; none are citizens, with the exception of the Chief Justice, who is a naturalized citizen. The Seychelles Bar Association has criticized the Government for not advertising domestically that judicial positions are available, since 30 citizens practice law either domestically or abroad. Some observers criticized expatriate judges for a perceived lack of sensitivity on issues such as human rights. Legal organs of the

Government, such as the Attorney General's Office and the Ombudsman, are reluctant to pursue charges of wrongdoing or abuse of power against senior officials.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right to privacy and freedom from arbitrary searches. The law requires a warrant for police searches, and the authorities generally respected this requirement in practice. While in 1998 soldiers reportedly forcibly entered homes, and seized and detained citizens, no such incidents were reported during the year. The law requires that all electronic surveillance be justified on the grounds of preventing a serious crime and be approved by a judge. The Government maintained telephone surveillance of some political figures.

Some members of opposition parties claimed that they lost their government jobs because of their political beliefs and are at a disadvantage when applying for government licenses and loans.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, it also provides for restrictions on speech "for protecting the reputation, rights, and freedoms of private lives of persons" and "in the interest of defense, public safety, public order, public morality, or public health," and as a result both freedom of speech and of the press are constrained by the ease with which civil lawsuits can be filed to penalize journalists for alleged libel. In February the National Assembly passed the Broadcasting and Telecommunication Bill, which allows the Minister of Information Technology to prohibit the broadcast of any material believed to be against the "national interest" or "objectionable;" however, the bill was not used against journalists or the media during the year. The legislation also requires telecommunications companies to submit subscriber information to the Government. In most instances, citizens speak freely, including in Parliament.

The Government has a near monopoly in the media, owning the only television and radio stations, the most important means for reaching the public, and the only daily newspaper, the Nation. The official media adhere closely to the Government's position on policy issues and give the opposition and news adverse to the Government only limited attention. While both opposition parties publish an assortment of newsletters and magazines, only one significant opposition newspaper, the weekly Regar, is in circulation. Government officials have sued Regar for libel nine times in the last 5 years. The most recent suit, in which the Minister of Agriculture and Marine Resources sued Regar in 1999 for taking pictures of the house he was constructing, was settled out of court in October. The Minister dropped the suit in exchange for Regar's agreement not to publish the photos.

In January the Government sued Regar's editor and publisher for contempt for failing to turn over to authorities a letter published by the paper. Regar officials argued that providing officials with the letter would violate their right to keep sources confidential. The Supreme Court dismissed the charge in April; however, the Attorney General's office sought a court order to obtain a copy of the letter. In August a judge ruled that the matter would be heard in the Constitutional Court; however, by year's end, no action had been taken.

In February 1999, the National Assembly again rejected a motion presented by the leader of the opposition to reduce the license fee for a private radio or television station from $151,200 (SR 800,000) per year to that of a newspaper publishing license, $760 (SR 4,000) plus a bank guarantee of $19,000 (SR 100,000). The motion was refused. The high fees were a deterrent to the establishment of private radio and television.

In November 1999, the opposition party filed suit with the Constitutional Court and claimed that the appointment of 8 civil servants and the President's wife to the 10-member board of the Seychelles Broadcasting Corporation (SBC) violated the constitutional requirement that state-owned media be managed by a body independent of the government. In August the court agreed to hear the case; however, no decision was reached by year's end.

The Internet was available in the country, and the Government permitted access to it without restriction.

Academic freedom is limited due to the fact that one cannot reach senior positions in the academic bureaucracy without demonstrating at least nominal loyalty to the SPPF. There are no universities; secondary school teacher appointments largely are apolitical. The Government controls access to the Polytechnic, the most advanced learning institution.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly and association, and the Government respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respected this right in practice.

The Government has not demonstrated favoritism toward one religion over another in the past, but in May the opposition Seychelles National Party (SNP), which is led by an Anglican minister, claimed that the Government gave a grant of $164,000 (SR 900,000) to the Baha'i faith in 1999, following its incorporation. According to the SNP, this grant has not been offered to other faiths that have been established recently in the country. The Government has not responded to the SNP's claim.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement, and there was no known abridgment of domestic or international travel; however, although it was not used to refuse a passport application, the 1991 Passport Act allows the Government to deny passports to any citizen if the Minister of Defense finds that such denial is "in the national interest." While the resident departure tax of $95 (SR 500) is payable in local currency, government foreign exchange regulations and the foreign exchange shortage hinder many citizens from being able to afford foreign travel, although they might have sufficient means in local currency. According to a law in effect since May 1999, citizens cannot possess any foreign exchange unless in possession of a receipt from a licensed foreign exchange vendor. In addition banks provided only $95 (SR 500) to a maximum $200 (SR 1,146) to those departing the country because of the extreme foreign exchange shortage.

The law contains provisions for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. As there have been no recent refugee cases, there were no reports of government cooperation with the UNHCR; however, there are no indications that the Government would not cooperate.

There were no known requests for asylum, and there are no refugees in the country. The issue of first asylum did not arise during the year. The Immigration Act does not discuss asylum. There are no known instances of persons being forcibly deported to a country where they feared persecution.

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

Citizens exercised the right to change their government in the 1993 and 1998 National Assembly and presidential elections, which were judged by international and national observers to have been free and fair, despite the fact that President Rene and the SPPF dominated the elections. Suffrage is universal.

A joint Commonwealth and Francophone observer group for the 1998 elections noted that the elections took place on a more level playing field than in 1993. The group's principal criticism was that the Government adopted a program of accelerated means-testing for social benefits during the final week of the campaign and approved a number of new applications in an attempt to increase political support. The group urged an improvement in the effective separation of state and party political functions.

The President's SPPF party continued to utilize its political resources and those of the Government to develop a nationwide organization that extends to the village level. The opposition parties have been unable to match the SPPF's organization and patronage, in part because of financial limitations. In 1999 the Government substantially reduced funding for political parties in the budget, from $1.8 million (SR 9.5 million) per year to $95,000 (SR 500,000). In this year's budget, the SPPF was allocated $54,202 (SR 308,952), the Seychelles National Party (SNP) $22,889 (SR 130,470), and the Democratic Party $10,628 (SR 60,578).

In the March 1998 parliamentary elections, the SNP—then known as the United Opposition—won one directly elected seat and two proportionally elected seats, thereby becoming the leading opposition party. Former Prime Minister James Mancham's Democratic Party won only one proportional seat, and Mancham lost the role of leader of the opposition to the SNP's Wavel Ramkalawan. Ramkalawan has played effectively the role of chief government critic as leader of the opposition.

In May the National Assembly amended the Constitution to allow the President to call presidential elections separately from National Assembly elections at any time after the first year of his 5-year term in office.

There are no legal restrictions on the participation of women in politics; however, women are underrepresented in government and politics. Women hold 3 of the 12 ministerial positions and 8 of the 34 seats in the National Assembly, 6 by direct election and 2 by proportional election. There are no legal restrictions on the participation of minority groups in politics; however, they are underrepresented. All members of the Cabinet are members of the SPPF.

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

Two private human rights related organizations, the first of their kind in the country, were launched in December 1998. The Friends for a Democratic Society pledged to focus on raising awareness of individual rights in a democracy, but has thus far proved to be an inactive organization. In April 1999, the Center for Rights and Development (CEFRAD) published a 5-year action plan that stresses respect for human rights, participation in a civil society, and sensible approaches to development. CEFRAD also established ties with other national and international NGO's. Historically, both the churches and some NGO's have been strong voices for human rights and democratization, and the Government has not interfered with their activities. There were no known requests by international human rights groups to visit the country.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution affirms the right to be free from all types of discrimination, but it does not prohibit discrimination based on these factors specifically. Nevertheless, in practice there is no overt discrimination in housing, employment, education, or other social services based on race, sex, ethnicity, nationality, or religious identification.

Women.—Violence against women, particularly wife beating, remains a problem and increased during the year. Police seldom intervene in domestic disputes, unless the dispute involves a weapon or major assault. The few cases that reach a prosecutor often are dismissed, or, if a case reaches court, the perpetrator usually is given only a light sentence. Rape, spousal rape, and domestic abuse are criminal offenses. As of September 30, the Probation Services recorded 100 domestic violence cases against women, an increase from the previous year. A survey of six church parishes conducted in 1999 by the Association for the Promotion of Solid Humane Families, an NGO, revealed that 25 percent of those surveyed stated that they have been victims of domestic violence, confirming the general belief that the problem is more widespread than official statistics indicate. Participants in the NGO survey stated that alcohol was one of the main causes of domestic violence. There was growing societal concern about domestic violence and increased recognition of the need to address it. During the year, local NGO's sponsored awareness campaigns and training programs for women and girls.

The society is largely matriarchal, with 75 percent of births out-of-wedlock in 1998. There were no reports of societal discrimination against unwed mothers, and fathers are required by law to support their children. The age of consent was lowered from 16 to 14 in 1993, and 13 percent of all births in 1998 occurred to women under 20 years of age. Girls are not allowed to attend school when they are pregnant, and many do not return to school after the birth of a child. There is no officially sanctioned discrimination in employment, and women are well-represented in business. Inheritance laws do not discriminate against women.

Children.—Children have legal protection from labor and physical abuse, and they are required to attend school. Free public education is available through the secondary level until age 18. Since January 1999, parents contributed up to two-thirds of the cost of postsecondary education and training based on their income for both in country and overseas schools. Children are encouraged to attend school to the tenth grade. According to government figures, all children between the ages of 6 and 16 attend school, and the enrollment of boys and girls is roughly equal. In 1995 the Government created an institutional framework for aiding children, and, in 1998, the National Assembly established an 18-member family tribunal to hear and determine all matters relating to the care, custody, access, and maintenance of children; only paternity cases remain under the courts. The tribunal became operational in November 1998 after the Minister of Employment and Social Affairs appointed the members. During the year, 2,461 cases were presented to the tribunal. Of these 95 dealt with child abuse; the tribunal started hearing child abuse cases in May.

Sexual abuse of young girls, usually in low-income families, is a serious problem. Although only 20 cases of sexual abuse were reported as of October, Ministry of Health data and press reports indicate that there are a significant number of rapes committed against girls under the age of 15. Very few child abuse cases actually are prosecuted in court. The strongest public advocate for young victims is not the Government but a semiautonomous agency, the National Council for Children. There is criticism that the police fail to investigate vigorously charges of child abuse.

There were no reports of child prostitution or child pornography.

People with Disabilities.—The Government does not discriminate against persons with disabilities in housing, jobs, or education; however, there is no legislation providing for access to public buildings, transportation, or government services.

National/Racial/Ethnic Minorities.—The education gap between Creoles and citizens of white or Asian origin continued to narrow. The Government is attempting to reduce this gap through universal access to public education. Creoles are well-integrated into society, business, and politics.

Section 6. Worker Rights

a. The Right of Association.—Under the 1993 Industrial Relations Act (IRA), workers have the right to form and join unions of their choosing. Police, military, prison, and fire-fighting personnel may not unionize. Under the act, the former government-controlled union, the National Workers Union, lost its monopoly position. Between 15 and 20 percent of the workforce is unionized.

There are two unions: One dominated by the SPPF, the Seychelles Federation of Workers Union (SFWU), and one independent, the Seychelles Workers Union (SWU). Another independent union, the Public Service Union, was disbanded in 1997 after repeated discrimination against the union's office holders, according to one independent unionist. An attempt in 1999 to organize an independent union incorporating employees from both governmental ministries and government-owned entities was thwarted by government legal action in the same year.

Workers are not permitted to strike.

Unions can affiliate freely with international bodies. While the Government did not invite the SWU to join the delegation attending the 1999 annual meeting of the International Labor Organization (ILO), the SWU participated with the SFWU in an ILO seminar held in June.

b. The Right to Organize and Bargain Collectively.—The IRA provides workers with the right to engage in collective bargaining; however, in practice free collective bargaining normally does not take place. The Government has the right to review and approve all collective bargaining agreements in the public and private sectors. There is little flexibility in setting wages. In the public sector, which employs 57 percent of the labor force, the Government sets mandatory wage scales for employees. Wages in the private sector generally are set by the employer in individual agreements with the employee, but in the few larger businesses, wage scales are subject to the Government's right of review and approval. Private employers historically have paid higher wages than the Government in order to attract qualified workers. However, economic problems during the year led to continued downward pressures on wages.

The 1987 and 1995 Employment Acts constitute the basic labor law. They authorize the Ministry of Employment and Social Affairs to establish and enforce employment terms, conditions, and benefits. Workers frequently have obtained recourse against their employers through the ministry.

While the law prohibits antiunion discrimination by employers against union members, there was widespread discrimination against the members of the independent public sector union, the Public Service Union, before it was disbanded in 1997.

There are 20 companies that participate in an export processing zone known as the Seychelles International Zone (SITZ). The SITZ is bound only by the Seychelles Trade Zone Act and is not obliged to adhere to property, tax, business, immigration, and labor laws, including the Employment Act. In 1999 one of the companies based in the SITZ, Indian Ocean Tuna (IOT), discharged workers who had come from Madagascar. IOT claimed that the workers were engaging in prostitution, and they were returned to Madagascar. The workers alleged that they were being mistreated and were not receiving their salaries.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, and it is not known to exist. Following its ratification of ILO Convention 182 on the worst forms of child labor, the Government considered forced or bonded labor by children to be illegal. There have been no reports of forced or bonded labor by children.

d. Status of Child Labor Practices and Minimum Age for Employment.—Article 31 of the Constitution states that the minimum age for employment is 15, "subject to exceptions for children who are employed part time in light work prescribed by law without harm to their health, morals, or education." It is a criminal offense punishable by a fine of $1,130 (SR 6,000) to employ a child under the age of 15.

Children are encouraged to attend school until the 10th grade. The National Youth Service was disbanded in January 1999 and replaced with a noncompulsory fifth year of secondary school. After completing secondary school, students can go to the Polytechnic School for Vocational Training, abroad for university studies, or

to apprenticeship or short-term work programs. Children in the latter program receive a training stipend, which is below the minimum wage. The Government enforces child labor laws through inspections by the Ministry of Employment and Social Affairs.

On September 28, the Government ratified ILO Convention 182 on the worst forms of child labor. The Ministry of Employment and Social Services was responsible for investigating abuses of child labor. The Ministry reported that it handled such complaints within its general budget and staffing; however, at year's end, there was no information on the number of cases investigated.

Following ratification of ILO Convention 182, the Government prohibited forced and bonded labor by children, and such practices are not known to occur.

e. Acceptable Conditions of Work.—The complicated minimum wage scale is regulated administratively by the Government; it covers the public and state-owned sectors and differentiates among various job classifications. The Ministry of Employment and Social Affairs enforces minimum wage regulations. The official minimum wage is $360 (SR 1,900) per month. Trade unions contend that government entities pay some workers less than the legal minimum wage. Even with the free public services that are available, primarily health care and education, independent labor unions dispute that a single salary at the low end of the pay scale provides a worker and family with a minimum decent standard of living.

In recent years, there has been a growing trend in government policy to admit foreign workers, primarily from China, India, the Philippines, and Madagascar, to work in the construction and commercial fishing sectors, because few citizens choose to work in these sectors. Although it is difficult to determine the living and working conditions of these workers, there is evidence that the labor laws are flouted routinely with the Government's knowledge and acquiescence. These workers are paid lower wages and forced to work longer hours than citizens.

In March about 100 Indian construction workers stopped working to protest their inability to send their earnings home to their families. Most of the workers were employed by a government-affiliated construction company, which reportedly agreed to permit the workers to repatriate most of their earnings; however, the workers claimed that they were allowed to repatriate less than a third of their salaries and only if they worked 7 days a week. In April half of the workers returned to India after authorities informed them that their contracts had expired. The remaining workers also returned to India in April when it became clear that their demands would not be met.

The legal maximum workweek varies from 45 to 52 hours, depending on the economic sector, while government employees work shorter hours. Each full-time worker is entitled to a half-hour break per day and a minimum of 21 days of paid annual leave. Workers are permitted to work overtime up to 60 additional hours per month. The Government generally enforces these regulations. Foreign workers do not enjoy the same legal protections.

The Government issued comprehensive occupational health and safety regulations in 1991. The Ministry of Employment and Social Affairs has formal responsibility for enforcing these regulations; however, the Ministry of Health seeks a role in this area. An ILO team, which visited in early 1995, found serious deficiencies in the management and effectiveness of government monitoring and enforcement efforts. Occupational injuries are most common in the construction, marine, and port industries. A worker who removes himself from a potentially dangerous situation on the job is considered to have resigned. Safety and health inspectors rarely visit job sites. Two work-related deaths were reported officially during the year.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, through, or within the country.

SIERRA LEONE

Sierra Leone is a constitutional republic with a directly elected president and a unicameral legislature; however, due to continuing civil conflict, the democratically elected government did not control the whole country effectively at any time during the year. This situation continued despite a cease-fire that went into effect on May 24, 1999, and the July 7, 1999 signing of a peace accord by the Government and insurgents led by the Revolutionary United Front (RUF), who have fought successive governments since 1991. The President's party, the Sierra Leone People's Party, has held a majority in the Parliament since the 1996 elections. In May 1997, a group of army officers, which called itself the Armed Forces Revolutionary Council

(AFRC), overthrew the elected government in a coup, driving it into exile in Guinea. The AFRC then invited the RUF to join the junta. The RUF/AFRC junta then was driven out of Freetown by forces of the Economic Organization of West African States (ECOWAS) Monitoring Group (ECOMOG), composed mainly of units from the armed forces of Nigeria, in February 1998. The Government was restored to power in March 1998, but fighting between government and rebels continued. Government-insurgent fighting, albeit on a significantly reduced scale, continued after the July 1999 Lome Accord, which included the RUF in a power-sharing arrangement in the Government. Following the signing of the Lome Agreement, many RUF leaders and fighters moved into Freetown.

In 1999 the U.N. Security Council approved a peacekeeping operation, the U.N. Mission in Sierra Leone (UNAMSIL), and approved strength increases several times during the year. ECOMOG completely withdrew its forces from the country in April. During the year, there were several armed clashes between government forces and rebel forces, including the RUF. In the first half of the year, tensions rose between the Government and the RUF, and in a series of separate incidents in a 10-day period from late April to early May, more than 700 U.N. peacekeepers were taken hostage by RUF rebels. Some peacekeepers were killed in these incidents and at other times during the year. In May RUF leader Foday Sankoh was arrested after demonstrators were killed outside of his residence, and he remained in government custody at year's end. In November the Government and the RUF signed the Abuja Agreement, which included a 30-day cease-fire that largely still was being observed at year's end; however, the RUF did not respect other terms agreed to in the Abuja Agreement, including disarming and allowing peacekeepers into the part of the country under their control. At year's end, the RUF still controlled almost two-thirds of the country. The disarmament, demobilization, and reintegration program called for in the Lome Accord includes provisions to protect the human rights of the former combatants. Prior to May, nearly 25,000 ex-combatants of an estimated 45,000 had disarmed and entered the demobilization process. With the de facto withdrawal by the RUF from observance of the Lome Accord in May, many of the demobilized combatants rearmed and rejoined either the RUF or the West Side Boys, a splinter group of the ex-SLA. The officially independent judiciary functioned only in part of the country but demonstrated substantial independence in practice.

Among the Government's security forces, the police officially had primary responsibility for internal order; however, due to the continuing insurgency, the Sierra Leone Army (SLA), the Civil Defense Forces (CDF), and ECOMOG shared de facto responsibility with the police in security matters until the April withdrawal of ECOMOG troops from the country when UNAMSIL assumed responsibility. The CDF were traditional hunting societies loyal to paramount chiefs—traditional leaders with administrative and judicial powers—which formed into independent militias under a national structure. The Armed Forces Revolutionary Council (AFRC), which staged a 1997 military coup, no longer exists. During the year, SLA units were reorganized and began undergoing a training program provided with the assistance of a foreign government; the program was ongoing at year's end. While government, ECOMOG, and UNAMSIL forces committed serious human rights abuses, the incidences of abuses were significantly less than during the previous year.

Sierra Leone is an extremely poor country, with a market-based economy and a per capita income of less than $150 per year. Only an estimated 15 percent of adults are literate. Although the country is rich in natural resources and minerals (particularly diamonds, gold, rutile, and bauxite) and has large areas of fertile land suitable for farming, the 9-year insurgency brought mineral extraction and agricultural production almost to a standstill, except for illicit diamond mining. There is little manufacturing, and there are few exports; approximately 70 percent of the Government's budget comes from foreign assistance. Years of fighting, corruption, and mismanagement have resulted in a crumbling infrastructure.

The Government's human rights record was poor in several areas; while there were significant improvements in some areas, serious problems remained. Poorly trained or poorly led members of government forces and international forces committed most serious abuses. There were reports that government and ECOMOG forces operating in support of the Government committed extrajudicial killings and reportedly summarily executed suspected rebels and their collaborators. Government, ECOMOG, and UNAMSIL forces at times beat noncombatants; however, there were fewer reports of human rights violations involving the SLA in the latter half of the year due to training and reorganization. Prison and jail conditions remained harsh and sometimes life threatening. Government and ECOMOG forces continued to occasionally arrest and detain persons arbitrarily. Prolonged detention and long delays in trials, due to the inability of the judicial system to function in some parts of the country and during some parts of the year, remained problems.

Government security forces on a few occasions harassed, arrested, and beat some journalists and used libel laws against journalists; however, the Government took significant steps to end the restrictions on press freedom from the previous year. Violence and discrimination against women and prostitution remained problems. CDF units continued to induct child soldiers. Female genital mutilation continued to be a widespread practice. Discrimination against ethnic minorities persists. There was some forced labor in rural areas. Child labor persists.

During the year, an ex-SLA splinter group called the West Side Boys and RUF rebels committed numerous serious abuses, including killings, abductions, deliberate mutilations, and rape. Rebel forces abducted civilians, missionaries, aid workers from nongovernmental agencies, and U.N. personnel; ambushed humanitarian relief convoys; raided refugee sites; and extorted and stole food. The RUF forces continued the longstanding practice of abducting villagers (including women and children) and using them as forced laborers, child soldiers, and sex slaves. Rebel atrocities prompted the internal displacement of hundreds of thousands of civilians over the past several years; however, such displacement was reduced significantly during the year. As many as half a million persons fled in past years to neighboring countries to escape the civil conflict and remained outside the country on their own or in refugee camps, primarily in Guinea and Liberia.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were reports that both government forces and ECOMOG forces operating in support of the Government committed extrajudicial killings. There were reports in the first half of the year that both SLA and CDF forces summarily executed suspected rebels and rebel collaborators; however, because of the insecurity in most of the country, it was difficult to gather detailed information on abuses or to corroborate reports. There also were reports in the first quarter of the year that ECOMOG soldiers summarily executed suspected rebels. There were no reports of extrajudicial killings after July by the newly trained and reorganized SLA units or CDF forces.

There is credible evidence that on several occasions throughout the year a government helicopter gunship fired on possible RUF positions within urban areas, including one market area, causing many civilian deaths (see Sections 1.g. and 2.d.). For example, there were reports that on July 9, the SLA attacked suspected rebel positions in Bunumbu with a gunship and killed a number of civilians, along with several RUF rebels. In attacks in May and June, there were reports that a gunship killed 27 persons and wounded 50 persons in the towns of Makeni, Magburaka, and Kambia.

On July 17, there was an unconfirmed report that CDF soldiers executed a RUF fighter who allegedly had been trying to surrender.

There were reports that ECOMOG soldiers committed human rights abuses, including killings, during the first quarter of the year. In January an ECOMOG soldier reportedly stabbed a civilian in a market without provocation; the man later died from his injuries. On April 28, ECOMOG personnel shot and killed one exSLA soldier and wounded another during an argument over a stolen vehicle; a riot ensued, and several persons were injured.

There were credible reports that the RUF and ex-SLA rebels committed a substantial number of summary executions of civilians in rebelheld areas throughout the country. However, because of the insecurity, access to rebel areas has been difficult, and in most cases the identities of the victims were difficult to establish. There were credible reports of persons being tortured or killed for attempting to flee RUF-occupied areas (see Section 2.d.).

On May 8, RUF rebels shot and killed at least 20 demonstrators outside of Foday Sankoh's residence in Freetown, including a journalist, and injured at least 80 others (see Sections 2.a. and 2.b.).

In a series of separate incidents in a 10-day period from late April to early May, more than 700 U.N. peacekeepers were taken hostage by RUF rebels. Some peacekeepers were killed in these incidents and at other times during the year.

On May 25, RUF rebels shot and killed two journalists, Kurt Schork of Reuters and Miguel Gil Moreno of Associated Press Television Network and injured two others during an attack on a SLA patrol. There were reports that on June 15, rebels attacked Port Loko; reportedly there were 15 casualties, and 10 rebels were captured. In August there were unconfirmed reports that suspected RUF rebels killed 9 civilians and abducted 15 others in an attack on the village of Folloh.

Some victims of rebel kidnap attempts also were killed (see Section 1.b.).

There were unconfirmed reports that RUF rebels also summarily executed other RUF rebels. For example, on February 4, RUF rebels stopped UNAMSIL vehicles and relieved the soldiers of their weapons. There were unconfirmed reports that the rebels may have been executed by other RUF rebels for disobeying orders not to interfere with UNAMSIL vehicles.

Over the course of the decade-long conflict, rebel mutilations caused hundreds if not thousands of deaths; however, there were fewer reports of mutilations during the year.

At the beginning of November, the Guinean army bombed several villages in the northern part of the country in a bombing campaign against rebels from Sierra Leone and Liberia. In December Guinean troops attacked Rosint village in the northern part of the country, killed several civilians, abducted over 50 persons, and burned over 30 houses.

b. Disappearance.—The RUF and West Side Boys continued to detain illegally individuals as part of a wide-scale harassment and terror campaign against the civilian population in certain areas of the country where they operated. Ex-SLA and RUF forces also continued the longstanding practice of kidnaping children, women, and men and compelling them to work as slave labor (see Sections 5, 6.c., and 6.f.). Women also were forced to act as sexual slaves. Unlike in the previous year, there were no confirmed reports that rebels kidnaped persons to use them as shields to prevent government attacks. The United Nations estimates that rebel forces abducted some 20,000 persons throughout the country during the 1991-1999 period. Only about 1,400 of them have been released and have gone through a formal reintegration process; most of those released were children. Many others have escaped, but the U.N. believes that many of those abducted still remain prisoners despite the Lome Accord's directive that all captives and prisoners of war be released.

On January 18, RUF rebels abducted a group of four aid workers from CARITAS and their driver, held them for several hours, and accused them of being spies. On January 31, armed rebels detained some UNAMSIL soldiers for several hours and relieved them of their weapons. There were reports that in February rebels attacked a bus near Masiaka and abducted 11 persons. On March 7, RUF rebels abducted five humanitarian workers but released them the following day.

In a series of separate incidents in a 10-day period from late April to early May, more than 700 U.N. peacekeepers were taken hostage by RUF rebels. Some peacekeepers were killed in these incidents. By August 1, all of the peacekeepers had been rescued or released.

On July 24, West Side Boys rebels reportedly abducted 18 passengers during a bus attack. At the end of July, the West Side Boys attacked a group of foreign workers and detained one person. On August 25, the West Side Boys abducted 11 foreign soldiers and 1 SLA officer. Five soldiers were released several days later; the remaining hostages were rescued during a mission that resulted in the death of a British paratrooper, injuries to 11 foreign soldiers, the deaths of 25 rebels, and the capture of 18 other rebels. In August there were unconfirmed reports that suspected RUF rebels killed 9 civilians and abducted 15 others in an attack on the village of Folloh.

There were reports that at the beginning of June, pro-government militiamen released approximately 140 children, many of whom were ex-soldiers, to the U.N. Children's Fund.

According to the U.N. Children's Fund, as of December approximately 4,000 children registered as missing during the war had yet to be located. Rebels released a number of child soldiers during the year. For example, in January ex-SLA rebels released approximately 150 children.

In addition to demanding ransom payments for civilians they abducted, in past years, rebel forces targeted Roman Catholic priests and nuns, largely on the assumption that the Church would pay ransom for their return and because troops from ECOMOG used their missionary radio network in support of the Government (see Section 2.c.).

There were reports that Guinean troops abducted persons from Sierra Leone after attacks by RUF and Guinean dissidents.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, there were credible reports that government entities, including the SLA, the CDF, and ECOMOG forces occasionally tortured, beat, and otherwise abused noncombatants suspected of being rebels. According to human rights observers, the conduct of the SLA improved during the second half of the year after training and reorganization.

There were reports that attacks during the year by a government helicopter gunship on possible RUF positions in urban areas caused civilian and rebel injuries and deaths (see Section 1.a.). For example, there were reports that in attacks in

May and June, a gunship killed 27 persons and wounded 50 persons in the towns of Makeni, Magburaka, and Kambia.

Reports of abuses by the CDF continued to rise throughout the year. There was an increase in the number of rapes committed by CDF forces, which in past years reportedly had not engaged in rape. For example, in July some CDF members raped three women that they accused of transporting goods to rebel-held areas. There were reports that on October 10, four CDF members beat and detained a journalist and released him after 2 days (see Section 2.a.).

There were reports that CDF forces manned roadblocks and bridges and routinely extorted large sums of money from travelers. Drivers often were subjected to abuse, including beatings, when they were unable to pay. For example, Human Rights Watch (HRW) reported that on August 15, CDF forces severely beat two truck drivers and detained one of them for several hours because they could not produce the requested bribe.

On April 28, ECOMOG personnel killed one exSLA soldier and wounded another during an argument over a stolen vehicle; a riot ensued, and several persons were injured (see Section 1.a.).

There were reports that UNAMSIL soldiers committed human rights abuses against suspected rebels in May. An investigation was ordered by UNAMSIL; however, no further information was available by year's end.

On May 17, British paratroopers reportedly injured at least one civilian during a confrontation with RUF rebels at Lungi Lo.

On February 4, ex-SLA rebels allegedly became angry after not receiving the payment promised to them for disarming and began throwing stones at vehicles. The rebels robbed several passengers and pulled at least one person from a vehicle and beat him.

RUF and ex-SLA combatants such as the West Side Boys also committed numerous abuses against civilians during the year. On February 24, foreign observers visited 15 RUF combatants who were being held by their RUF colleagues for having tried to join the disarmament process and who were severely beaten. On March 8, rebels abducted Aaron Kargbo and Aruna Sherrif, both Adventist Development and Relief Agency staff members, and left them in critical condition on the side of a road. In a series of separate incidents in a 10-day period from late April to early May, more than 700 U.N. peacekeepers were taken hostage by RUF rebels. Some peacekeepers were killed in these incidents. On May 8, RUF rebels injured at least 80 demonstrators outside of Foday Sankoh's residence in Freetown and killed at least 20 others (see Sections 2.a. and 2.b.). On July 24, the West Side Boys attacked a bus, injuring three passengers.

RUF forces and ex-SLA combatants such as the West Side Boys continued to use rape as a terror tactic against women. There were many credible reports of gang rapes and that groups of women were raped.

During the year, although there were fewer reports of deliberate mutilation, including the chopping off of hands, arms, ears, and legs; attempted and successful decapitations; and severe cuts with machetes by the RUF, there was no indication that the practice was discontinued completely. U.N. officials and humanitarian organizations estimated that hundreds if not thousands of individuals, including children, had one or both limbs amputated over the decade-long conflict. During the overall course of the conflict, it has been estimated that for every one of those wounded who eventually succeeded in securing medical aid, at least three or four died en route from their wounds, shock, the hazards of the journey, or from lack of adequate medical assistance. There were credible reports that the RUF continued the practice of carving the initials "RUF" into the skin of civilians it abducted.

There were reports of injuries sustained in RUF-held areas that were attributed to landmines; however, observers believe that they were caused by unexploded ordnances.

On October 7, there were reports that relatives of the Minister of Transport and Communication beat a journalist, Mustapha Bai Attila (see Section 2.a.). No police or judicial action was taken against the individuals.

Prison and police lockup facilities conditions generally are harsh; at best they are Spartan, and at worst life threatening. The Pademba Road maximum security prison, which was designed for 325 prisoners, routinely houses hundreds more. Diet and medical care were inadequate, and only a handful of toilets were available for use. Male and female quarters were separate. Adults and juveniles were incarcerated together; however, there were no reports of the abuse of juveniles in prison. Convicted felons, those in the middle of the judicial process, and those who had not yet been charged formally also were incarcerated together. Other prison facilities were equally rudimentary, and conditions in the holding cells in police offices were extremely poor.

The Government generally has permitted prison visits; however, the Government did not allow the International Committee for the Red Cross (ICRC), U.N. human rights officials, and other observers to visit the prisons, assess conditions, and see inmates between May and August. UNAMSIL human rights officials were permitted to visit Pademba Road Prison in August; during their visit they found 30 minors, 13 of whom were suspected RUF child combatants, incarcerated with adults. The ICRC declined to visit Pademba Road Prison because the Government would not accept ICRC conditions, including private visits with prisoners.

d. Arbitrary Arrest, Detention or Exile.—Government and ECOMOG forces continued at times to arrest and detain persons arbitrarily. Although the Constitution and the law provide for a speedy trial, in practice the lack of judicial officers and facilities often produced long delays in the judicial process. Due to the civil conflict, the judicial system did not function in some parts of the country at any time during the year and functioned in other parts of the country only during part of the year. Many criminal suspects were held for months before their cases were examined or formal charges were filed.

In May officers from the Criminal Investigation Department arrested editor Abdul Kouyateh for endangering state security by requesting an interview with Foday Sankoh; he was released on October 11 (see Section 2.a.).

The CDF, which does not have arrest and detention authorities, in particular was criticized for having arrested and detained prisoners. On August 15, HRW reported that CDF forces severely beat two truck drivers and detained one of them for several hours because they could not produce the requested bribe. On October 10, four CDF members beat and abducted a journalist after he published an article about the Kamajors, one of the ethnic groups in the CDF, and the SLA, but released him after 2 days.

There were credible reports that ECOMOG forces detained civilians fleeing rebel-held territory and subjected them to harsh treatment in the belief they were rebel collaborators (see Section 1.c.).

It was reported that a large number of RUF rebels were held in detention without charge throughout the country. Over a hundred suspected RUF in detention were released in August; however, many others still were believed to be held, including suspected child combatants (see Section 1.d.). For example, on April 8, there was a skirmish between RUF rebels and UNAMSIL, and there were reports that at least one RUF member was detained. At the end of July, 23 suspected RUF women and girls were arrested and detained at the Lungi police station.

As of December 1, 568 persons were detained in Pademba Road Prison, including 22 women and 13 children. A total of 291 persons, mostly RUF members and supporters of other armed groups, remained in detention without charge at year's end under emergency powers declared by the Government. Reportedly these detainees have been held incommunicado, have not been informed of their legal status, and do not have access to legal advice.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice; however, the judiciary functioned only in part of the country, but demonstrated substantial independence in practice when it did function.

The judicial system consists of the Supreme Court, appeals courts, and a high court whose justices are chosen by the Head of State. Local courts administer traditional law with lay judges; appeals from these lower courts move to the superior courts.

Although there often are lengthy delays between arrests, the impositions of charges, and judicial proceedings, trials are usually free and fair; however, there is evidence that corruption has influenced some cases. Traditional justice systems continued to supplement the central government judiciary extensively in cases involving family law, inheritance, and land tenure, especially in rural areas.

The right of appeal from a court-martial to the Court of Appeal was deleted from the Armed Forces Act of 1961 by the Royal Sierra Leone Military Forces Act of 1971; however, in July Parliament approved the Armed Forces of the Republic of Sierra Leone (Amendment) Act, which reinstated the right of members of the armed forces to appeal a sentence handed by a court-martial to the Court of Appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution and law prohibit such practices, and government authorities generally respected these prohibitions.

Throughout the year, there were numerous instances in which rebel forces invaded, looted, and destroyed private property and terrorized civilians (see Sections 1.a. and 1.b.).

The kidnaping and forced conscription of children into rebel forces were serious problems (see Sections 1.b., 5, 6.c., and 6.f.). For years rebels have kidnaped young boys and girls to augment their forces and at times forced them to abduct other children. Frequently commanders also had boys act as bodyguards. The RUF utilized "Small Boy Units" (SBU's) and "Small Girl Units" (SGU's), which served in combat.

There were reports that Guinean troops destroyed private property and burned homes (see Section 1.a.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—There were reports that Government, UNAMSIL, and ECOMOG troops, which continued to perform a peacekeeping role in the country until April, committed some human rights abuses against RUF collaborators and suspected rebels. There were reports that a government helicopter gunship reportedly fired on possible RUF positions within urban areas, causing rebel and civilian casualties and contributing to the displacement of some of the population from RUF-held areas (see Section 1.a.).

The CDF continued to accept, train, and induct children into its ranks despite having pledged in June 1999 to stop the practice.

RUF rebel forces and West Side Boys routinely committed numerous serious abuses, and sought to coerce, intimidate, and terrorize those who either refused to cooperate with them or supported the Government. While these abuses continued during the year, reports were significantly lower than in previous years. In large parts of the country outside the effective control of the Government, these groups kidnaped children and women to work for them and men to carry equipment; raped women as a means of punishment and to inspire fear and cooperation; and forcibly inducted children into their ranks under penalty of their own mutilation or death (see Sections 1.c., 1.f., and 5). They forced individuals to commit atrocities under penalty of their own mutilation or death; harassed peacekeepers; and seized peacekeepers" weapons. The RUF continued its practice of amputations and mutilations, although at a greatly reduced rate from the past year (see Section 1.c.). There were reports of injuries from unexploded ordnances laid by RUF rebels (see Section 1.c.).

Relief organizations suspended activities in parts of the country at several times during the year due to increased fighting and the obstruction of access by rebels. For example, in early March, Medecins Sans Frontieres (MSF) suspended activities in parts of the country due to the hostage taking by rebels and other instances of looting, threats, detention of staff, and extortion (see Sections 1.b., 1.c., 1.d., and 1.f.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, Government security forces on a few occasions harassed, arrested, and beat some journalists and used libel laws against journalists. The Government took some steps to end the restrictions of the previous year. The written press and radio reported freely on security matters, corruption, and political affairs generally without interference.

On February 16, authorities arrested the managing editor of Rolyc Newspaper, Ayodele Lukobi Johnson, and reporter Ayodele Walters charged them with "sedition, libel, and publishing false news" after they published a negative article about President Kabbah. In May officers from the Criminal Investigation Department arrested Abdul Kouyateh, the acting editor of the private Freetown weekly Wisdom Newspaper, for endangering state security by requesting an interview with Foday Sankoh. He was released on October 11.

On October 7, relatives of the Minister of Transport and Communication beat Mustapha Bai Attila, a blind reporter from the radio station Voice of the Handicapped, who on several occasions had exposed corruption at the parastatal company Sierratel.

Joseph Mboka, a journalist who was detained in May 1999, was released after 2 weeks. Emmanuel Sanossi, a journalist from Cameroon who was detained in August 1999, was released after several weeks.

On October 10, four CDF members beat and detained a journalist for the Standard Times newspaper after he published an article about the SLA and the Kamajors, one of the ethnic groups in the CDF. He was released 2 days later.

Over 50 newspapers were published in Freetown alone, covering a wide spectrum of interests. Most of the newspapers were independent of the Government, and several were associated with opposition political parties. The number of newspapers fluctuated weekly; many contained sensational, undocumented stories and repeated items carried by other newspapers. Newspapers openly and routinely criticized the Government and its officials, as well as the rebel forces.

Due to low levels of literacy and the relatively high cost of newspapers and television, radio remained the most important medium of public information. Several government and private radio and television stations broadcast; both featured domestic news coverage and political commentary.

The parastatal Sierratel communications company provided Internet access in Freetown, although the condition of its telephone lines often made Internet connectivity problematic.

On May 8, a local journalist was killed by RUF rebel gunfire during a demonstration outside of Foday Sankoh's residence. At least one other journalist was injured and another threatened during the incident (see Sections 1.a. and 2.b.). On May 25, rebels shot and killed two journalists and wounded two others during an attack on a SLA patrol (see Section 1.a.).

The Government generally respected academic freedom. All institutions of higher learning were open during most of the year; however, infrastructure destroyed during the conflict has not yet been restored fully.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. While in general the Government did not deny requests to use public areas for meetings or demonstrations, many of which took place throughout the year, the Government did not allow RUF meetings and rallies because of the declared State of Emergency, which was enacted in February 1998 following the ousting of the AFRC and was renewed in August 1999.

On May 8, 8,000 to 9,000 persons, including doctors, lawyers, teachers, petty traders, union leaders, and others marched through Freetown and demonstrated outside Foday Sankoh's residence in Freetown to protest the behavior of the RUF, the detention of hundreds of U.N. peacekeeping troops, and Foday Sankoh. Peacekeepers fired into the air but were unable to keep the demonstrators from continuing toward Sankoh's house. RUF members opened fire on the demonstrators, killing at least 20 persons and injuring at least 80 others.

The Constitution provides for freedom of association, and the Government respected this right in practice. There were numerous civic, philanthropic, and social organizations, and the registration system was routine and apparently nonpolitical. No known restrictions were applied to the formation or organization of the 18 opposition political parties and 60 registered civic action nongovernmental organizations (see Section 4).

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government respected this right in practice.

In the past, rebel forces have attacked both churches and mosques and targeted Christian and Muslim religious leaders. In addition to demanding ransom payments for civilians they abducted, in the past, rebel forces have targeted Roman Catholic priests and nuns, largely on the assumption that the Church would pay ransom for their return and because troops from ECOMOG used their missionary radio network in support of the Government. On March 8, rebels abducted Aaron Kargbo and Aruna Sherrif, both Adventist Development and Relief Agency staff members and left them in critical condition on the side of a road. On July 21, rebels from the West Side Boys abducted 4 church workers allegedly because they feared an attack by the Government and released them after 10 days. On September 7, RUF insurgents abducted two missionary priests, Father Victor Mosele and Father Franco Manganello, in Pamalap, Guinea, and brought them to Sierra Leone. The priests were not mistreated and were allowed some freedom of movement; they later escaped.

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

The Constitution provides for these rights, and the Government generally respected them in practice; however, according to occasional reports, government troops manning roadblocks attempted to extort food or money from travelers (see Section 1.c.). Citizens were required to get a police clearance within 72 hours before international travel, but such clearances were issued nonrestrictively; the Government did not attempt to limit citizens' departure or return for political or discriminatory reasons.

RUF rebels and West Side Boys also manned roadblocks to extort money and goods from travelers.

More than an estimated 1 million citizens—almost one-quarter of the population—still either are displaced internally or have fled the country to escape the continuing insurgency. Reported attacks by a government helicopter gunship on possible RUF positions within urban areas contributed to the exodus of the population from RUF-held areas (see Sections 1.a., 1.c., and 1.g.). More than 500,000 persons remain in refugee camps in Guinea and Liberia; others remain in The Gambia, Cote

D'Ivoire, Ghana, and other African nations, while still others are in countries outside of Africa.

There were reports that due to the exodus of a large number of persons from RUFoccupied areas, the RUF attempted to terrorize the remaining population to prevent them from leaving. There are credible reports of persons being tortured or killed for attempting to flee (see Section 1.a.).

At year's end, thousands of Sierra Leoneans returned to the country from Guinea because of attacks and ill treatment by RUF forces and Guinean forces. Some of these internally displaced persons (IDP's) were housed in camps, but many live in Freetown. The large influx of IDP's and the lack of resources caused tension between local residents and the returning IDP's. In one instance in November, a fight broke out between the IDP's and local residents at an IDP camp in Bo. At least 13 persons were injured seriously.

There is no formal process for granting political asylum or refugee status. The Government cooperated with the U.N. High Commissioner for Refugees and other organizations on repatriation matters and continued to provide first asylum to over 5,000 Liberians who fled to Sierra Leone because of conflict in their home country in earlier years. There were no reports of the forced return of persons to countries where they feared persecution.

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

The Constitution provides for the right of citizens to change their government, and the 1996 elections won by Ahmed Tejan Kabbah and his Sierra Leone People's Party were the first free and fair multiparty elections in the country in 30 years. Several political parties were represented in the unicameral legislature and in the cabinet. Locally elected councils and a traditional chieftancy system control local government. Preparations for local elections, which were to have taken place in 1999, were postponed in accordance with the 1991 Constitution because of continued fighting. The July 1999 Lome Accords included the RUF in a power-sharing arrangement in the Government, and in July 1999, the Parliament ratified a bill allowing the RUF to transform itself into a political party. Foday Sankoh, the RUF leader, was offered and accepted the chairmanship of the Commission for the Management of Strategic Resources, National Reconstruction and Development with the status of vice president. In November 1999, the Revolutionary United Front Party (RUFP) received a provisional registration certificate from the interim National Election Commission. In May the RUF broke away from its agreements under the Lome Accord, returned to insurgency, and ceased to interact in a political capacity.

Women are underrepresented in government and politics. There are relatively few women in senior government positions: Only 2 of the 18 cabinet positions were filled by women, and of the 80 members of the unicameral legislature, only 7 were female.

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

A number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views; however, due to insecurity caused by the rebel insurgency, the activities of human rights monitors were limited to government-held areas. Representatives of various local and international NGO's, foreign diplomats, the ICRC, and U.N. human rights officers were able to monitor trials and to visit prisons and custodial facilities during most of the year; however, between May and August the Government did not allow the ICRC, U.N. human rights officials, or other observers to visit prisons to assess conditions or meet with inmates (see Section 1.c.). The ICRC declined to visit Pademba Road Prison because the Government would not accept ICRC conditions, including private visits with prisoners.

On February 22, Parliament approved the Truth and Reconciliation Commission (TRC) Bill which would create a TRC to provide a forum for publicly airing the grievances of victims and the confessions of perpetrators from the civil war; however, the Commission had not been established by year's end.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination against women and provides for protection against discrimination on the basis of race and ethnicity, except for the longtime prohibition against citizenship for persons with a non-African father. This provision effectively blocks citizenship for much of the sizable Lebanese community and for other persons with non-African fathers.

Women.—Violence against women, especially wife beating, is common. The police are unlikely to intervene in domestic disputes except in cases involving severe injury or death. Domestic violence is not recognized as a societal problem; however, rape is recognized as a societal problem and is punishable by up to 14 years" imprisonment. There is a significant amount of prostitution: Many women, especially those displaced from their homes and with few resources, resort to prostitution as a means to secure income for themselves and their children. Rebel forces used rape as a terror tactic (see Sections 1.c. and 1.g.) and forced women and girls to act as sexual slaves (see Sections 1.b., 6.c., and 6.f.). There are almost no medical or psychological services for women who were raped after they were abducted.

The Constitution provides for equal rights for women; however, in practice women face both legal and societal discrimination. In particular their rights and status under traditional law vary significantly depending upon the ethnic group to which they belong. The Temne and Limba tribes of the north afford greater rights to women to inherit property than does the Mende tribe, which gives preference to male heirs and unmarried daughters. However, in the Temne tribe, women cannot become paramount chiefs. In the south, the Mende tribe has a number of female paramount chiefs. Women are nevertheless very active in civic organizations and NGO's, were instrumental in pressuring the previous government to allow free and fair multiparty elections in 1996, and were vocal representatives of civil society during the peace talks in Lome in 1999.

Women do not have equal access to education, economic opportunities, health facilities, or social freedoms. In rural areas, women perform much of the subsistence farming and have little opportunity for formal education. Women are very active in civic and philanthropic organizations, and a significant number are employed as civil servants.

Children.—Although the Government is committed to improving children's education and welfare, it lacks the means to provide basic education and health services for them. The law requires school attendance through primary school; however, schools, clinics, and hospitals throughout the country were looted and destroyed during the 9-year insurgency, and most have not been rebuilt. A large number of children receive little or no formal education. Schools are financed largely by formal and informal fees, but many families cannot afford to pay them. The average educational level for girls is markedly below that of boys, and only 6 percent of women are literate. At the university level, male students predominate. The Ministry of Social Welfare, Gender, and Children's Affairs has primary responsibility for children's issues.

Up to an estimated 5,000 child soldiers at a time served alongside adults on both sides during the civil conflict, but in greater numbers on the RUF side; some observers place the number at almost double that figure. The recruitment of children for military service by the CDF remained a problem, and there is credible evidence that the CDF forces continued to accept children as volunteer soldiers.

The kidnaping and forced conscription of children into rebel forces were serious problems (see Sections 1.b., 1.f., 6.c., and 6.f.). For years rebels kidnaped young boys and girls to augment their forces and to abduct other children. Girls are forced to perform as sexual slaves (see Sections 5, 6.c., and 6.f.). In some cases rebel forces have forced these children to commit atrocities involving family members. However, even children who escape and wish to leave the ranks sometimes are rejected by their families and communities because of their perceived involvement in rebel activities.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is widely practiced among all levels of society, although with varying frequency. The less severe form of excision is practiced. Some estimates, including by UNICEF, of the percentage of women and girls who undergo the practice range as high as 80 to 90 percent; however, local groups believe that this figure is overstated. FGM is practiced on girls as young as 5 years old. No law prohibits FGM. A number of NGO's are working to inform the public about the harmful health effects of FGM and to eradicate it; however, an active resistance by secret societies countered the wellpublicized international efforts against FGM.

People with Disabilities.—Public facility access and discrimination against the disabled are not considered to be public policy issues. No laws mandate accessibility to buildings or provide for other assistance for the disabled. Although a few private agencies and organizations attempted to train the disabled in useful work, there was no government policy or program directed particularly at the disabled. There does not appear to be outright discrimination against the disabled in housing or education. However, given the high rate of general unemployment, work opportunities for the disabled are few.

Some of the many individuals who were maimed in the fighting, or had their limbs amputated by rebel forces, are receiving special assistance from various local and international humanitarian organizations. Such programs involve reconstructive surgery, prostheses, and vocational training to help them acquire new work skills. The Lome Accord also called for the creation of a special fund to implement a program for rehabilitation of war victims, although the fund had not yet been established by year's end. Attention to amputees increased the access of others with disabilities to health care and treatment.

National/Ethnic/Racial Minorities

The country's population is ethnically diverse and consists of at least 13 ethnic groups. These groups generally all speak distinct primary languages and are concentrated outside urban areas. However, all ethnic groups use Krio as a second language, little ethnic segregation is apparent in urban areas, and interethnic marriage is common. The two largest ethnic groups are the Temne in the northern part of the country and the Mende in the southern part; each of these groups is estimated to make up about 30 percent of the population.

Ethnic loyalty remained an important factor in government, the armed forces, and business. Complaints of corruption within ethnic groups and ethnic discrimination in government appointments, contracts, military commissions, and promotions were common. There did not appear to be a strong correspondence between ethnic or regional and political cleavages. Ethnic differences also did not appear to contribute appreciably to the RUF rebellion, the 1997 coup, or the civil conflict. No ethnic or regional base of voluntary popular support for the rebels was identifiable, and they controlled territory by terror and coercion rather than by popular consent.

Residents of non-African descent face institutionalized political restrictions. The Constitution restricts citizenship to persons of patrilineal Negro-African descent. This constitutional restriction effectively denies citizenship to many long-term residents, notably the Lebanese community.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of association, and in practice workers had the right to join independent trade unions of their choice. About 60 percent of the workers in urban areas, including government workers, are unionized, but attempts to organize agricultural workers and mineworkers have met with little success. All labor unions by custom join the Sierra Leone Labor Congress (SLLC), but such membership is voluntary. Police and members of the armed services are prohibited from joining unions. There are no reliable statistics on union membership, but the membership numbers have declined as a percentage of all workers because of the virtual collapse of the small manufacturing sector.

The Trade Union Act provides that any five persons may form a trade union by applying to the registrar of trade unions, who has statutory powers under the act to approve the creation of trade unions. The registrar may reject applications for several reasons, including an insufficient number of members, proposed representation in an industry already served by an existing union, or incomplete documentation. If the registrar rejects an application, the decision may be appealed in the ordinary courts, but applicants seldom take such action.

Workers have the right to strike, although the Government can require 21 days' notice. No strikes were reported during the year. No laws prohibit retaliation against strikers, even a lawful strike. An employee fired for union activities may file a complaint with a labor tribunal and seek reinstatement. Complaints of discrimination against trade unions are made to a tribunal.

Unions are free to form federations and to affiliate internationally. The SLLC is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The 1971 Regulation of Wages and Industrial Relations Act provides the legal framework for collective bargaining. Collective bargaining must take place in trade group negotiating councils, each of which has an equal number of employer and worker representatives. Most enterprises are covered by collective bargaining agreements on wages and working conditions. The SLLC provides assistance to unions in preparations for negotiations; in case of a deadlock the government may intervene. The Industrial Court for Settlement of Industrial Disputes, as required by Section 44 of the 1971 Act, was created and began hearing cases during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced and bonded labor, including that performed by children; however, forced labor remains a problem. Under the Chiefdom's Council Act, individual chiefs may impose compulsory labor and may require members of their villages to contribute to the improvement of common areas. This practice exists only in rural areas. There is no

penalty for noncompliance. There were reports of some compulsory labor, possibly including labor by children in rural areas.

Ex-SLA and RUF rebels forcibly impressed young boys and girls into their ranks and forced them into involuntary servitude and to perform as sexual slaves. Many became fighters with the rebel forces. Women were also forced to act as sexual slaves (see Sections 1.b., 5, and 6.f.).

Rebel forces also forced civilians, including children, to labor as porters and as workers in diamond fields under their control despite the signing of the peace accord in July 1999.

d. Status of Child Labor and Minimum Age for Employment.—The minimum age for employment is officially 18 years, although children between the ages of 12 and 18 years may be employed in certain nonhazardous occupations, provided they have their parents" consent. In practice this law is not enforced because there is no government entity charged with the task. Children routinely assist in family businesses and work as petty vendors. In rural areas, children work seasonally on family subsistence farms.

Because the adult unemployment rate remains high, few children are involved in the industrial sector. Foreign employers have hired children to work as domestics overseas at extremely low wages and in poor conditions. The Department of Foreign Affairs and International Cooperation is responsible for reviewing overseas work applications to see that no one under the age of 14 is employed for this purpose.

The law requires school attendance through primary school; however, there is a shortage of schools and teachers (see Section 5). Many children consequently enter the work force with few skills and with limited, if any, literacy.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

The Constitution prohibits forced and bonded labor, including that by children; however, such practices exist (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work.—A 1997 law set the minimum wage at approximately $12 (21,000 Leones) per month; it has not been adjusted since then. The minimum wage is not sufficient to provide a decent standard of living for a worker and family. Most workers support an extended family, often including relatives who have been displaced by the insurgency in the countryside, and it is common to pool incomes and to supplement wages with subsistence farming.

The Government's suggested workweek is 38 hours, but most workweeks for those who are employed exceed that figure.

Although the Government sets health and safety standards, it lacks the funding to enforce them properly. Trade unions provide the only protection for workers who file complaints about working conditions. Initially a union makes a formal complaint about a hazardous working condition. If this complaint is rejected, the union may issue a 21-day strike notice. If workers remove themselves from dangerous work situations without making a formal complaint, they risk being fired.

f. Trafficking in Persons.—No law prohibits trafficking in persons, and there were reports that rebel forces kidnaped young boys and girls, forcibly impressed them, and forced the children to serve them and to perform as sexual slaves (see Sections 5 and 6.c.). Women also were forced to act as sexual slaves (see Sections 1.b., 5, and 6.c.). Rebel forces also forced civilians, including children, to work as porters and in diamond fields (see Section 6.c.). The Government is attempting to combat this practice through its efforts to compel the RUF to disarm and demobilize.

SOMALIA

Somalia [1] has been without a central government since its last president, dictator Mohamed Siad Barre, fled the country in 1991. Subsequent fighting among rival faction leaders resulted in the killing, dislocation, and starvation of thousands of persons and led the United Nations to intervene militarily in 1992. Following the U.N. intervention, periodic attempts at national reconciliation were made, but they did not succeed. In September 1999, during a speech before the U.N. General Assembly, Djiboutian President Ismail Omar Guelleh announced an initiative on Somalia to facilitate reconciliation under the auspices of the Inter-Governmental Authority for Development. In March formal reconciliation efforts began with a series of small focus group meetings of various elements of Somali society in Djibouti. In May in Arta, Djibouti, delegates representing all clans and a wide spectrum of Somali soci-

[1] The United States does not have diplomatic representation in Somalia. This report draws in part on non-U.S. Government sources.

ety were selected for a "Conference for National Peace and Reconciliation in Somalia." The Conference opened on June 15 with more than 900 delegates, including representatives of nongovernmental organizations (NGO's). In July the Conference adopted a charter for a 3-year Transitional National Administration and selected a 245-member Transitional Assembly, which included members of Somali minority groups and 25 women. On August 26, the assembly elected Abdiqassim Salad Hassan as Transitional President, and he was sworn in on August 28. Ali Khalif Gallayr was named Prime Minister in October, and on October 20, the Prime Minister appointed the 25-member Cabinet. Administrations in the northwest (Somaliland) and northeast (Puntland) areas of the country do not recognize the results of the Djibouti Conference, nor do several Mogadishu-based factional leaders. Serious interclan fighting occurred in part of the country, notably in the central regions of Hiran and Middle Shabelle, and the southern regions of Gedo and Lower Shabelle. Hussein Aideed is the leader of the Somali National Alliance (SNA), which ceased to assert that it was the government of the entire country following the Djibouti Conference. Unlike in the previous year, there were no skirmishes between the SNA and other militias. No group controls more than a fraction of the country's territory. There is no national judicial system.

Leaders in the northeast proclaimed the formation of the "Puntland" state in July 1998. Puntland's leader publicly announced that he did not plan to break away from the remainder of the country, but the Puntland Administration did not participate in the Djibouti Conference or recognize the Transitional National Administration that emerged from it. In the northwest, the "Republic of Somaliland" continued to proclaim its independence within the borders of former British Somaliland, which had obtained independence from Britain in 1960 before joining the former Italian-ruled Somalia. Somaliland has sought unsuccessfully international recognition since 1991. Somaliland's government includes a parliament, a functioning civil court system, executive departments organized as ministries, six regional governors, and municipal authorities in major towns. The ban in Puntland on all political parties remained in place; however, in June the Somaliland ban on political parties was lifted.

After the withdrawal of the last U.N. peacekeepers in 1995, clan and factional militias, in some cases supplemented by local police forces established with U.N. help in the early 1990's, continued to function with varying degrees of effectiveness. Repeated intervention by Ethiopian troops helped to maintain order in Gedo region, a base of support for a local radical Islamic group called Al'Ittihad. In Somaliland over 60 percent of the budget was allocated to maintaining a militia and police force composed of former troops. In September a Somaliland presidential decree, citing national security concerns, in the wake of the conclusion of the Djibouti conference, arrogated special powers to the police and the military. Also in September, the Transitional Government began recruiting for a new 4,000-officer police force to restore order in Mogadishu. In November the Transitional Government requested former soldiers to register and enroll in training camps to form a national army. Over 10,000 former soldiers were enlisted by year's end. Police and militia committed numerous human rights abuses throughout the country.

The country is very poor with a market-based economy in which most of the work force is employed as subsistence farmers,

agro-pastoralists, or pastoralists. The principal exports are livestock and charcoal; there is very little industry. Insecurity and bad weather continued to affect the country's already extremely poor economic situation. The country's economic problems caused a serious lack of employment opportunities and led to pockets of malnutrition in southern areas of the country.

The human rights situation is poor, and serious human rights abuses continued throughout the year. Citizens' right to change their government is circumscribed by the absence of an established central authority. Many civilian citizens were killed in factional fighting, especially in the Gedo, Hiran, Lower Shabelle, and Middle Shabelle regions. In Somaliland and Puntland, police used lethal force while disrupting demonstrations. The use of landmines, reportedly by the Rahanwein Resistance Army (RRA), resulted in several deaths. Kidnaping remained a problem. There were some reports of the use of torture by Somaliland and Puntland Administrations and militias. Prison conditions are harsh and life threatening. Arbitrary arrest and detention remained problems. Somaliland authorities detained a number of persons for participation in the Djibouti Conference. The judicial system relied in most regions on some combination of traditional and customary justice, Shari'a (Islamic) law, and the pre-1991 Penal Code; there were occasional reports of harsh physical punishments by Islamic Shari'a courts, including public whippings and stonings. Citizens' privacy rights were limited. There were restrictions on the freedoms of the press, assembly, association, and religion. There were restrictions on freedom of movement. There were numerous attacks on international nongovernmental organi-

zations (NGO's). Violence against women and discrimination against women remained problems. The abuse of children, including the nearly universal practice of female genital mutilation (FGM) remained a problem. Abuse and discrimination against ethnic minorities in the various clan regions continued. There is no effective system for the protection of worker rights, and there were isolated areas where local gunmen forced minority group members to work for them. Child labor and trafficking also were problems.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Political violence and banditry have been endemic since the revolt against Siad Barre, who fled the capital in January 1991. Since that time, tens of thousands of persons, mostly noncombatants, have died in interfactional and interclan fighting. Although reliable statistics were not available, numerous persons were killed during the year. On January 7, militia of the Matan Abdulle, an Abgal sub-clan, killed five persons and injured six in an attack on a bus in North Mogadishu. Observers believe that the probable target of the attack was businessman Mohamed Hassan Ali, alias "Maqarre," who was killed in the attack. On January 31, fighting between the Mohammed Zuber and Aulihyan sub-clans began in Doble (Lower Juba region) and lasted for several days; numerous persons were killed and hundreds injured. On February 4 in Lower Shabelle, fighting between the Islamic Court Militias and the Rahanweyn Resistance Army resulted in the deaths of approximately 15 persons and injuries to 10 others. On March 14, fierce fighting near the village of Buulo Fulaay between fighters from the Rahanweyn Resistance Army and militias from the Rahanweyn Salvation Army and the Digil Salvation Army resulted in the deaths of over 30 persons and injuries to numerous others. On March 19 in the village of Harardere (Mudug region), fighting between militias of the Abgal Wa'aysle sub-clan and the Habr Gedr Ayer resulted in the deaths of five persons. On March 20 near Bulo Burti (Hiran region), fighting between 2 Dir sub-clans resulted in the deaths of at least 20 persons and injuries to 10 others. On April 10, the Samawada Rehabilitation and Development Organization (SAREDO), a local NGO, accused the Islamic Court militias in Merka, Lower Shabelle, of killing one of its guards, Abukar Ali Ismail. The militias reportedly killed Ismail after he refused their order to disarm. On May 20, in Buulo Waambo, Kurtunwaarey District, Jiiddo clan militia killed seven members of the Garre clan, reportedly in retaliation for the earlier killing of two Jiiddo clan members in Hilowgey village by the Garre clan. Between May 26 and 28, in Guri Ceel District, Galgadud region, fighting between the Habr Gedr and Galjeel clans resulted in the deaths of 13 persons. On June 9, two members of warlord Mohamed Said Hersi "Morgan's" militia murdered Jama Habeb, the commander of the militia, reportedly because of internal conflict within the militia. On June 22 in Qoryoley district, fighting between militias of the Garre and Jiiddo clans resulted in the deaths of over 30 persons; the clashes began after a Garre clansman killed a Jiiddo clansman. On July 7, fighting between militia loyal to SNA Commander Hussein Aideed and residents of southwest Mogadishu resulted in the deaths of seven persons; the fighting erupted when residents refused to pay a tax levied by the SNA. On July 26 in Lower Shabelle, renewed fighting between the Jiiddo and Garre clans killed numerous persons. On August 4 in the village of Kabsuuma, Lower Shabelle region, following the alleged rape of a Galjeel girl, fighting between militias of the Galjeel and Bimal clans resulted in the deaths of at least 9 persons and injuries to 10 others. On August 8, a revenge killing sparked fighting between the Hawadle and the Galjeel clans that left one person dead and several injured. On August 11 in Belet Weyne (Hiran district), fighting between the Hawadle and Galjeel, allegedly resulting from a dispute over the distribution of relief food resulted in the deaths of 11 persons and injuries to 20 others. There were no investigations into any of these incidents, nor was any action taken against militia responsible for abuses; however, local mediation efforts took place in some incidents, which resolved some cases.

Although many civilians died as a result of fighting during the year, politically motivated extrajudicial murder was uncommon; however, in the latter part of the year, acts of violence, including several killings, increased against supporters or members of the Transitional Government. In October in Mogadishu, unidentified men shot and killed Yusuf Tallan, a former army general under the Barre regime and a delegate to the Djibouti conference. He was shot after he refused to get into a vehicle with the men. The killing was linked to warlord Osman Atto because of Atto's business deals in the north and the possibility of a deal between Somaliland President Egal and Atto in order to destablize the south. General Galal, chairman of the National Security Committee, also was linked to the killing; there was sus-

picion that he might have killed Tallan in order to prevent Tallan from becoming head of the National Security Committee. Tallan had been named as the head of a committee to oversee demobilization of the country's militias. In December the President announced that the police had arrested Tallan's alleged killers with foreign assistance; however, there has been no independent confirmation of this claim. The alleged killers were not known to have been charged or tried by year's end. On November 12, two unidentified men shot and killed Hasan Ahmed Elmi, also known as Hasan Jaale, a member of the Transitional National Assembly; he was killed in front of his wife and children at his home in Mogadishu. Observers believe that the attack may have been in retaliation for the recent killing of a Daud clan member by the Galje'el clan, of which Elmi was a member. An investigation into the killing was conducted; however, it was inconclusive. On November 17, 40 militiamen ambushed a convoy carrying a member of the Transitional Assembly, killing at least 7 persons and injuring at least 9 others. Local mediation occurred and the case was closed.

On at least two occasions police in Somaliland and Puntland used lethal force while disrupting demonstrations. On March 30, police in Puntland killed two persons while forcibly dispersing a demonstration in Bosasso (see Section 2.b.) and arrested several others (see Section 1.d.). On November 11 in Hargeisa, police forcibly dispersed a crowd blocking the main road to the airport (see Section 2.b.); more than 60 protesters were arrested (see Section 1.d.) and 2 persons were killed. There was no investigation nor action taken in these cases by year's end.

There were a number of attacks on humanitarian and NGO workers by militia and other groups (see Section 4). On January 2 in Balad District, Abgal militia opened fire on a vehicle transporting three staff members from the NGO, Cooperative for Assistance and Relief Everywhere (CARE) members (see Section 4). Shucayb Mohamed Hussein, a CARE engineer, was killed in the attack. On January 28 near the village of Buqdah, approximately 60 armed gunmen attacked another CARE convoy, killing 5 convoy security guards and 4 villagers (see Section 4). On January 29 in the town of Sablale, unidentified persons attacked the office of ACCORD, an international NGO, killing two persons (see Section 4). In response to this attack, ACCORD suspended its Polio Eradication Campaign. No investigation was made into the incident; however, the local community mobilized the Islamic Shari'a courts. A gunman was apprehended and his vehicle was towed to Merka.

There were occasional reports of the use of harsh physical punishments by the five Islamic Shari'a courts in Mogadishu, which are aligned with different subclans, including public whippings and stoning (see Sections 1.e. and 2.c.). The courts generally refrained from administering the stricter Islamic punishments, like amputation, but their militias administered summary punishments, including executions, in the city and its environs. For example, in June an Islamic Court in Buulo village, Lower Shabelle, sentenced Nuurto Muhammad Ali to death by stoning after she was discovered to have three husbands (see Section 1.c.).

On March 11, a firing squad in Jowhar, Middle Shabelle, executed a man, Hassan Ahmed, accused of murdering a woman on February 27. Ahmed was executed after the Mohammand Musa subclan of Abgal clan, which both Ahmed and the women were members of, decided that he should be put to death. On April 24, South Mogadishu's Shirkole Islamic Court executed Farhan Muhammad Jama, who was accused of killing businessman Ahmad Muhammad Ali after the Saleban subclan of the Habr Gidr clan, which both men were members of, decided that he should be put to death.

Numerous extrajudicial killings during the year centered on conflicts over land or livestock. For example, on October 22 near the town of Qoryoley, fighting over land between Jiiddo clans and local farmers from other clans killed at least 10 persons and injured 15 others.

In October in Bosasso, an unidentified person threw a grenade into a temporary shelter for persons traveling to Yemen, killing two persons and injuring five others.

Landmines laid by different groups, particularly the RRA and possibly the SNA, caused several deaths and injuries during the year. On January 20 in the Hiran region, a landmine exploded, killing at least six persons. On January 30 in the Hiran region, landmines and gun battles killed 21 persons. On January 30 near El Ali, five escorts of a food convoy were killed when their vehicle hit a mine. Also on January 30, an aid convoy hit a landmine while crossing the Shabelle River for the Bakool Region. The Abgal clan reportedly planted the landmine; 10 persons were killed and 8 others injured. On February 5, landmines destroyed three "technicals," combat vehicles, belonging to the Islamic Court militias near the village of Buulo Warbo, west of Qoryoley, Lower Shabelle. The explosions killed three persons and injured five others.

Unlike in the previous year, there were no reports of attacks within Ethiopian territory by armed groups opposed to the Government of Ethiopia, supported by Eritrea, operating out of Somalia. Aideed and the SNA reconciled with Ethiopia, and the Oromo Liberation Front (OLF) was disarmed and expelled from the country.

No action is known to have been taken against the persons responsible for the following 1999 killings: The February 1999 killing of Dr. Singh Bohgal; the March 1999 killing of a foreign religious worker; the July 1999 killing of Osman Jeyte; the August 1999 killing of one person during a demonstration at the Ismail Jumale Center for Human Rights; the September 1999 killing of a senior UNICEF official; and the September 1999 killing of businessman Haji Abdullahi.

No investigation was conducted into a 1998 attack by militia fighters on a World Food Program Convoy that killed two persons.

The investigation into the 1997 killing of a Portuguese doctor still was pending at year's end.

On November 24, an appeals court in Rome convicted Hashi Omar Hassan, a Somali, of the 1994 murder of two Italian journalists in Mogadishu (see Section 2.a.). The court sentenced Hassan to life in prison.

In 1997 a War Crimes Commission in Hargeisa in Somaliland began investigating the killings in 1988 of at least 2,000 local residents, including women and children, by Siad Barre's troops. Heavy rains in 1997 revealed numerous mass graves in the Hargeisa area. During the year, the War Crimes Commission continued to record eyewitness accounts and other evidence.

On September 23, approximately 30 Ethiopian soldiers attacked Haji Salah village in Somaliland, killed two persons, and confiscated radio equipment. Somaliland President Egal wrote a letter to the Ethiopian Government and asked for an explanation for the attack.

b. Disappearance.—There were no known reports of unresolved politically motivated disappearances, although cases easily might have been concealed among the thousands of refugees and displaced persons.

Kidnaping remained a problem, particularly for relief workers and critics of faction leaders. On July 12 in Bosasso, Mohammed Deq, editor of the Puntland newspaper "Sahan," was abducted by a group of men in military uniform from the Puntland Criminal Investigation Division (CID) while standing in front of the CID headquarters (see Section 2.a.); he was released later that day. On May 29 in Bosasso, unidentified gunmen reportedly broke into the newspaper's offices and assaulted Deq (see Sections 1.c. and 1.f.). On July 26, technicals and Sa'ad militia attacked the compound of Action Against Hunger (ACF), an international NGO, in south Mogadishu. Militiamen kidnaped two foreign ACF employees and detained them until September 18.

There have been no developments in the February 1999 kidnaping case of two OLF officials from Ethiopia and a senior Al'Ittihad official.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Transitional National Charter, adopted in July, but not implemented by year's end, prohibits torture, and the Puntland Charter prohibits torture "unless sentenced by Islamic Shari'a courts in accordance with Islamic law;" however, there were some reports of the use of torture by the Puntland and Somaliland administrations and by warring militiamen against each other or against civilians. Observers believe that many incidents of torture were unreported.

Although reliable statistics were not available, a large number of persons were injured as a result of interfactional and interclan fighting (see Section 1.a.).

On May 29 in Bosasso, unidentified gunmen reportedly broke into the offices of the Puntland newspaper "Sahan" and assaulted Editor Mohammed Deq (see Sections 1.f. and 2.a.); on July 12 in Bosasso, Deq was abducted briefly (see Section 1.b.).

On September 10 in Borama, Somaliland police used small arms and guns to forcibly disperse a demonstration in support of the Djibouti reconciliation process (see Sections 1.d. and 2.b.). Police reportedly injured several persons.

In the latter part of the year, acts of violence, including several killings, increased against supporters or members of the Transitional Government (see Section 1.a.). For example, on November 17, 40 militiamen ambushed a convoy carrying Ahmed Duale Gelle "Haf," a member of the Transitional Assembly, and killed 7 persons and injured 12 others. Elders of the attackers' and Haf's subclan later met at Haf's home. They agreed that some government security forces should be posted where the attack took place.

There were a number of attacks on humanitarian and NGO workers by militia and other groups, which resulted in killings and injuries (see Sections 1.a. and 4).

Unlike in the previous year, there were no bomb explosions in Hargeisa, Somaliland. In December 1999, there was an explosion at the U.N. Development

Program office in Hargeisa. Somaliland police attributed the bombing to disgruntled persons who had failed to get jobs with various international organizations, and reported that a number of persons had been arrested in connection with the bombings; however, no action had been taken against them by year's end.

There were occasional reports of the use of harsh physical punishments by Islamic Shari'a courts, including public whippings and stoning (see Section 1.e.).

In February representatives of the local Islamic Court militias flogged Omar Dini, a reporter for the Mogadishu-based newspaper "Qaran," allegedly for an anti-Islamic article he had written (see Sections 2.a. and 2.c.). In June an Islamic Court in Buulo village, Lower Shabelle, sentenced Nuurto Muhammad Ali to death by stoning after she was discovered to have three husbands (see Section 1.a.). The execution was suspended until after Ali, who was pregnant, gave birth; however, she was not executed by year's end. The same court sentenced Dalmar Mahmud Ahmad to a punishment of one hundred lashes for adultery on April 8.

As during past years, labor disputes sometimes led to the use of force (see Section 6.b.). For example, the Habr Gibr clan used force against the Digil and Biyamal clans in Lower Shabelle during the year.

There were no reported attacks within Ethiopia by armed opposition groups operating out of Somalia (see Section 1.a.).

Prison conditions varied by region. Conditions at the south Mogadishu prison controlled by the Aideed forces continued to improve because of visits by international organizations; however, conditions at the north Mogadishu prison of the Shari'a court system remained harsh and life threatening. Hareryale, a prison established by the Mursade subclan at the border between north and south Mogadishu reportedly holds hundreds of prisoners, including many children. Conditions at Hareryale are described as overcrowded and poor. Juveniles share cells with adult prisoners and there is a high incidence of tuberculosis. Similar conditions exist at Shirkole prison, an Islamic Court militia-run prison in south Mogadishu and at a north Mogadishu prison for Abgal clan prisoners run by warlord Musa Sudi. A local NGO that visited the central prison in Hargeisa, Somaliland, documented a shortage of medicine, widespread tuberculosis, and juveniles sharing cells with adults. In May there was an outbreak of diarrhea in Burao prison, Somaliland, resulting in the death of one prison guard. According to an international observer, men and women were housed separately in the Puntland prison in Bosasso; this is the case in other prisons as well. Abuse by guards reportedly was common in many prisons. Conditions in other prisons reportedly were less severe, according to international relief agencies. The detainees' clans generally pay the costs of detention. In many areas, prisoners are able to receive food from family members or from relief agencies. Ethnic minorities make up a disproportionately large percentage of the prison population.

The Jumale Center for Human Rights visited prisons in Mogadishu during the year. The Puntland administration permits prison visits by independent monitors, and in April an international observer visited the Bosasso, Puntland, prison. Somaliland authorities permit prison visits by independent monitors, and such visits occurred during the year. In August a local NGO visited Hargeisa, Somaliland, central prison.

d. Arbitrary Arrest, Detention, or Exile.—In the absence of constitutional or other legal protections, various factions and armed bandits continued to engage in arbitrary detention, including the holding of relief workers. On July 11, a group of men seized a foreign-registered cargo ship off the coast of Puntland and demanded a ransom.

In March Somaliland authorities detained three men for 2 days for sending a letter in support of the Djibouti reconciliation conference to the President of Somaliland.

On March 20 in the town of Galkayo, the Mudug (Puntland) region security committee detained five persons demonstrating in support of the Djibouti reconciliation process (see Section 2.b.). The demonstrators were released on March 28. On March 30, police in Puntland killed two persons and arrested and detained for a few days several others while forcibly dispersing a demonstration in Bosasso (see Sections 1.a. and 2.b.).

On September 10 in Borama, Somaliland police arrested five persons after forcibly dispersing a demonstration in support of the Djibouti reconciliation process (see Sections 1.c. and 2.b.).

Somaliland authorities detained a number of persons for participating in the Djibouti reconciliation conference. On February 28, Somaliland authorities detained for several days without charge four members of the Habr Awal sub-clan in Hargeisa for attempting to participate in the Djibouti reconciliation conference process. In March Somaliland police detained for several days without charge two men

in Hargeisa for protesting against alleged pollution by a petroleum company in the town of Berbera (see Section 2.b.). On March 21, Somaliland authorities detained for several days 20 delegates to the Djibouti Conference as they attempted to cross the SomalilandDjibouti border (see Section 2.d.). In May in Borama, Somaliland authorities detained one person for participating in the Djibouti reconciliation conference; he was released in late June. On May 12 in Hargeisa, Somaliland officials arrested Abdi Hashi, a Mogadishu-based scholar, for taking part in a conference of intellectuals in Djibouti. On August 30, Puntland President Abdullahi Yussuf decreed the arrest of any person returning to Puntland from Arta, Djibouti (see Section 3). On September 4, Somaliland authorities arrested and charged with treason Garad Abshir Garad Salah, Transitional National Administration representative and elected member of the Transitional Assembly, for his participation in the Djibouti conference (see Section 1.e.). Salah was sentenced to 7 years in prison for treason; however, he was released on October 4. On October 4 in Bosasso, Puntland police arrested and detained Bile Mahmud Qabowsadeh, editor of local newspaper "Yool," after he returned from the Djibouti conference (see Section 2.a.). In November the Somaliland Administration arrested Sultan Mohamed Abdulkadir when he returned to the country from Djibouti. On November 11 in Hargeisa, police forcibly dispersed a crowd protesting his arrest; more than 60 protesters were arrested and two persons were killed (see Sections 1.a. and 2.b.).

Somaliland authorities detained some foreigners for proselytizing. For example, on February 3 in Somaliland, nine Ethiopians allegedly were detained for engaging in Christian missionary activities (see Section 2.c.). In May 1999, seven Christian Ethiopians were arrested in Somaliland, allegedly for attempting to proselytize; they remained in detention at year's end (see Section 2.c.).

On November 5 in Baidoa, RRA soldiers forcibly abducted and detained more than 12 local elders believed to support the Transitional Government; however, they were released by year's end.

Authorities in Somaliland, Puntland, and in areas of the south detained both local and foreign journalists (see Section 2.a.).

There were no reports of lengthy pretrial detention in violation of the pre-1991 Penal Code in Somaliland or Puntland.

None of the factions used forced exile.

e. Denial of Fair Public Trial.—There is no national judicial system.

The Transitional Charter, adopted in July, provides for an independent judiciary, and for a High Commission of Justice, a Supreme Court, a Court of Appeal, and courts of first reference; however, the Charter had not been implemented by year's end. Some regions have established local courts that depend on the predominant local clan and associated faction for their authority. The judiciary in most regions relies on some combination of traditional and customary law, Shari'a law, the penal code of the pre-1991 Siad Barre Government, or some combination of the three. For example, in Bosasso and Afmadow criminals are turned over to the families of their victims, which then exact blood compensation in keeping with local tradition. Under the system of customary justice, clans often hold whole opposing clans or sub-clans responsible for alleged violations by individuals. Islamic Shari'a courts continued to operate in several regions of the country, filling the vacuum created by the absence of normal government authority. Islamic Shari'a courts traditionally ruled in cases of civil and family law, but extended their jurisdiction to criminal proceedings in some regions beginning in 1994. There were occasional reports of the use of harsh physical punishments by Islamic Shari'a courts, including public whippings and stoning. In Berbera courts apply a combination of Shari'a law and the former penal code. In south Mogadishu, a segment of north Mogadishu, the Lower Shabelle, and parts of the Gedo and Hiran regions, court decisions are based on a combination of Shari'a and customary law. Only three of the five Islamic Shari'a courts in Mogadishu continued to function during the year, those belonging to the Ayr, Saleban, and Murursade clans. The other two courts, belonging to the Sarur and Duduble clans, do not function. They are aligned with different subclans, raising doubts about their independence. The courts generally refrained from administering the stricter Islamic punishments, like amputation, but their militias administered summary punishments, including executions. In April Somaliland adopted a new constitution based on democratic principles, but continued to use the pre-1991 Penal Code. The constitution provides for an independent judiciary; however, the judiciary is not independent in practice. A U.N. report issued in January again noted a serious lack of trained judges and of legal documentation in Somaliland, which caused problems in the administration of justice. The Puntland Charter implemented in May 1998, provides for an independent judiciary; however, the judiciary is not independent in practice. The Puntland Charter also provides for a Supreme Court, courts of appeal, and courts of first reference. In Puntland clan elders resolve the

majority of cases using traditional methods; however, those with no clan representation in Puntland are subject to the Administration's judicial system.

The Transitional Charter, which was not implemented by year's end, provides for the right to be represented by an attorney. The right to representation by an attorney and the right to appeal do not exist in those areas that apply traditional and customary judicial practices or Shari'a law. These rights more often are respected in regions that continue to apply the former Government's penal code, such as Somaliland and Puntland.

There was one known political prisoner in the country. On September 4, Somaliland authorities arrested and charged with treason Garad Abshir Garad Salah, Transitional National Administration representative and elected member of the Transitional Assembly, for his participation in the Djibouti conference. On September 16, the Berbera Court sentenced Salah to 7 years in prison for treason. President Egal pardoned Salah to reduce political tensions and Salah was released on October 4.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Transitional Charter, adopted in July but not implemented by year's end, provides for the sanctity of private property and privacy; however, looting and forced entry into private property continued in Mogadishu, although on a smaller scale that in the previous year. The Puntland Charter recognizes the right to private property; however, authorities did not respect this right on at least one occasion. On May 29 in Bosasso, unidentified gunmen reportedly broke into the offices of the Puntland newspaper "Sahan" and assaulted Editor Mohammed Deq (see Sections 1.b., 1.c., and 2.a.).

Most properties that were occupied forcibly during militia campaigns in 1992-93, notably in Mogadishu and the Lower Shabelle, remained in the hands of persons other than their prewar owners.

Approximately 300,000 persons, or 40 percent of the population, have been displaced internally as a result of interfactional and interclan fighting.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Transitional Charter, adopted in July, provides for freedom of the press; however, the charter was not implemented by year's end and there were incidents of harassment, arrest, and detention of journalists in all areas of the country, including Puntland and Somaliland. The Puntland Charter provides for freedom of the press "as long as they respect the law;" however, this right is not respected in practice. The Somaliland constitution also provides for freedom of the press, but this right is restricted in practice. The print media consist largely of short, photocopied dailies, published in the larger cities and often linked to one of the factions. Several of these newspapers nominally are independent and are critical of the faction leaders.

Somaliland has two independent daily newspapers, one government daily, and an independent English-language weekly. Treatment of journalists in Somaliland reportedly continued to improve during the year.

In February Somaliland authorities detained for 4 hours the publisher of the daily newspaper Jamhuriya and of the weekly The Republic for printing a letter critical of Somaliland courts.

In February representatives of the local Islamic Court Militias flogged Omar Dini, a reporter for the Mogadishu-based newspaper "Qaran," allegedly for an anti-Islamic article he had written (see Sections 1.c. and 2.c.).

On March 13 in south Mogadishu, the Hararyale Islamic Court in Wardhigley District arrested Mohammed Ali Salad, a reporter for the Mogadishu-based newspaper "Qaran," allegedly because he wrote articles critical of deforestation caused by the activities of charcoal exporters. He was detained at the Hararyale Islamic Court in Wardigley District for several days before being released in late March.

On May 29 in Bosasso, unidentified gunmen reportedly broke into the offices of the Puntland newspaper "Sahan" and assaulted Editor Mohammed Deq (see Sections 1.c. and 1.f.). On July 12 in Bosasso, Puntland, CID agents abducted and briefly detained Deq while standing in front of Criminal Investigation Division headquarters (see Section 1.b.).

On August 21, Islamic Court Militias detained Ahmed Abd Al-Rahman Dhalbaaq, the editor of the Merka, Lower Shabelle, bi-monthly newspaper "Gaim," allegedly for reporting on a decrease in security in the town. He was released on bail pending trial later that day. It was not known whether his trial occurred by year's end.

On October 4 in Bosasso, Puntland police arrested and detained Bile Mahmud Qabowsadeh, editor of local newspaper "Yool," after he returned from the Djibouti conference (see Section 1.d.).

In late October, Puntland authorities fired sheikh Abdi Rahman Bulbul, the head of religious programs at Galkayo Radio, because they believed him to be a supporter of the Transitional Government.

On November 24, an appeals court in Rome convicted Hashi Omar Hassan, a Somali, of the 1994 murder of two Italian journalists in Mogadishu. The court sentenced Hassan to life in prison.

In 1999 in Puntland, the regional administration arrested Abulkadir Ali and Mohamed Deq of the newspaper Sahan, and Ahmed Mohamed Ali of the newspaper Riyaq, reportedly for writing articles critical of the Government. They remained in detention at year's end.

Most citizens obtain news from foreign news broadcasts, chiefly the British Broadcasting Corporation, which transmits a daily Somali-language program. The major faction leaders in Mogadishu, as well as the authorities of the self-declared Republic of Somaliland, operate small radio stations.

There are restrictions on academic freedom; academics operate under restrictions similar to those imposed on members of the media. There is no organized higher education system in most of the country. There is a university one north Mogadishu and another university in Somaliland.

b. Freedom of Peaceful Assembly and Association.—There is no mention of freedom of peaceful assembly in the Transitional Charter, nor is there legal protection for freedom of assembly, and although citizens are free to assemble in public, the lack of security effectively limits this right in many parts of the country. On August 30, Puntland President Abdullahi Yussuf ordered regional governors to ban all antigovernment demonstrations. Demonstrations occurred throughout the country during the year; however, authorities in Somaliland, Puntland, and the south sometimes forcibly dispersed demonstrations and used excessive force in some instances (see Sections 1.a. and 1.c.).

In March in Hargeisa, Somaliland police detained for several days two men for protesting against alleged pollution by a petroleum company in the town of Berbera. On March 20 in the town of Galkayo, the Mudug (Puntland) region security committee detained five persons demonstrating in support of the Djibouti reconciliation process (see Section 1.d.). The demonstrators were released on March 28. On March 29, Puntland police fired shots to disperse a demonstration in Gardo, Bari region, against the Puntland President; however, there were no reported injuries. On March 30 in Bosasso, Puntland police killed two persons while forcibly dispersing a demonstration in support of the Djibouti conference and against President Yusuf (see Section 1.a.) and arrested several other participants (see Sections 1.a. and 1.d.). On September 10 in Borama, Somaliland police forcibly dispersed a demonstration in support of the Djibouti reconciliation process. Several persons reportedly were injured in the clash and five persons were arrested (see Sections 1.c. and 1.d.). On November 1, security men guarding the Lafweyn Hotel in Mogadishu shot at a group of demonstrators protesting against the Transitional Government's recruitment of police forces in front of the hotel. There were no reported injuries. On November 11 in Hargeisa, police forcibly dispersed a crowd blocking the main road to the airport. More than 60 protesters were arrested and 2 persons were killed (see Sections 1.a. and 1.d.). The crowd was protesting the Somaliland Administration's arrest of Sultan Mohamed Abdulkadir when he returned from Djibouti (see Section 1.d.).

There were a number of peaceful demonstrations that occurred during the year without interference by authorities. For example, on June 15, members of a conservative Mosque protested against alleged Christian proselytizing by teachers at schools funded by the Coordinating Committee of the Organization for Voluntary Service (COSV) (see Sections 2.c. and 4). On October 17, hundreds of persons in the Bay and Bakol regions demonstrated against Hassan Mohamed Nur Shargudud, leader of the RRA, following his statements that he would no longer recognize the Transitional Government.

The Puntland Charter provides for freedom of association; however, the Puntland Administration banned all political parties for 3 years, beginning in August 1998. The Somaliland constitution provides for freedom of association. In June the Somaliland parliament approved legislation governing the formation of political parties (see Section 3). The law limits to three the number of political parties allowed to contest general elections. An ad hoc commission, nominated by the President and approved by the House of Representatives, will be responsible for considering applications. Approved parties that win twenty percent of the next Somaliland elections will be permitted to operate.

Professional groups and local NGO's operate as security conditions permit.

c. Freedom of Religion.—There is no national constitution and no legal provision for the protection of religious freedom, and there were some limits on religious freedom.

The Transitional Charter, adopted in July but not implemented by year's end, establishes Islam as the national religion. There is no central government, but some local administrations, including the Republic of Somaliland and Puntland, have made Islam the official religion in their regions. The judiciary in most regions relies on some combination of traditional and customary law (Xeer), Shari'a law, the Penal Code of the pre-1991 Siad Barre Government, or some combination of the three. There are three Islamic Shari'a courts operating in Mogadishu, which are aligned with different subclans, raising doubts about their independence (see Section 1.e.). These courts generally refrained from administering the stricter Islamic punishments, such as amputation, but their militias administered summary punishments, including executions, in the city and its environs (see Section 1.a.). There were occasional reports of the use of harsh physical punishments by Islamic Shari'a courts including public whipping and stoning (see Sections 1.a. and 1.c.).

In March 1999, the Minister of Religion in Somaliland issued a list of instructions and definitions on religious practices. Under the new rules, religious schools and places of worship are required to obtain the Ministry of Religion's permission to operate. The Ministry must approve entry visas for religious groups, and certain unspecified doctrines are prohibited.

Local tradition and past law make it a crime to proselytize for any religion except Islam. Proselytizing for any religion except Islam is prohibited by law in Puntland and Somaliland. Christian-based international relief organizations generally operate without interference, as long as they refrain from proselytizing. On February 3 in Somaliland, nine Ethiopians allegedly were detained for 1 month for engaging in Christian missionary activities (see Section 1.d.); all nine were deported following their release. Seven Christian Ethiopians arrested in Somaliland in May 1999, for allegedly attempting to proselytize, remained in detention at year's end (see Section 1.d.).

In February representatives of the local Islamic Court militias flogged Omar Dini, a reporter for the Mogadishu-based newspaper "Qaran," allegedly for an anti-Islamic article he had written (see Sections 1.c. and 2.a.).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Transitional Charter, adopted in July but not implemented by year's end, and the Puntland Charter guarantee freedom of movement; however, this right continued to be restricted in some parts of the country. Checkpoints manned by militiamen loyal to one clan or faction inhibit passage by other groups. In the absence of a recognized national government, most citizens do not have the documents needed for international travel.

The Somaliland and Puntland administrations impeded the travel of participants in the Djibouti Conference. Numerous persons were arrested and detained for attempting to attend the conference (see Section 1.d.). On August 26, the Puntland Administration attempted to prohibit flights from landing at Bosasso Airport in an effort to restrict the movements of participants to and from the Djibouti Conference. On August 30, Puntland President Abdullahi Yussuf decreed the arrest of any person returning to Puntland from Arta, Djibouti (see Section 1.d.). In September the Puntland Administration reportedly denied entry to 12 Egyptian doctors and 30 Egyptian teachers who arrived at the Bosasso airport from Arta; they were allowed to enter the country at a later date. There were reports that some clan leaders sent armed militia to assist in the entry of some persons into the country in defiance of President Yussuf's decree.

As security conditions continued to improve in many parts of the country, refugees and internally displaced persons (IDP's) returned to their homes. Approximately 10,000 Somali refugees were returned from Ethiopia under the auspices of the U.N. High Commissioner for Refugees (UNHCR) during the year, and unlike in the previous year, there were no interruptions in the repatriation process. Despite sporadic harassment, including the theft of UNHCR food packages by militiamen and attacks on World Food Program convoys, repatriation generally took place without incident. Approximately 9,000 refugees had returned to Somaliland by year's end. However, despite the relative stability in many parts of the country, many citizens continued to flee to neighboring countries, often for economic reasons. Most migrants left from the northeast and traveled via boat to Yemen. There were reports that hundreds of such migrants drowned in accidents at sea during the year.

There are approximately 300,000 internally displaced persons in the country, representing approximately 4 percent of the population.

The U.N. estimates that approximately 500,000 Somalis are living as refugees in neighboring countries, including approximately 125,000 in Kenya at year's end,

down from more than 400,000 at the height of the humanitarian crisis in 1992. There were 170,000 Somali refugees in Ethiopia and 22,600 Somali refugees in Djibouti at year's end.

As there is no functioning central government, there is no policy of first asylum nor are there any laws with provisions for the granting of refugee or asylee status. A small number of Ethiopian refugees remained in the country, mostly in the northeast near Bosasso. The authorities in Somaliland have cooperated with the UNHCR and other humanitarian assistance organizations in assisting refugees. There were no reports of the forced expulsion of those having a valid claim to refugee status.

In October in Bosasso, an unidentified person threw a grenade into a temporary shelter for persons traveling to Yemen, killing two persons and injuring five others.

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

In the absence of a fully functioning national government, citizens cannot exercise this right. In most regions, local clan leaders function as de facto rulers. Although many such groups derive their authority from the traditional deference given clan elders, most face opposition of varying strength from political factions and radical Islamic groups.

In the Republic of Somaliland, the existence of which was endorsed by clan elders in 1991 and 1993, a clan conference led to a peace accord early in 1997. This accord demobilized militia groups, established a constitution and bicameral parliament with proportional clan representation, and elected a president and vice president from a slate of candidates. The Hargeisa authorities have established functioning administrative institutions in virtually all the territory they claim, which equals the boundaries of the Somaliland state that achieved international recognition in 1960. In June the Somaliland parliament approved legislation governing the formation of political parties (see Section 2.b.). Parties approved by an ad hoc commission that win 20 percent of the next Somaliland elections will be permitted to operate. Regional elections are scheduled for 2002 in Somaliland.

In March 1998, Puntland was established as a regional government during a consultative conference with delegates from six regions, including traditional community elders, the leadership of political organizations, members of legislative assemblies, regional administrators, and civil society representatives. Representatives of Puntland-based subclans chose Abdullahi Yussuf as President. Puntland has a single chamber quasi-legislative branch known as the Council of Elders, which plays a largely consultative role. Political parties are banned in Puntland. Regional elections are scheduled for 2001 in Puntland.

In May in Arta, Djibouti, delegates representing all clans and a wide spectrum of Somali society were selected for a "Conference for National Peace and Reconciliation in Somalia," which opened on June 15 with more than 900 delegates. In July the Conference adopted a charter for a 3-year Transitional National Administration and selected a 245-member Transitional Assembly, which included 24 members of Somali minority groups and 25 women. On August 26, the assembly elected Abdiqassim Salad Hassan as Transitional President, and he was sworn in on August 28. Ali Khalif Gallayr was named Prime Minister in October, and on October 20, the Prime Minister appointed the 25-member Cabinet. The Somaliland and Puntland Administrations do not recognize the results of the Djibouti Conference, nor do several Mogadishu-based factional leaders.

The Transitional Charter, adopted in July but not implemented by year's end, provides for universal suffrage. Both of the Puntland and Somaliland Administrations provide for universal suffrage.

Women as a group remained seriously underrepresented in regional government and politics, and no women held prominent public positions; however, several women were important behindthescenes figures in the various factions. There only are five female representatives out of a total of 69 representatives in the Puntland Parliament. Women played a prominent role in the Djibouti Conference. In the Transitional National Assembly women were allocated 25 seats out of a total of 245 seats. Minorities were allocated 24 seats in the Transitional National Assembly during the Djibouti conference.

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

Several local human rights groups were active during the year, including the Mogadishu-based Ismail Jumale Center for Human Rights and the Hargeisa-based Horn of Africa Human Rights Watch Committee. The Ismail Jumale Center investigated the causes of conflict in the Mogadishu area, supported the Djibouti Reconciliation process, conducted effective human rights monitoring, protested the

treatment of prisoners before the Islamic Shari'a courts, and organized periodic demonstrations for peace. The Horn of Africa Human Rights Watch Committee monitored human rights in Somaliland. Women's NGO's also played an important role in galvanizing support in the country for the Djibouti Initiative.

In Hargeisa in Somaliland, local NGO's continued to operate freely and without harassment during the year.

Numerous international organizations operated in the country during the year, including the Red Cross, CARE, the Halo Trust, Save the Children, and various other demining agencies. The Somaliland and Puntland administrations permitted visits by U.N. human rights representatives during the year. Sporadic security problems complicated the work of some local and international organizations, especially in the South. There were reported incidents of harassment against NGO's, including attacks on aid convoys and airplanes, which disrupted food distribution and U.N. flights into and out of the country (see Sections 1.b. and 1.c.). A number of humanitarian workers were killed in such attacks and one NGO suspended its programs as a result (see Section 1.a.).

On September 18, eight Islamic Court Militia gunmen attacked a World Health Organization (WHO) compound in Merca. Although they shot over 200 rounds of ammunition at the building, there were no injuries.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Transitional Charter, adopted in July but not implemented by year's end, contains provisions that prohibit discrimination on the basis of sex and national origin; however, societal discrimination and violence against women and widespread abuse of children continued to be serious problems. The 1997 Somaliland Constitution also contains provisions that prohibit discrimination on the basis of sex and national origin; however, these rights were not respected in practice.

Women.—Violence against women exists, although there are no reliable statistics on its prevalence. Women suffered disproportionately in the civil war and in the strife that followed. Rape is commonly practiced in inter-clan conflicts. Laws prohibiting rape exist; however, they are not enforced. A statistically insignificant number of rapes were prosecuted during the year. Unlike in the previous year, there were no reports that fighters loyal to Hussein Aideed routinely raped women in southern Qoryoley district.

Women are subordinated systematically in the country's overwhelmingly patriarchal culture. Polygyny is permitted, but polyandry is not. Under laws issued by the former government, female children could inherit property, but only half the amount to which their brothers were entitled. Similarly, according to the Shari'a and Somali tradition of blood compensation, those found guilty in the death of a woman must pay only half as much to the aggrieved family as they would if the victim were a man.

Several women's groups in Hargeisa (Somaliland), Mogadishu, Bosasso (Puntland), and Merka (Lower Shabelle) actively promote equal rights for women and advocate the inclusion of women in responsible government positions. Women's groups played a prominent role in the Djibouti Conference.

Trafficking in women for the purposes of sexual exploitation was a problem (see Sections 6.c. and 6.f.).

Children.—Children remain among the chief victims of the continuing violence. Boys as young as 14 or 15 years of age have participated in militia attacks, and many youths are members of the marauding gangs known as "morian," "parasites," or "maggots." Even in areas with relative security, the lack of resources has limited the opportunity for children to attend school. There are three secondary schools in Somaliland and more than three secondary schools in Mogadishu; however, only 10 percent of those few children who enter primary school graduate from secondary school. Parents generally pay fees for their children's education. Schools at all levels lack textbooks, laboratory equipment, and running water. Teachers are trained poorly and paid poorly. Approximately 10 to 20 percent of the school-age population attends school; more boys than girls are enrolled in school. The literacy rate is less than 25 percent. In 1999 the Somaliland authorities drafted guidelines for a national education policy; however, no action on such a policy was taken by year's end.

Medical care is rudimentary, and only a small percentage of children have access to adequate medical facilities.

Female genital mutilation (FGM), which is widely condemned by international experts as damaging to both physical and psychological health, is a near-universal practice. Estimates place the percentage of women who have been subjected to FGM at 98 percent. The majority of women are subjected to infibulation, the most harmful form of FGM. The practice was illegal prior to 1991, when the Siad Barre Gov-

ernment collapsed, and in Somaliland it remains illegal under the Penal Code (see Section 1.e.); however, the law is not enforced. In November 1999, Puntland authorities passed legislation banning FGM in northeastern areas of the country; however, in practice the law is not enforced strictly. While U.N. agencies and NGO's have made intensive efforts to educate persons about the danger of FGM, no reliable statistics are available on the success of their programs.

People with Disabilities.—In the absence of a functioning state, no one is in a position to address systematically the needs of those with disabilities. There are several local NGO's in Somaliland that provide services to the disabled.

Religious Minorities.—Non-Sunni Muslims often are viewed with suspicion by members of the Sunni majority. There is strong social pressure to respect Islamic traditions, especially in enclaves controlled by radical Islamists, such as Luuq in the Gedo region and Dobley and Kulbiyow in such Lower Jubba region. There was an increase in religious intolerance among Muslims by Al'Ittihad, a local radical Islamic group, which is an affiliate of the international Al'Ittihad group. There reportedly have been mosque takeovers in Puntland and Lower Shabelle. On June 15 in Merca, members of a conservative Mosque protested against alleged Christian proselytizing by teachers at schools funded by COSV, an Italian NGO (see Section 2.b.). During the march, three members of Merca's "Shura" or council threw a grenade into the offices of COSV. There were no reported injuries; staff members were evacuated, and COSV programs were suspended for 2 weeks.

There was a continued influx of foreign Muslim teachers into the country to teach in new private Koranic schools. These schools are inexpensive and provide basic education; however, there were reports that these schools required the veiling of small girls and other conservative Islamic practices not normally found in the local culture.

There is a small, low-profile Christian community. Christians, as well as other non-Muslims, who proclaim their religion sometimes face societal harassment.

National/Racial/Ethnic Minorities.—More than 80 percent of citizens share a common ethnic heritage, religion, and nomadic-influenced culture. The largest minority group consists of "Bantu" Somalis, who are descended from slaves brought to the country about 300 years ago. In most areas, members of groups other than the predominant clan are excluded from effective participation in governing institutions and are subject to discrimination in employment, judicial proceedings, and access to public services.

Members of minority groups are subjected to harassment, intimidation, and abuse by armed gunmen of all affiliations.

Section 6. Worker Rights

a. The Right of Association.—The 1990 Constitution provided workers with the right to form unions, but the civil war and factional fighting negated this provision and shattered the single labor confederation, the then government-controlled General Federation of Somali Trade Unions. In view of the extent of the country's political and economic breakdown and the lack of legal enforcement mechanisms, trade unions could not function freely.

The Transitional Charter, adopted in July but not implemented by year's end, the Puntland Charter, and the Somaliland Constitution established the right of freedom of association, but no unions or employer organizations yet exist.

b. The Right to Organize and Bargain Collectively.—Wages and work requirements in the traditional culture are established largely by ad hoc bartering, based on supply, demand, and the influence of the clan from which the worker originates. As during past years, labor disputes sometimes led to the use of force (see Section 1.c.). For example, the Habr Gibr clan used force against the Digil and Biyamal clans in Lower Shabelle during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The pre-1991 Penal Code prohibits forced labor; however, local clan militias generally forced members of minority groups to work on banana plantations without compensation. Trafficking in women for the purposes of sexual exploitation was a problem (see Sections 5 and 6.f.). The pre-1991 labor code prohibits child labor, including forced or bonded labor by children; however, child labor occurs, and there are child soldiers (see Sections 5 and 6.d.). Trafficking in children for forced labor is a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The pre-1991 labor code prohibits child labor, including forced or bonded labor by children; however, child labor occurs, and there are child soldiers (see Sections 5 and 6.c.). Formal employment of children was rare, but youths commonly are employed in herding, agriculture, and household labor from an early age. The lack of educational

opportunities and severely depressed economic conditions contribute to child labor. There were reports that trafficking in children for forced labor is a serious problem.

The country did not ratify ILO Convention 182 on the worst forms of child labor by year's end.

e. Acceptable Conditions of Work.—There was no organized effort by any of the factions or de facto regional administrations to monitor acceptable conditions of work during the year.

f. Trafficking in Persons.—The pre-1991 Penal Code prohibits trafficking; however, there were some reports of trafficking during the year. In July Djibouti law enforcement authorities arrested members of a group that was smuggling Somali women to such destinations as Lebanon and Syria to work in brothels (see Section 5). The number of women being trafficked from Somalia appears to be small. There were reports that trafficking in children for forced labor is a serious problem (see Sections 5 and 6.d.).

SOUTH AFRICA

South Africa is a multiparty parliamentary democracy in which constitutional power is shared between the President and the Parliament. The Parliament consists of the National Assembly and the National Council of Provinces. President Thabo Mbeki leads the African National Congress (ANC) party, which holds 266 seats in the 400-seat National Assembly. The Parliament was elected in free and fair elections in June 1999; the Parliament, in turn, elected the President. The country continued to consolidate the democratic transformation initiated by the 1994 elections. The Government includes ministers from the ANC and the Inkatha Freedom Party (IFP) but is dominated by the ANC. The Democratic Party (DP) is the official opposition in the National Assembly. The judiciary, including the Constitutional Court, is independent.

The South African Police Service (SAPS) has primary responsibility for internal security, although the Government continues to call on the South African National Defense Force (SANDF) to provide support for the SAPS in internal security situations. The SAPS continued its major restructuring and transformation from a primarily public order security force to a more accountable, community service-oriented police force; however, it remained understaffed, overworked, and undertrained. The SANDF and the SAPS border control and policing unit share responsibility for external security. The Government continued to train and deploy the new Special Directorate of Investigations (SDI), dubbed "the Scorpions," to coordinate efforts against organized crime. Some members of these forces committed human rights abuses.

The economy continues to undergo important fundamental changes as the Government attempts to shift towards the manufacturing and services sectors and away from a focus on mining and commodities exports. The gross domestic product is $130 billion, of which manufacturing accounts for 18 percent, services 43 percent, and mining 6 percent. Agriculture, although only 4 percent of the gross national product, is an important source of export earnings. Since the fall of apartheid, foreign investors have used the country as a base of operations for economic expansion into the Sub-Saharan region. The economy is driven largely by market forces, although a lack of competition still exists in some sectors. For example, banking and mining remain tightly controlled by a handful of powerful corporations. Although a privatization program is underway, the State continues to hold majority stakes in the telecommunications, transport, and power sectors. The Government's Growth, Employment, and Redistribution macroeconomic program largely has been successful in controlling inflation and instilling discipline in government spending. Ownership of wealth remains highly skewed along racial lines. The disparity between skilled and unskilled workers is considerable, as is the income distribution gap between white and black, and urban and rural citizens. Official unemployment is approximately 23 percent, although figures are debated widely. A significant number of citizens, particularly blacks, are employed in the largely retail-oriented informal sector. The numerous social and economic problems that developed largely during the apartheid era are expected to persist for many years.

The Government generally respected the human rights of its citizens; however, serious problems remain in several areas. Some members of the security forces committed killings due to use of excessive force, and there were deaths in police custody. In addition to killings by security forces, there were an estimated 166 politically motivated or extrajudicial killings during the first 10 months of the year. The Government took action to investigate and punish some of those involved and to prevent

future abuses. Political violence remained a problem; however, it was reduced from 1999 levels, both in KwaZulu-Natal and countrywide. Some members of the security forces were responsible for torture, excessive use of force during arrest, and other physical abuse. The Government took action to investigate and punish some of those involved. Prisons are seriously overcrowded. The judiciary is overburdened, and lengthy delays in trials and prolonged pretrial detention are problems. Violence against women and children, and discrimination against women and the disabled remained serious problems. Child labor, including forced child labor, is a problem. Vigilante violence and mob justice increased during the year. Trafficking in persons is a problem.

The Truth and Reconciliation Commission (TRC), created to investigate apartheid-era human rights abuses, make recommendations for reparations for victims, and grant amnesty for full disclosure of politically motivated crimes, continued its work on a large backlog of amnesty and restitution applications following the release of its 1998 report.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Police use of lethal force during apprehensions resulted in numerous deaths, and deaths in police custody also remain a problem. The Government took action to investigate and punish some of those involved and to prevent future abuses. The Government's Independent Complaints Directorate (ICD) investigates deaths in police custody and deaths as a result of police action. The ICD reported 511 deaths as a result of police action in the last 8 months of the year, including 186 that occurred while in police custody. These figures represent an increase in the monthly rate of deaths as a result of police action, compared with the estimated 450 deaths as a result of police action that occurred in the first 10 months of 1999. The ICD's report lists the subcategories under deaths in police custody, which include natural causes, suicide, injuries in custody, injuries prior to custody, and possible negligence. The ICD experienced greater cooperation from the police than in the previous year.

On April 10, police in Barkly East in the Eastern Cape province arrested six teenagers for a local burglary. In the course of the arrest, they dragged two of the boys behind their police vehicle, killing a 14 year-old boy. Three police officers were charged with murder, assault and related crimes; their trials were postponed until March 2001. The police officers were released on bail and suspended from duty pending their trials.

On July 30, SAPS members claiming to be searching homes for illegal weapons shot and killed an ANC Member of Parliament, Bheki Mkhize, in his parents' home in Mahlabathini. There was no indication that the officers had a warrant or that they attempted to search other homes in the area. Three officers were charged in the killing; they were released on bail in August, and an investigation into the matter was ongoing at year's end. ANC spokesmen alleged that the police were committing murders for the IFP, the ANC's political rival. There was in fact a consistent pattern of attacks and killings between members of both parties prior to the June 1999 elections.

The TRC continued to consider throughout the year amnesty applications involving apartheid era violence and killings (see Section 4). During the year, a number of applicants were granted amnesty, including Eugene de Kock, the principal of the apartheid government's Vlakplaas unit (although he remains in custody for other crimes); police officers who killed antiapartheid activist Stanza Bopape; and the IFP members involved in a massacre in Boipatong. On September 7, the TRC granted 11 ANC guards amnesty for their participation in the 1994 killing of 8 IFP demonstrators (see Section 4). The application of Ferdie Barnard of the Civil Cooperation Bureau remained pending at year's end.

Racial tensions in the military between white commanding officers and their black subordinates resulted in several killings during the year. In 1999 a black lieutenant killed six white officers at an army base in Tempe before he was shot and killed. In December 1999, The Ministry of Defense announced the formation of a commission of inquiry into the shootings and into racism within the SANDF in general; the final report had not yet been released by year's end. On July 10, a black platoon commander murdered his white company commander at an army base near Phalaborwa. On September 19, a black navy seaman shot and killed his white commanding officer at Simons Town naval base. Investigations into these killings were ongoing at year's end, but the Defense Minister stated publicly that racism was likely a motivating factor in the cases.

The South Africa Institute for Race Relations, a nongovernmental organization (NGO) concerned with political and extrajudicial killings, reported 166 politically motivated killings during the first 10 months of the year, most of which occurred in the province of KwaZulu-Natal, compared with 286 for the same period in 1999.

In 1999 7 persons were arrested for the 1999 murder of the general secretary of the United Democratic Movement (UDM), Sifiso Nkabinde, and 5 persons were arrested for a retaliatory attack after the murder in which 11 persons associated with the ANC were killed and several others were wounded. Seven suspects in the Nkabinde killing went on trial in March, and five were convicted in October. The trial of the five suspects in custody for the retaliatory attack is scheduled for March 2001. In November 1999, prominent Zulu leader and ANC member Prince Cyril Zulu, was killed by unknown persons. It is not known whether this was a politically motivated killing; a suspect was apprehended, but the trial had not begun by year's end.

The trial of Dr. Wouter Basson was ongoing at year's end. Basson was the head of the chemical warfare program under the former apartheid regime, and faces 61 charges including 30 counts of murder, fraud, and narcotics trafficking. During his trial, it was revealed that the former apartheid regime was involved in the murders of hundreds of members of the Namibian Liberation Movement between 1980 and 1987. The trial was ongoing at year's end.

There was no further action on the March 1999 killing in Cape Town of one ANC member and four UDM members.

A peace process continued between the IFP and the ANC, the two parties most closely associated with the political violence in KwaZulu-Natal. In May 1999, a special bilateral IFP-ANC Peace Committee signed a provincial code of conduct for peace, which was still in effect during the year. Although violence in KwaZulu-Natal remained higher than in other provinces, resulting in dozens of deaths during the year, including the killings of several ANC and local IFP leaders, there was an improved level of overall tolerance attributable to the IFP-ANC peace process, as well as an increased police presence. However, the committee established to enforce the provincial code of conduct received complaints regarding the intimidation of party members, primarily rural members. Some rural areas in KwaZulu-Natal that previously had experienced violence remained tense, although the overall level of violence continued to decrease. Factional and intraparty rivalry in the Nongoma area continued to cause deaths, and the authorities had limited success in solving the killings. The Public Order Policing Unit from Durban was moderately effective in calming tensions, but investigations continued to be handled by local authorities. There are several theories to explain the violence in KwaZulu-Natal, including a legacy of "warlordism" that fuels interparty conflict, and the actions of criminal elements involved in a Mafia-like illegal trade in drugs, arms, and wildlife. Some observers have blamed an undefined "third force," which allegedly combines criminal and conservative elements determined to undermine the new political order. Observers warn that the fact that the province has not yet been demilitarized and disarmed promotes the area's violence.

Violence in Richmond was reduced significantly during the year due largely to the replacement in 1998 of the regular police force in the area with a special, larger "public order police" force.

There were reports that five persons were killed in an incident that may have been politically motivated during the December 5 local elections in the East Rand area of Johannesburg. Nine suspects were arrested, and eight were charged with the killings. Although it is not known if the shooting was politically motivated, the shooting occurred near a polling place in an area with a history of interparty violence. Three of the eight suspects were charged with murder; they were denied bail and were being held in pretrial detention at year's end. Charges against two suspects were dropped; the other three suspects were charged with reckless endangerment while using a weapon and released on bail. A trial date had not been announced at year's end.

Taxi drivers in crime-ridden neighborhoods were responsible for a continuing series of attacks on rivals. Conflict between taxi companies led to gun battles and other street violence, and resulted in the deaths and injuries of bystanders in several cities. In Cape Town, taxi owners were believed to have instigated attacks and shootings of drivers working for the Golden Arrow bus company. Four drivers were killed and several other persons, including passengers, were injured in a series of attacks. In September one person pled guilty to the bus drivers" murders and was sentenced to 75 years in prison. No arrests were made in connection with the taxi violence in Cape Town that occurred in 1999.

Vigilante action and mob justice increased during the year. In Northern and Mpumalanga provinces, a vigilante group called Mapogo A Mathamaga has grown

in membership and has opened offices in at least nine cities, including Pretoria. Mapogo members attacked and tortured, including beating with clubs and whips, suspected criminals, particularly targeting those they suspected of property crimes against their members. In November the Director of Public Prosecutions created a task team to investigate more than 200 cases attributed to Mapogo members in the Northern and Mpumalanga provinces, which included the crimes of kidnaping, murder, assault, and intimidation. In Eastern Cape, the Umfela Ndawonye group also killed and attacked suspected criminals in vigilante violence. People Against Gangsters and Drugs (PAGAD), an Islamic-oriented, communitybased organization calling for stronger action against crime and drugs, continued to be suspected of acts of intimidation and violence against drug dealers and gang leaders, and against critics of its violent vigilantism. In September a PAGAD G-force (murder squad) member testified in court that in January he had been ordered by PAGAD leadership to attack a gang stronghold and kill gang members and drug dealers. The Minister of Justice and Minister of Safety and Security publicly charged that PAGAD G-force cells and members of Qibla, an Islamic-based political organization whose membership may share affiliation with PAGAD, were responsible for urban terror incidents in Cape Town throughout the year. These attacks included nine bombings (see Section 1.c.) that caused serious injuries but no deaths. No organization has claimed responsibility for the incidents. Authorities based their accusations against PAGAD on circumstantial evidence regarding attacks linked to PAGAD members' trials, including violence directed against particular courts and police officers, intimidation of witnesses, and the September murder of a regional court magistrate who was hearing PAGAD cases. Since November 1998, there have been 16 convictions and 14 acquittals of PAGAD members. Pending cases include 13 charges of murder, 63 charges of attempted murder, 10 charges for possession of explosives, and 18 charges for illegal possession of firearms. In December hundreds of cases were pending against PAGAD members in Western Cape courts, including 40 cases in which bail was denied to the accused. The Muslim community protested the infrequent availability of bail and staged periodic small-scale protests, criticizing the treatment of suspects as unfair compared with the judicial treatment of non-Muslims (see Section 2.c.). There were three sets of murder trials pending at year's end: Ebrahim Jeneker, Abdulla Maansdorp, and Ismail Maansdorp; Moegamat Zain Cornelson and Anees Adams; and Moegamat Isaacs. In August Ebrahim Jeneker and Ismail Edwards, alleged PAGAD members, were charged with the killing of a police captain who had been investigating PAGAD; the trial was pending at year's end.

Murders of farm families in rural parts of the country have received considerable media attention, but data on numbers of attacks have not been available since the SAPS declared an embargo on crime statistics in July (see Section 2.a.). AgriSA, an organization formed in October 1998 to represent farmers' interests, reported 804 attacks on farms and small holdings during the year, usually by black assailants, which resulted in 119 killings of farm owners, most of whom were white. There is widespread concern among white farmers that they are being targeted for racial and political reasons, although no evidence exists that the murders are part of an organized political conspiracy.

There were incidents of abuse and killings of black farm laborers by their white employers. NGO's claim that rural police and courts refuse to arrest or prosecute whites in many incidents. During the year, the HRC launched an investigation into allegations of abuse of black farmworkers, local justice system prejudice against farmworkers, and violence against white farm owners. The HRC report was not released by year's end (see Section 4).

In December two guards were shot to death in Cape Town in what police believe was a strike-related attack (see Section 1.c. and 6.a.).

In the Northern province, where traditional beliefs regarding witchcraft remain strong, there were occasional reports of attacks on persons accused of witchcraft by their rural communities. Some survivors of attacks and their families were driven from their villages and were living in "witch villages" for safety. The Ministry of Safety and Security with the assistance of the quasigovernmental Commission on Gender Equality and traditional leaders, instituted programs to end violence against suspected practitioners of witchcraft. Traditional leaders cooperated with the programs and reported threats against persons suspected of witchcraft to the police. There reportedly were some prosecutions, although statistics were not available by year's end. Government officials claimed a decrease in attacks as a result of the programs; however, because of the embargo on crime statistics by the SAPS (see Section 2.a.) precise data were not available. There were reports of only one witchcraft related murder since 1997, compared with more than 500 between 1990 and 1995.

b. Disappearance.—There were no reports of politically motivated disappearances caused by government authorities or agents.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution's Bill of Rights prohibits torture and cruel, inhuman, or degrading treatment, and provides for the right to be free from all forms of violence from either public or private sources; however, some members of the police beat, raped, tortured, and otherwise abused suspects and detainees. Some incidents of torture and ill-treatment by the police and SANDF occurred during interrogation, arrest, detention and searches of persons" homes. The ICD reported 19 cases of torture and 9 cases of rape perpetrated by security forces between April and December; the Government investigated these allegations and prosecuted some offenders.

On April 10, police in Barkly East in Eastern Cape province dragged two boys behind a police vehicle during the course of making an arrest, killing a 14-year-old boy (see Section 1.a.). Three police officers were charged with murder, assault, and related crimes. The trial was postponed until March 2001; the officers were released on bail and suspended from duty.

In May some COSATU members reportedly clashed with police during a COSATU strike, and police used tear gas after the crowd reportedly threw stones (see Sections 2.b. and 6.a.).

On November 7, a video filmed in 1998 was broadcast on national television showing six white police officers beating and torturing three black illegal immigrants with vicious dogs while yelling racial insults. The officers were arrested and charged with assault and attempted murder, and suspended from duty; the investigation was ongoing at year's end. Several similar cases were reported to the ICD after the broadcast of the video. For example, in August police of the North Rand Dog Unit allegedly took seven Mozambican immigrants to a deserted field near Springs, ordered them out of the police vehicle, and attacked them with police dogs. After receiving medical treatment and being detained for several days in a police jail, the victims were taken to the Lindela Repatriation Centre and returned to Mozambique. Another Mozambican immigrant reported that a similar incident took place in October in the West Rand area. The ICD was investigating the incidents at year's end.

Incidents of police harassment and attacks against foreigners increased. Some state hospitals routinely refused treatment to indigent foreigners, despite regulations that required such treatment.

There were reports of police abuse of detainees awaiting deportation (see Section 2.d.). In December after a 2-year investigation, the Human Rights Commission (HRC) released a report assessing conditions at the Lindela Repatriation Centre, the largest detention facility for undocumented immigrants in the country. The report described abuses against detainees, which included long detentions, poor living conditions, xenophobia, abuse and corruption by officials, and sexual abuse of women. In December the HRC reported that the Department of Home Affairs had not responded to its recommendations, and, although the contractor operating the facility had improved conditions, Home Affairs officials continued to assault detainees and subject them to degrading treatment. On November 28, approximately 300 refugees demonstrated in front of the Department of Home Affairs to protest its refusal to process asylum applications for those applicants without certain documents. Some of the refugees alleged that Home Affairs employees assaulted them and requested bribes. The HRC sued the Department of Home Affairs to compel the processing of all applications by asylum seekers, as required by the 1998 Refugees Act; the case still was pending at year's end (see Section 2.d.).

Two officers who were filmed by the British Broadcasting Corporation as they beat suspected criminals in a 1999 documentary were fined and given suspended prison sentences on July 10.

In 1998 police at a Guguletu police station severely beat a Cape Town journalist, Thabo Mabaso, after he went to the station to report a traffic accident. The officers responsible were initially suspended, then reinstated and transferred to another police station pending their trial. On July 7, nine officers were charged for the beating. On August 30, six of the officers were acquitted; three were convicted and sentenced to prison terms ranging from 3 to 5 years.

The Government made efforts to address abuses with an official antitorture policy and training programs for police and SANDF officers. Broad efforts to reform police practices continued to reduce abuses, and the ICD investigates reports of police misconduct and corruption (see Section 1.a.). In November 1999, the SAPS Training Division initiated a human rights program; by September 15, over 15,000 of the estimated 90,000 targeted officers had undergone training. The largest number of officers have been trained in the Western Cape province, and officials credited the training with an increase in police disciplinary actions in the province.

The SAPS continued to undergo sweeping, mostly positive changes, including the institution of reforms designed to create partnerships between local police forces and the communities that they serve. Resignations and retirements of senior police offi-

cials have permitted the infusion of new personnel at senior levels, from both inside and outside the SAPS; these appointments also have served to promote affirmative action within the SAPS. However, the SAPS has been left with deficiencies in mid-level leadership, and institutional memory that have been harmful to its overall performance. The SAPS continued to be understaffed, overworked, and undertrained.

There was a consistent pattern of attacks and killings between ANC and IFP members in the province of KwaZulu Natal; however, the level of violence diminished during the year (see Section 1.a.).

There were a number of bombings during the year, which resulted in numerous casualties, including 9 pipe and car bomb explosions in Cape Town, for which no organization claimed responsibility (see Section 1.a.). This represents a decline from the 80 bomb explosions that occurred in 1999. Since November 1998, 16 PAGAD members were convicted and 14 were acquitted in connection with urban terror attacks (see Section 1.a.). In July D. Essop and R. Shaik were sentenced to 7 years in prison for possession of a pipe bomb.

There were incidents of abuse, including killings, of black farm laborers by their white employers, and NGO's claim that rural police and courts refuse to arrest whites in many incidents (see Section 1.a.).

There were a few illegal strikes that resulted in some worker violence, in particular incidents of intimidation and threats of violence by striking workers against nonstriking and replacement workers. In December during a legal strike of security guards, strikers used intimidation and violence against nonstriking and replacement guards and also against journalists covering the strike. Nonstriking security guards were harassed by groups of strikers while taking public transportation; the groups stripped them, forced them to lay down in dirt, and beat them. Two guards were shot to death in December in Cape Town in what police believe was a strike-related attack (see Section 1.a. and 6.a.).

Conflict between warring taxi companies led to gun battles and other street violence, and resulted in the deaths and injuries of bystanders in several cities (see Section 1.a.).

Vigilante action and mob justice resulted in attacks on suspected criminals and drug dealers, some of whom were tortured (see Section 1.a.).

Xenophobia is a growing problem. Xenophobia was expressed in institutional and social interactions with foreigners, particularly those from other African countries. There were a number of violent attacks on foreigners, including refugees and asylum seekers. Many of those attacked were hawkers and street vendors. Foreigners faced harsh reactions from antiimmigrant groups such as the Unemployed Masses of South Africa, which criticized immigrants for job losses, and in August demonstrated against employers who hired noncitizen workers. NGO's continued to encourage the Government to give equal access to health, education, and legal protection to foreigners. The U.N. High Commission on Refugees (UNHCR), the National Consortium on Refugee Affairs, and the Human Rights Commission (HRC) continued their "Roll Back Xenophobia" campaign to raise public awareness of the situation and rights of refugees and the difference between refugees and economic migrants. The campaign has produced publications and organized several public relations events.

Three suspects were arrested for a series of bombings in January 1997, including a mosque in Rustenberg that injured two persons; the trial concluded during the year, but the sentence was not announced by year's end (see Section 5).

Prison conditions do not always meet the country's minimum legal requirements. Food, especially for prisoners with HIV/AIDS and other medical problems, frequently is of poor quality and quantity. NGO's reported that prison employees steal food from prisoners. Although prisoners generally have access to health care, prison officials sometimes withheld prescribed treatment as punishment. Severe overcrowding in some prisons led to poor health; as many as 75 inmates may occupy a cell designed to hold 40 inmates. The Department of Correctional Services (DCS), which manages prisons, reported that in July there were 169,0000 prisoners in facilities designed to hold only 101,000. In September 8,262 prisoners awaiting trial but unable to post bail due to poverty were released in an effort to reduce overcrowding. There were abuses of prisoners, including physical and sexual assaults by prison employees and other prisoners. Press reports indicated that detainees awaiting trial contracted HIV/AIDS through rape. Male and female prisoners are held separately; however, female prison wards are often on the same grounds as male wards, and Amnesty International reported rapes of women by other prisoners.

Juveniles between the ages of 14 and 18 accused of serious crimes, including murder or rape, sometimes are placed in pretrial detention in prisons with adult offenders (see Section 5). DCS statistics from May documented that there were 27,638 youth offenders (prisoners under age 21), 4,253 of whom were 17 years of age or

younger. Juveniles normally are not housed with adults; however, in August 200 juveniles under 18 years of age awaiting trial were transferred to secure care centers after it was discovered that they were detained with adult prisoners and receiving insufficient medical attention at Pollsmoor Prison near Cape Town. There were credible reports that youths from juvenile wards were sold to adult prisoners for purposes of rape. In June a 17-year-old prisoner died in Johannesburg prison after being repeatedly raped by adult prisoners.

In 1997 the Government commissioned the first of several planned "C-MAX" prisons in Pretoria. C-MAX prisons are designed to hold the country's most dangerous criminals. Human rights groups have raised serious concerns regarding C-MAX facilities, including the Government's criteria for transferring prisoners from other prisons to a C-MAX facility and the restrictive, solitary conditions of the prisons themselves. No additional CMAX prisons were opened by year's end, but a new prison based on the C-MAX model was under construction and scheduled to begin operations in April 2001.

Parliament passed legislation in late 1998 to restructure the prison service and bring prison law in line with the Constitution. Parts of the Correctional Services Act went into effect in 1998; although additional sections relating to the treatment of prisoners went into effect during the year, sections on parole board policy were not yet implemented. The parole boards still are staffed by lower ranking DCS employees, to which NGO's have attributed the low number of parole decisions and an exacerbation of the overcrowding conditions in prisons.

A Judicial Inspectorate for prisons began operations during 1999, and a number of civilian prison visitors were appointed throughout the country. Visits were conducted during the year; however, most visitors were not trained in legal matters. Those who received some training from NGO's generally were more successful in encouraging compliance with regulations on inmate treatment.

The Government generally permits independent monitoring of prison conditions, including visits by human rights organizations; however, only those organizations that are able to send legal practitioners are allowed to visit prisons. Other prisoners" rights organizations routinely are denied access.

d. Arbitrary Arrest, Detention, or Exile.—The Bill of Rights prohibits detention without trial, and the Government generally respects this right in practice. It also provides that every detained person has the right to be informed promptly of the reasons for the detention; to be advised promptly of the right to remain silent and the consequences of waiving that right; to be charged within 48 hours of arrest; to be detained in conditions of human dignity; to consult with legal counsel at every stage of the legal process; to communicate with relatives, medical practitioners, and religious counselors; and to be released (with or without bail) unless the interests of justice require otherwise.

Courts and police generally respected these rights; however, there was a continuing problem with bringing detainees to trial expeditiously. According to the HRC, prisoners wait on average for 6 months to be tried in the regional courts and 6 months to 1 year in the high courts; however, in extreme cases detention may extend up to 2 years. This problem primarily is the result of an understaffed, underfunded, and overburdened judiciary (both magistrates and prosecutors), with more cases than can be handled efficiently (see Section 1.e.). Human rights groups, judges, and judicial scholars continued to express concern about the Criminal Procedure Second Amendment Act of 1997, which mandates minimum jail sentences and prohibits bail in certain cases, thus raising concern about judicial independence and civil liberties.

There were reports that authorities abused detainees awaiting deportation. In December the HRC reported that immigrants in Lindela Repatriation Centre experienced long detentions and abuse (see Sections 1.c. and 2.d.).

There were no reports of forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent and impartial judiciary subject only to the Constitution and the law, and the Government respects this provision in practice.

Under the Constitution, the Constitutional Court is the highest court for interpreting and deciding constitutional issues, while the Supreme Court of Appeal is the highest court for interpreting and deciding other legal matters. Generally magistrates' courts and high courts are the courts of original jurisdiction in criminal cases.

Judges and magistrates hear criminal cases; the jury system was abolished in 1969. The presiding judge or magistrate determines guilt or innocence. The 1998 Magistrates Court Amendment Act made it compulsory to have a panel of lay assessors hear cases along with a magistrate in cases involving murder, rape, robbery, indecent assault, and assault leading to serious bodily harm. The two assessors may

overrule magistrates on questions of fact. Magistrates also are required to use their discretion in using assessors in an advisory capacity in bail applications and sentencing. The Office of the National Director of Public Prosecutions (the so-called super Attorney General) exercises national control over prosecution policy and applies a consistent national policy for the prosecution of offenses. There are nine provincial directors and offices to coordinate and streamline prosecutions.

The Bill of Rights provides for due process, including the right to a fair, public trial within a reasonable time after being charged, and the right to appeal to a higher court. It also gives detainees the right to state-funded legal counsel when "substantial injustice would otherwise result." In practice the law functions as intended; however, a general lack of information on the part of accused persons regarding their rights to legal representation and the Government's inability to pay the cost of those services are continuing problems. There were serious backlogs in the numbers of cases that have gone to trial. In July the National Prosecuting Authority reported that there were approximately 140,000 cases awaiting hearings. There was public concern about the capacity of the criminal justice system to deal with the high level of crime, as well as the continuing political violence in KwaZulu-Natal and elsewhere. The resurgence of vigilante justice substantiates this concern (see Section 1.a.).

Some human rights groups expressed concern with parts of laws passed in 1997 that provided minimum sentencing guidelines and refusal of bail for certain serious offenses, stating that they would harm judicial independence and limit civil liberties. The law mandating minimum sentences came into force in 1998. The new bail law was upheld by the Constitutional Court in 1999. In December the South African Law Commission submitted a report to the Minister of Justice on the effects of minimum sentencing laws. The report showed that there remained disparities in the application of the sentencing guidelines, mostly at the regional level. Courts have the authority to depart from the guidelines if "substantial and compelling circumstances" justify it. Some human rights groups continued to have concerns about the effects of the minimum sentencing laws. The new laws have affected prison overcrowding by imposing an increased number of long-term prison sentences.

The Government and legal bodies have acted to redress historic racial and gender imbalances in the judiciary and the bar. The ranks of judges, magistrates, senior counsels, and attorneys are more reflective of society, although they still fall far short of a representative composition. The majority of judges of the Constitutional and High Courts remain white and male. Magistrates courts continue to face large case loads and a shortage of resources.

The TRC continued to investigate apartheid-era gross human rights abuses committed between 1960 and 1994, to grant amnesty to perpetrators of a broad range of politically motivated crimes, and to recommend compensation for victims of human rights abuses (see Section 4).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

On January 25, Parliament passed the Promotion of Access to Information Act. Although the purpose of the act was to increase transparency, opposition parties and human rights NGO's objected to it because it includes a broadly-defined provision that enables the Government to access individuals" personal information.

On July 30, SAPS members, claiming to be searching homes for illegal weapons, shot and killed an ANC Member of Parliament, Bheki Mkhize, in his parents' home in Mahlabathini; the officers reportedly did not have a warrant to enter the home (see Section 1.a.).

In 1994 the Redistribution of Land Rights Act established the Constitutional Land Court and the Commission on Restitution of Land Rights. The Land Court's mission is to settle cases previously screened and evaluated by the Commission. Claims only can be filed for land dispossessions following the promulgation of the Natives Land Act of 1913, although this does not include dispossessions that occurred in 1913, the year of the Government's most significant land redistribution in favor of whites. The various forms of compensation offered to claimants are the return of the original land, a deed to another piece of land, financial remuneration, or preferential access to government housing. A deadline of December 31, 1998 was set for receiving claims. There is no deadline for completion of the claim settlements, and the pace at which cases are moving is slow. By the December 1998 deadline, the Commission had received 67,531 claims; some claims represent several households. The Commission is scheduled to determine which claims are valid by the end of 2001. At year's end, 8,288 claims had been settled, allotting land or money to 20,473 households. A provision passed by Parliament in late 1997, allowed the Ministry of Land Affairs

to offer settlements without first going to court, and has expedited the resolution process.

In May following land reform disturbances in a neighboring country during the year, the media reported on a series of farm occupations by landless farm workers in KwaZulu-Natal and Mpumalanga. Subsequent information showed that there was no organized effort to seize land, and the occupations were by either longtime squatters or claimants frustrated by long delays from the Commission on Restitution of Land Rights. On May 10, President Mbeki stated before Parliament that the Government would not tolerate land seizures.

There were reports of persons accused of witchcraft being driven from their villages in rural communities (see Section 1.c.).

There are three known villages in the Northern Province in which persons accused of witchcraft and their families were offered unused land by traditional leaders. The villages have no running water or electricity. Although some persons accused of witchcraft returned to their homes, many persons remained in the villages and requested government assistance for schools and basic infrastructure.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice; however, these rights can be limited by law in some circumstances. Several apartheid-era laws that remain in force pose a potential threat to media independence. In addition, the Constitution bans the advocacy of hatred based on race, ethnicity, gender, or religion that constitutes incitement to cause harm. Nevertheless, the press criticizes both the Government and the opposition.

Several laws remain in effect that permit the Government to restrict the publication of information about the police, the national defense forces, prisons, and mental institutions. While these laws have not been employed often, journalists perceive them to be a threat to constitutional free press rights. The Criminal Procedure Act may be used to compel reporters to reveal their sources. In June 1999, the South African National Editors' Forum (SANEF) launched a media campaign to compel changes to legislation that restricts the free flow of information. In July 1999, SANEF and the Government reached an informal agreement to introduce safeguards to prevent the use of the Criminal Procedure Act against journalists; however, in September 1999 the Provincial Director of Public Prosecutions decided to invoke a section of the Criminal Procedure Act against an unnamed person. The Act reportedly was not invoked officially by year's end. The SANEF continued to push without success for a formal amendment of the Act that would ensure this agreement.

In June the National Police Commissioner announced that the Government would withhold the release of current crime statistics and other information to the public, on the grounds that crime statistics could not be verified and statisticsgathering methods were inaccurate. He stated that the embargo was temporary but did not set a date for it to be lifted. Judge Willem Heath stated that his anticorruption unit also would reduce the amount of information given to the public regarding the progress of his special investigations.

The Government used both legislative and structural means to encourage greater diversity in the media. The media offer a broad range of news, opinion, and analysis. Coverage of news and expression of opinion is vigorous. High-ranking government officials on occasion have reacted sharply to media criticism of government programs and problems, and have at times accused journalists, particularly black journalists and editors, of disloyalty. Some journalists express concern that the Government would like to control the media. A larger number of journalists believe that the Government's sensitivity to criticism causes self-censorship in the media.

In October police officers raided the offices of the South African Broadcasting Corporation (SABC), Reuters, the Associated Press, and the Mail & Guardian newspaper. Police confiscated material for use in the trial of PAGAD national coordinator Abdus-Salaam Ebrahim and three others in the killing of Rashaad Staggie (see Section 1.a.). On July 5, there were reports that government officials harassed two journalists who were covering a government staff protest. Officials temporarily confiscated a camera, notebook and documents, but later returned them.

All newspapers are owned by conglomerates. In early September, 50 percent of the Natal Witness Publishing Company was sold to the conglomerate Nasionale Pers (Naspers). This sale reflected the growing dominance of the newspaper market by a few companies that feature strong infrastructure and capital investment. One of the prominent companies, New Africa Media, is a black-owned consortium that controls the country's leading black-oriented newspaper, The Sowetan, as well as a

major white-oriented publishing business, Times Media Limited. The Sowetan has the largest daily circulation in the country.

Print media reaches only about 20 percent of the population due to illiteracy, the lack of newspapers in rural areas, and the cost of newspapers. The majority of the population receive the news through radio broadcasts.

The government-owned SABC, a limited liability company, continues to own and control the majority of the television and radio outlets. In April the SABC was scheduled to be split into two operational units: a public broadcasting company and a commercial entity. However, the restructuring had not yet occurred by year's end, and the process is expected to take more than a year. At present the SABC is managed by black executives, provides broadcasting in the country's main African languages, and offers news coverage of the Government and the leading opposition parties. The SABC maintains editorial independence from the Government, although the balance between editorial independence and national interest remains a delicate issue with governmental officials; critics allege that top officials are chosen for political reasons without regard for media expertise or relevant experience. In February the outgoing SABC Board Chairman, Paulus Zulu, raised the concern that the SABC was "dictated to from above" when making editorial decisions.

The first commercial television station, E-TV, has been broadcasting for over 2 years. Although E-TV's signal reaches 75 percent of the population, E-TV's share is consistently only about 10 percent of viewers. Most of E-TV's schedule consists of newscasts and foreign-produced programs; the government is encouraging E-TV to meet its licensing conditions, which would require programming to include at least 30 percent local content. Majority ownership of E-TV is held by Midi Television, a black-owned consortium composed of a number of South African associations and syndicates representing workers, women, and disabled persons.

In addition to E-TV, the SABC competes with two pay-per-view broadcasters, M-NET (encoded UHF transmissions) and MultiChoice (direct from satellite broadcasts); several commercial radio broadcasters; and a large number of low-power, not-for-profit community radio stations. Government broadcast regulators have issued more than 100 community radio licenses since 1994; many of the 80 stations continue to experience financing and personnel retention problems. Nevertheless, community radio provides radio access for the first time to thousands of historically marginalized citizens, providing special event information and news tailored for specific interest groups.

Internet access is unrestricted for persons with the ability to pay for the service. The number of Internet users doubled during the year. All major newspapers maintain Internet sites, most of which are updated daily with the latest news and features.

In August the Human Rights Commission (HRC) published the finding of its investigation into racism in the media. The investigation examined selected publications over a limited period, looking at the issue of subliminal racism and the disproportionate representation of whites in media ownership and newsroom staffing. The Commission's report concluded that: "To the extent that expressions in the media reflect a persistent pattern of racist expressions and content of writing that could have been avoided, the media can be characterized as racist institutions." The report recommended workshops and conferences to sensitize journalists to the risk of racial prejudice in their reporting. This suggestion was supported by the SANEF and the Freedom of Expression Institute (FXI); however, both organizations were less receptive to the Commission's recommendation that a single regulatory authority be established for the media. Although the proposed authority would be funded and under the control of the media, SANEF and FXI assert that radio and television require different controls than newspapers. They are concerned that the Government's alleged attempts to silence expressions of dissent could eventually be codified into law.

A ruling by the Supreme Court in 1998 decreed that journalists who could prove that they had taken all the steps necessary to verify that the information they obtained was genuine and that the articles published as a consequence were reasonable and not negligent would not be liable for defamation. Media freedom advocates noted the ruling as an important change in the allocation of the burden of proof from the media to the plaintiff.

There are several government agencies with media-related responsibilities. Under the South African Communications Regulatory Authority Bill passed in May, the IBA and the South African Telecommunications Regulatory Authority (SATRA) were merged to form the Independent Communications Authority of South Africa (ICASA). Under the new regulations, ICASA has less independence from the Ministry of Telecommunications than was previously granted to the IBA. Additionally the Minister of Telecommunications has a direct role in the awarding of tele-

communication-service licenses. This role came under scrutiny during the extended bidding process for the third cellular license in the country after unsuccessful bidders for the cellular license alleged that the regulator unfairly recommended one bidder for the contract; they sued to have the decision's basis reviewed, but the case was not resolved by year's end. The Government Board of Censors reviews and passes judgment on written and graphic materials published in or imported into the country. The Board has the power to edit or ban books, magazines, movies, and videos. It regularly exercises that power, although with restraint. The Government Communications and Information Service (GCIS) was created in 1998 to coordinate and facilitate communications with the citizenry through its Directorate for Media Diversity and Development, which began operations in 1999.

In December during a legal strike of security guards, strikers used intimidation and violence against journalists covering the strike (see Sections 1.a., 1.c., and 6.a.).

There are no official restrictions on academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice. On May 9, police used tear gas while dispersing a COSATU strike after the crowd reportedly threw stones (see Section 6.a.).

The Constitution provides for freedom of association, and the Government generally respects this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

The Constitution states that religious instruction at public schools is permitted so long as it is voluntary and religions are treated equally. Many public schools have dropped religious instruction in practice. In schools that do administer religious instruction, students have the right not to attend the religious instruction, and school authorities respect this right in practice. The current syllabus allows local boards to decide whether to include religious instruction in their schools. There are some private religious schools in which religious instruction is required.

Members of PAGAD complained that they were the targets of police brutality (see Section 1.a.). There was no indication that police targeted PAGAD members for investigation because of their religious affiliation.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice.

The law contains provisions for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In 1998 the National Assembly and the National Council of Provinces passed the Refugees Act—framework legislation that codified the country's obligations under the U.N. Convention and its Protocol. The Act's regulations, which delineate actual government procedures and responsibilities, became effective in April. The Refugees Act stipulates that no person shall be expelled, extradited, or returned to any other country if they face persecution due to race, religion, or political affiliation, or when "his or her life, physical safety, or freedom would be threatened." The act also stipulates that designated refugees lose their status if they voluntarily return to their country of origin, take citizenship of another country, or if the circumstances that caused their flight from the country of origin change. However, the act stipulates that in order to renew their temporary residency permits, asylum seekers must return to the town in which they originally lodged their application to be recognized as refugees. Permits that are lost, stolen, or destroyed are not renewed. If found without a valid permit, asylum seekers are subject to arrest, detention, and deportation.

The UNHCR is assisting the Government in processing asylum applications. The regulations implementing the Refugees Act require the Department of Home Affairs to interview asylum seekers within 14 days of entry and to determine their status within 180 days of the interview; however, asylum application are not efficiently processed by the Department of Home Affairs due to poor management and insufficient resources. There were interview delays of up to 3 months, followed by a 6-month adjudication period, and under new procedures, applicants are prohibited from working or attending school until asylum is granted. Human rights groups have criticized the Department of Home Affairs for not following the provisions of the act. New applicants for asylum and NGO's assisting refugees reported abuse and assaults by immigration authorities and requests for bribes to process applications for permits to remain in the country (see Section 1.c.). On November 28, approximately 300 refugees demonstrated in front of the Department of Home Affairs to protest its refusal to process asylum applications for those refugees without passports. Some of the refugees alleged that Home Affairs employees assaulted them and requested bribes.

The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The Government provides first asylum, granting applicants the right to work and study. The Department of Home Affairs reported that as of November, 61,120 persons had applied for asylum since 1994. Of this number, 14,735 were granted asylum and refugee status, 24,177 were refused, and 16,053 were awaiting a decision. The majority of recognized refugees came from Somalia, the Democratic Republic of the Congo, and Angola; there also were refugees from Rwanda, Burundi, and the Republic of the Congo.

The majority of illegal immigrants come from Mozambique and Zimbabwe. Illegal immigrants are processed for deportation at a central facility, and sent back to Mozambique and Zimbabwe by weekly trains. Inadequate security on the trains allows many deportees to jump from the train en route, perpetuating the illegal immigration problem. Despite numerous procedural safeguards, efforts to combat a growing illegal immigration problem occasionally resulted in the wrongful deportation of aliens legally in the country. However, there were no reports of the forced return of persons to countries where they feared persecution. There were credible reports of overcrowded, unhygienic detention facilities; beatings by security personnel in detention centers; and the theft of money and personal possessions from refugees by security personnel.

In December after a 2-year investigation, the HRC released a report assessing the conditions at the Lindela Repatriation Centre, the largest detention facility for undocumented immigrants in the country. The report described abuses against detainees, which included long detentions, poor conditions, xenophobia, abuse and corruption by officials, and sexual abuse of women. In December the HRC reported that the Department of Home Affairs had not responded to its recommendations, and although the contractor operating the facility had improved conditions, Home Affairs officials continued to assault detainees and subject them to degrading treatment.

Xenophobia led to a number of violent attacks on foreigners (see Section 1.c.).

On November 7, a video taped in 1998 was broadcast on national television showing six white police officers beating and torturing three black illegal immigrants with dogs (see Section 1.c.).

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic free and fair elections held on the basis of universal suffrage. In June 1999 national elections were held that observers deemed to be free and fair. There was an improved level of overall tolerance during the campaigning and voting period compared with the 1994 elections, attributable to IFP-ANC talks, as well as an increased police presence. Complaints primarily concerned posters being removed or defaced, individuals being threatened because of political affiliation, and other incidents of intimidation.

The new Constitution went into effect in February 1997. Under its terms, the country retains a bicameral parliament, an executive state presidency, and an independent judiciary, including a constitutional court.

The 400-member National Assembly was retained under the Constitution. A National Council of Provinces (NCOP), consisting of six permanent and four rotating delegates from each of the nine provinces, functions as the second chamber of Parliament. The NCOP, created to give a greater voice to provincial interests, must approve legislation that involves shared national and provincial competencies according to a schedule in the Constitution. An 18-member Council of Traditional Leaders, which the Constitution accords an advisory role in matters of traditional law and authority, was inaugurated in 1997.

Two parties, the ANC and the IFP, continued to share executive power, although the ANC dominated the Government and gained in parliamentary strength in the 1999 elections. The ANC fills 24 of the 27 ministerial positions. In 1999 the ANC leader, Thabo Mbeki, succeeded Nelson Mandela as President and Head of State. As a result of the 1999 national elections, the Democratic Party (DP) replaced the New National Party (NNP) as the official opposition in the National Assembly. In June the DP and NNP, along with the Federal Alliance (FA), formed the Democratic Alliance, which is expected to consolidate into a single party as soon as electoral laws permit them to do so. The National Assembly also includes the UDM, the African Christian Democratic Party, the Pan Africanist Congress, the United Christian Democratic Party, the Freedom Front, the Afrikaner Unity Movement, the Azanian People's Organization, and the Minority Front.

Traditional leaders expressed concern over the redrawing of municipal boundaries in anticipation of nationwide municipal elections that were held on December 5. These leaders traditionally have held all of their subjects" agricultural land in trust

for their subjects and have controlled many aspects of social and cultural life in rural areas. They claimed that the new demarcations split and diminished their hereditary status and power bases. They also complained that new municipal structures and legislatures denied them voting rights in local councils, which control development funds for local communities. Although some chiefs advocated a boycott of the December elections, most decided to participate based on an agreement with the Government to negotiate compromise legislation. Negotiations continued intermittently after the December elections; however, there was no agreement on legislation by year's end. There were very few reports of violence or irregularities during the December 5 local elections; however, in the East Rand area of Johannesburg, there were reports that five persons were killed in two incidents of violence that may have been politically motivated (see Section 1.a.).

There are no legal impediments to women's participation in government; however, women are underrepresented in government and politics. Of the 400 National Assembly members, 119 are women, while in the NCOP, 17 of the 54 permanent delegates are women. Women occupy three of four parliamentary presiding officer positions (speaker and deputy speaker of the National Assembly, and chair of the NCOP). Women hold 8 of 27 ministerial positions, as well as 8 of 13 deputy ministerial slots.

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

Human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views. Many organizations participate in governmental bodies that seek to gather public input and to fashion policies related to human rights.

The government-created HRC is tasked with promoting the observance of fundamental human rights at all levels of government and throughout the general population. The HRC also has the power to conduct investigations, issue subpoenas, and hear testimony under oath. While commissioners were named in late 1995, the HRC's powers were not determined formally until May 1996. Following the August release of its report on the 1999 investigation into racism in the media, opposition parties again questioned the HRC's broad interpretation of its mandate and the impartiality of the Commission. During the year, the HRC began an investigation into allegations of abuse of black farmworkers, local justice system prejudice against farmworkers, and violence against white farm owners. The HRC report was not released by year's end.

The Office of the Public Protector investigates abuse and mismanagement by the Government, and acts as an office of last resort to which citizens report unfair treatment by government organizations. Such complaints generally take the form of concerns over lost pension checks or unfair hiring practices. The office handles an increasing number of complaints but is hampered by severe resource constraints.

Under its 1995 enabling legislation, the TRC was empowered to investigate apartheid-era gross human rights abuses committed between 1960 and 1994, to grant amnesty to perpetrators of a broad range of politically motivated crimes, and to recommend compensation for victims of human rights abuses. Due to the volume of work, the TRC's original 2-year mandate was extended to allow the continuation of amnesty hearings, and the TRC continued to operate freely throughout its 5th year. Its five-volume report was released in 1998, and a codicil is to be added upon completion of the amnesty process. In its report, the TRC found that apartheid was a crime against humanity, that the former apartheid regime was responsible for most of the human rights abuses during the era of its rule, and that the ANC and other liberation movements also committed abuses during their armed struggle. Following a court challenge in 1998, findings on former State President F.W. De Klerk were excised from the report, pending a hearing that has been postponed indefinitely.

By January 1999, 7,112 amnesty applications had been filed with the TRC; no new applications have been accepted since 1997. By September 287 cases remained outstanding, 136 of which remained unheard. An estimated 80 to 90 percent of all applications were from persons already incarcerated. In October 1999, the TRC began amnesty hearings on 10 former members of the Umkhonoto we Sizwe, the armed wing of the ANC, for their role in a series of 1986 bar bombings; the case was still pending at year's end. The killers of ANC activist Ruth First were granted amnesty, although relatives of First and other victims challenged the decision in court. During the year, the TRC granted amnesty to a number of other persons, including Eugene de Kock, the principal of the apartheid government Vlakplaas unit (although he remains in custody for other crimes); police officers who killed antiapartheid activist Stanza Bopape; and the IFP members involved in a massacre

at Boipatong. The TRC still is considering former Minister of Law and Order Adrian Vlok's amnesty applications for several offenses. On September 7, the TRC granted 11 ANC guards amnesty for their participation in the 1994 killing of 8 IFP demonstrators.

The TRC report called for a reconciliation summit to be scheduled in 1999, but had not received a formal response from the Government by year's end. The TRC also called for increased counseling services for victims of trauma, and consideration of a mechanism for restitution, such as a wealth tax. Victims" groups such as Khulumani called for the Government to set aside $870 million (6 billion rands) for reparation funding according to the TRC formulas. The Government did not approve the TRC's recommendations for an overall payment formula for reparations, which include monetary compensation as well as community support and legal and symbolic reparations, by year's end. The Government had not resolved any of these matters by year's end; however, the processing of emergency financial reparation applications from eligible victims continued, with approximately $4.4 million (35 million rands) paid by year's end. During the year, interim assistance was given to those considered to be in the greatest financial difficulty. The TRC officially expressed concern regarding delays in implementing reparation measures, along with doubt about the level of government support for reparation funding.

In 1999 the Director of Public Prosecutions stated that his office had established a special unit to set up a process for proceeding against those persons who had failed to ask for amnesty or to whom amnesty had been denied. The unit would establish uniform criteria on which cases should be prosecuted; the criteria would include the strength of evidence available as well as the "implications for national reconciliation." The case against Dr. Basson is the first case pursued by this unit to go to trial (see Section 1.a.).

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on grounds of race, religion, disability, ethnic or social origin, color, age, culture, language, sex, pregnancy, or marital status. Legal recourse is available to those who believe that they have been discriminated against; however, entrenched attitudes and practices, as well as limited resources, limit the practical effect of these protections.

Women.—There is an extremely high rate of violence against women, including rape, assault and battery, and domestic violence. Police reported that the rate of reported rapes was 48.9 per 100,000 persons for the first 5 months of the year. The rate for 1999 was 47.5 per 100,000. The actual population figure and numbers of reported rapes were not published. According to a victims" survey study by Statistics South Africa, a government-related organization, only 47 percent of sexual crimes committed in 1998 were reported to the police. Women's groups estimate the reporting rate to be even lower. Entrenched patriarchal attitudes towards women are a significant factor in underreporting. Abused women have difficulty getting their cases prosecuted effectively and also often are treated poorly by doctors, police, and judges.

The 1998 Domestic Violence Act defines victims of domestic violence, facilitates the serving of protection orders on abusers, provides places of safety for victims, allows police to seize firearms at the scene and arrest abusers without a warrant, and compels medical, educational, and other practitioners working with children to report abuse immediately. The 1993 Prevention of Family Violence Act defines marital rape as a criminal offense, and it allows women to obtain injunctions against their abusive husbands and partners in a simpler, less expensive, and more effective manner than under previous legislation. However, the implementation process is inadequate, as some police are reluctant to enforce the act. As a consequence, a limited number of women filed complaints under the law, despite government and NGO efforts to increase public awareness of it. At year's end, the parliamentary monitoring committee on women's affairs was completing consultations with NGO's and local and national government officials regarding defects in the domestic violence laws, preparing a report for the relevant ministries on how the legislation can be modified to ensure more effective implementation, and focusing on efforts to ensure that the budget oversight process included greater emphasis on the effects of government programs on women. While some progress was made, the number of shelters for battered women remained insufficient. The SAPS continued to operate 46 Family Violence, Child Protection, and Sexual Offenses units, which deal specifically with these issues and which are intended, in part, to increase victims' confidence in the police, thereby leading to increased reporting of such crimes. However, these units often were hampered by a lack of training among officers. During the year, the Government began a training program for these units.

Female immigrants and asylum seekers were sexually abused during detention. The Lindela Repatriation Centre, the largest facility for the detention of undocumented immigrants in the country, has no special facilities for women, and although male and female detainees resided in separate sections of the Centre, they often used common facilities (see Section 2.d.).

Discrimination against women remains a serious problem despite legal and constitutional protections, particularly in areas such as wages, extension of credit, and access to land. Progress was made in bringing customary law in line with constitutional provisions. The 1998 Recognition of Customary Marriages Bill recognizes customary marriages, both monogamous and polygynous, but it does not address religious marriages, which are not recognized by the law. However, the bill was not implemented by year's end. The bill includes a number of safeguards for women and children, including requiring a minimum age of 18 and the consent of both spouses to enter into such marriages and a court decree to dissolve them. The bill also addresses inequities of property arrangements under some customary laws. The 1998 Maintenance Bill, the final section of which was enacted into law during the year, tightens procedures for child support payments and improves the ability of caregivers, most of whom are women, to collect maintenance payments from partners. Other legislation, such as the Employment Equity Act, which includes both antidiscrimination and affirmative action provisions, and the Basic Conditions of Employment Act, address discrimination against women in the workplace. The legislation reportedly has resulted in an improvement in the numbers of women in professional and technical positions, although it has not had as much effect at the management level. The 1997 Interim Protection of Informal Land Act protects persons who have insecure and informal rights and interests in land; many women are in this category.

Polygyny continues to be practiced by several ethnic groups. Exacting a bride price ("lobola") also is a traditional practice of some ethnic groups.

Recent studies have shown a connection between women and the likelihood of poverty. A women's NGO reported that femaleheaded households have a 50 percent higher incidence of poverty than male-headed households; that a high proportion of working women live in poor households; and that 61 percent of the elderly poor are women.

A number of governmental and nongovernmental organizations monitor and promote women's rights. The Office on the Status of Women, located in the Deputy President's office, coordinates departmental gender desks, which develop strategies to ensure integration of gender concerns in policy and planning. The Commission on Gender Equality (CGE), a constitutionally mandated body, is authorized to investigate allegations of gender discrimination and make recommendations to Parliament on any legislation affecting women. As with some of the other statutory watchdog bodies, the CGE continued to be hampered by a lack of funding. There were reports that women are trafficked into the country for forced prostitution (see Section 6.f.).

Children.—The Constitution stipulates that children have the right "to security, education, basic nutrition, and basic health and social services." The Government remains committed to providing these services and has made some progress toward developing the mechanisms for delivering them, including improvements in the provision of education and a campaign against child abuse. However, the demand for such services far outstrips the resources available.

The 1996 Schools Act and the National Education Policy Act provide greater educational opportunities for disadvantaged children—traditionally black children—through a uniform system for the organization, governance, and funding of schools. It mandates compulsory education from ages 7 to 15 and ensures that children cannot be refused admission to public schools due to a lack of funds. According to the Department of Education, approximately 90 percent of 7 to 15-year-olds and 83 percent of 16 to 19-year-olds are enrolled in school. The school funding formula, based on norms and standards tied to physical resources and performance, devotes 60 percent of nonpersonnel resources toward the 40 percent most needy schools. Each of the nine provincial departments of education has responsibility for the schools in their provinces, which has resulted in the uneven distribution of educational facilities. The disparity has affected the areas of Eastern Cape, the Northern Province, and KwaZulu-Natal most severely. The availability and quality of primary schooling still is a problem, especially in rural areas where schools may not be easily accessible or children may have to work (see Section 6.d.). To address this problem, the Government continued to build some new schools, introduce basic skills development and prevocational training into the curriculum and, in some cases, develop plans to provide food for disadvantaged children.

Student populations on university campuses are becoming more representative of the general population, with previously allwhite universities reaching out to recruit students from black and colored communities. The enrollment of black students had risen to 41 percent in 1999 at the nation's top five universities.

Social programs known as "Presidential Initiatives," which were included in the Government's Reconstruction and Development Program, continued to receive government support. These initiatives offer free health care to pregnant women and to children under 6 years of age and provide nutritious meals for primary school children.

In December 1999, a Cape Town High Court heard a case brought by residents of a squatter camp petitioning for government-provided housing. The court ruled that the children in squatter camps have a constitutional right to housing and, thus, are entitled to state-provided shelter. The court also ruled that the children have a constitutional right to family and therefore, have the right to be accompanied by their family members in the state-provided shelter. The Constitutional Court, the country's highest court, held hearings on the case in May, and ruled that the Government had failed to carry out its obligation to provide housing, but did not rule specifically on the constitutional rights of children to housing.

Violence against children remains widespread. While there has been increased attention to the problem by the Government, the public, and the media, a lack of coordinated and comprehensive strategies to deal with violence crimes continues to impede the delivery of needed services to young victims. Reports of child rape have increased significantly, as have reports that men are committing rape due to a growing myth that having sexual intercourse with a virgin can cure HIV/AIDS.

Traditional circumcision rituals still are practiced on teenage boys in rural areas of the Eastern Cape and KwaZulu-Natal and resulted in the hospitalization, mutilation, or death of several boys and young men. The provincial department of health reported at least 18 deaths, 5 mutilations, and 42 hospitalizations during the summer initiation season that began in September. In December provincial health authorities began to regulate the practice by requiring the presence of trained medical personnel during the rituals.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, still is practiced in some rural areas of the Eastern Cape and KwaZulu-Natal, although it is not thought to be widespread. The Promotion of Equality and Prevention of Unfair Discrimination Act of 2000 specifically prohibits FGM as unfair discrimination; however, that provision had not been implemented by year's end.

Child prostitution is on the rise, primarily in Cape Town, Durban, and Johannesburg. There reportedly has been an increase in the number of children who live on the streets, and observers believe that this circumstance has contributed to the growing number of child prostitutes. The child sex industry increasingly has become organized, with children either being forced into prostitution or exploited by their parents to earn money for the family (see Sections 6.c., 6.d., and 6.f.). The 1999 Child Care Amendment Bill, which was implemented in January, prohibits the commercial sexual exploitation of children.

Parliament passed legislation in 1995 prohibiting the detention of unconvicted juveniles in prisons, police cells, or lock-ups. A 1996 law gave courts limited discretion to detain in prison 14 to 18-year-old children who were awaiting trial for serious crimes such as murder or rape. The measure was expected to be temporary pending the establishment of "places of safety," also called "secure care centers," for the detention of juveniles. However, due to delays in the establishment of such centers, provisions of the 1996 law lapsed. Amid concerns that dangerous juvenile offenders were being released to return to the streets, additional legislation was passed in 1998 to regulate limited pretrial detention of juvenile offenders accused of serious crimes. The law states that any child under the age of 14 must be released within 24 hours into the custody of a parent or guardian when possible. In August 200 juveniles awaiting trial were transferred to secure care centers after it was discovered that they were being held with adult prisoners and receiving insufficient medical attention at Pollsmoor prison near Cape Town (see Section 1.c.). Immigrant children detained in the Lindela Repatriation Centre received the same general treatment as adult detainees, were not provided with separate sleeping facilities from adults, and were not always provided with food and clothing by the facility (see Sections 1.c. and 2.d.).

There were reports that children were trafficked for forced prostitution and forced labor (see Section 6.f.).

People with Disabilities.—The Constitution prohibits discrimination on the basis of disability. Society is increasingly open to the concept of persons with disabilities as a minority whose civil rights must be protected. The Government attempts to en-

sure that all government-funded projects take account of the needs of disabled citizens. However, in practice government and private sector discrimination against the disabled in employment still exists. According to an NGO, the Affirmative Action Monitor, fewer than two-thirds of companies target the disabled as part of their affirmative action programs. The law mandates access to buildings for the disabled, but such regulations rarely are enforced, and public awareness of them remains minimal. The Employment Equity Act requires private firms with more than 50 workers to create an affirmative action plan with provisions for achieving employment equity for the disabled. The National Environmental Accessibility Program, an NGO comprising disabled consumers as well as service providers, has established a presence in all nine provinces to lobby for compliance with the regulations and to sue offending property owners when necessary.

Religious Minorities.—Relations between the various religious communities generally are amicable. However, there is a concern among some Christians about the perceived growing influence of political Islam. Reports of violence perpetrated by PAGAD have fueled these concerns.

PAGAD portrays itself as a community organization opposed to crime, gangsterism, and drugs; however, it is known for its violent vigilantism (see Section 1.a.). PAGAD is a multifaith movement, although its orientation is Islamic and the vast majority of its members are Muslim. PAGAD is most active in the Western Cape, but also has branches elsewhere in the country. Surveys indicated that some two-thirds of Muslims supported PAGAD soon after its inception in 1995, but that figure has dropped significantly since. While PAGAD continues to lose support when it is linked to violent acts, it gains sympathy when high-profile incidents occur that are perceived by the Muslim community to have been acts of discrimination against Muslims.

There were occasional reports of killings linked to the continued practice of witchcraft in some rural areas (see Section 1.a.). In the Northern Province, where traditional beliefs regarding witchcraft remain strong, officials reported dozens of killings of persons suspected of witchcraft. The Government has instituted educational programs to prevent such actions.

In December 1998, a synagogue in Wynberg was bombed. Four suspects were arrested, and their trials were scheduled to be heard in 2001.

In January 1997, a mosque in Rustenberg was damaged in a series of bombings that also struck a post office and a liquor store. In September Pieter Nel, Christian Harmse, and Pierre Jacobs, believed by authorities to be affiliated with the right wing Afrikaaner Weerstandsbeweging group, were convicted on charges that included attempted murder, possession of explosives, and sabotage, and were sentenced in September to prison terms ranging from 16 to 19 years.

Indigenous People.—The Constitution provides for the recognition of "the institution, status, and role of traditional leadership," and requires the courts to "apply customary law when that is applicable, subject to the Constitution and any legislation that specifically deals with customary law."

The Constitution further permits legislation for the establishment of provincial houses of traditional leaders and a National Council of Traditional Leaders to deal with matters relating to traditional leadership, the role of traditional leaders, indigenous and customary law, and the customs of communities that observe a system of customary law. Six provinces have established houses of traditional leaders. Under the terms of the Constitution and implementing legislation, the National Council of Traditional Leaders was inaugurated in 1997. The Council is to advise the Government on matters related to traditional authorities and customary law. However, much work remains to be done to integrate traditional leadership and customary law into the formal legal and administrative system. No agreement had been reached by year's end (see Section 3).

National/Racial/Ethnic Minorities.—The Constitution and Bill of Rights prohibit discrimination on the basis of race, ethnic or social origin, or culture. The Government continued efforts to reorganize and redesign the educational, housing, and health care systems to benefit all racial and ethnic groups in society more equally. The Employment Equity Act of 1998 prohibits discrimination on 19 grounds and requires companies with 50 or more employees to ensure that previously disadvantaged groups—defined as blacks, women, and the disabled—are adequately represented at all levels of the workforce. By December all such companies were required to submit affirmative action plans to the Department of Labor. In October the Minister of Labor stated that senior management positions in 2,170 large employers (those with 150 or more employees) that reported on time and in the correct format reported 28 percent blacks and 24 percent women in those positions. This result indicated no significant change from baseline figures recorded in 1998. Blacks and women comprise 79 percent and 40 percent, respectively, of the economically

active population. The employers cited a lack of training and development, poor recruitment processes, and an antagonistic corporate culture as the main impediments to affirmative action. No figures are available on the disabled. The armed forces have struggled with the process of integrating blacks into the predominantly white officer corps (see Section 1.a).

Xenophobia led to a number of violent attacks on foreigners (see Sections 1.c. and 2.d.).

The continued killings of mostly white farm owners by black assailants created concern among white farmers that they were being targeted for racial and political reasons (see Section 1.a.). There also were reports that white employers abused and killed black farm laborers, but avoided penalty due to collusion with the authorities (see Section 1.a.).

On August 30, the Government sponsored a 3-day National Conference on Racism in Johannesburg, which was organized by the HRC, NGO's, and government representatives. Approximately 1,000 citizens and 20 international visitors attended.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association and the right to strike, and these rights are given statutory effect in the 1996 Labor Relations Act (LRA). All workers in the private sector are entitled to join a union. Workers in the public sector, with the exception of members of the National Intelligence Agency and the Secret Service, also are entitled to join a union. In 1999 the Constitutional Court struck down the prohibition on members of the National Defense Force joining a union, although they still may not strike. No employee may be fired or discriminated against because of membership in or advocacy of a trade union. Union membership in the private sector has continued to decline steadily in the last few years as a result of job layoffs and declining employment, including in sectors that have been heavily unionized, such as mining. However, some public sector unions have experienced growth. Total union membership is approximately 3.3 million persons, nearly 35 percent of those employed in the wage economy.

The largest trade union federation, COSATU, is aligned formally with the African National Congress and the South African Communist Party (SACP). Several ANC members of Parliament and of the Cabinet have a COSATU leadership background, and the current premier of Gauteng, the country's richest province, is a former COSATU general secretary. COSATU's largest rival, the Federation of Unions of South Africa (FEDUSA), is an apolitical, multiracial federation that was formed in 1997 by merging several smaller worker organizations. A relatively minor labor federation, the National Council of Trade Unions (NACTU), is independent of any political grouping. Some unions do not belong to any federation.

The LRA is designed to create an industrial relations regime that is stable and recognizes that basic worker rights need to be protected. The act, which applies to both the public and private sectors, protects workers against unfair dismissal, recognizes their right to form trade unions, provides for the right to strike, and establishes a simple set of procedures that protect striking workers from the threat of dismissal. Essentially, for a strike to proceed, all that is required is that a dispute be referred for conciliation. There is no time limit on conciliation efforts; however, if conciliation fails to resolve the dispute, or lasts more than 30 days, a trade union is entitled to advise an employer of intent to strike so long as it gives 48-hours notice to a private sector employer or 7-days notice to a state employer. Organized labor also has the right to engage in "socioeconomic protest," whereby workers can demonstrate, without fear of losing their jobs, in furtherance of broader social issues. The LRA also allows employers to hire replacement labor for striking employees, but only after giving 7 days' notice to the striking trade union. Employers have the right to lock out workers if certain conditions are met.

The LRA applies to public as well as private sector workers. Public sector employees, with the exception of essential services and the three components of the security services, also have the right to strike. Strikes by workers in essential services, for example, police and hospital workers, are prohibited. If disputes between workers in essential services and their employers cannot be resolved though collective bargaining or conciliation, they are referred to arbitration.

COSATU held a 1-day nationwide general strike on May 10 which was the culmination of a 3 1/2 "rolling mass action," consisting of lunchtime demonstrations and successive provincial-level strikes building up to the general strike, to protest job losses throughout the economy. Some COSATU members reportedly clashed with police during the strike, and police used tear gas after the crowd reportedly threw stones. There were a few illegal strikes that resulted in some worker violence, including a strike against a Volkswagen manufacturing facility in Eastern Cape in

January and an illegal strike of municipal workers in Johannesburg in July (see Section 1.c.).

There were incidents of intimidation and threats of violence by striking workers against nonstriking and replacement workers. In December during a legal strike of security guards, strikers used intimidation and violence against nonstriking and replacement guards and also journalists covering the strike. Nonstriking security guards were harassed and beaten by groups of strikers while taking public transportation. Two guards were shot to death in Cape Town in what police believe was a strikerelated attack (see Section 1.a.).

The Government does not restrict union affiliation with regional or international labor organizations. COSATU, FEDUSA, and NACTU are affiliated with the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—The law defines and protects the rights to organize and bargain collectively. The Government does not interfere with union organizing and generally has not interfered in the collective bargaining process. The LRA statutorily provides for "organizational rights," such as trade union access to work sites, deductions for trade union dues, and leave for trade union officials, which strengthens the ability of trade unions to organize workers.

Union participation as an equal partner with business and government in the National Economic Development and Labor Council, a tripartite negotiating forum, ensures a direct voice for labor in the formulation of economic, social, and labor policy.

The LRA allows for the establishment of workplace forums that are intended to promote broad-based consultation between management and labor over issues such as work organization, corporate downsizing, and changes in production processes. The forums, in order to receive statutory protection, can be established by trade unions only in businesses with more than 100 employees. Although trade unions in a few factories have established workplace forums, the intent of the law is to build wide support within the trade union movement and business for such cooperative workplace relationships.

Although 1994 labor laws protected farm workers, the COSATUaffiliated South African Agricultural, Plantation and Allied Workers" Union (SAAPAWU), and the NACTU-affiliated National Union of Farmworkers have encountered difficulties trying to organize farm workers, because union organizers are considered trespassers on private property. There were many incidents of physical abuse of farm workers, non-payment of wages, and other forms of arbitrary treatment (see Section 1.a.). During the year, the Department of Labor conducted a survey on the prevailing conditions in the agricultural sector, which was ongoing at year's end.

To further reduce the adversarial nature of labor relations, the LRA also created a Commission for Conciliation, Mediation, and Arbitration (CCMA). Since its inception in 1996, the CCMA has resolved successfully many disputes referred to it and remains critical to the emergence of a less confrontational business climate. The CCMA also gradually is beginning to play an interventionist role by becoming involved in disputes before they deteriorate into full-fledged strikes or lockouts. A labor court and a labor appeals court are other important creations of the LRA. The labor court has jurisdiction to resolve disputes that the CCMA is unable to mediate to the satisfaction of both parties. Notwithstanding the existence of the CCMA and specialist courts for labor disputes, the aim of industrial relations is to minimize the need for judicial intervention in labor relations, leaving it to the contending parties to resolve disputes whenever possible.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced labor by adults is illegal under the Constitution; however, there were reports that smugglers used the country as a transit and destination point for trafficking in persons for the purposes of forced prostitution and forced labor (see Section 6.f.). The Constitution prohibits forced child labor; however, there were reports that children were trafficked, forced into prostitution, or exploited by their parents to earn money for their families (see Sections 5 and 6.f.). A 1999 survey conducted by Statistics South Africa reported that up to 2,000 children work to pay off outstanding debts to employers or obligations to their landlords (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Basic Conditions of Employment Act of 1997 makes it a criminal offense to employ a child under 15 years of age. It is a criminal offense to employ a child between 15 and 18 years of age if such employment "places at risk the child's well-being, education, physical or mental health, or spiritual, moral or social development." This policy is enforced effectively in the formal nonagricultural sector and less effectively in other sectors by Department of Labor inspectors, who are required to ensure that all of their inspections address child labor problems. The inspectors attempt to resolve any problems by counseling employers, child workers, and parents, and by cooper-

ating with the Departments of Welfare and Education. Criminal prosecution is reserved for "extreme circumstances," and there have been no prosecutions to date.

Many children, especially in the rural areas of the former "homelands" where electricity and running water are rare, are expected to help with household chores and school maintenance. According to a survey conducted by Statistics South Africa in 1999, 45 percent of children between ages 5 and 17 worked for 1 hour or more per week in an economic activity, 5 hours or more per week in school labor, or 7 hours or more in household chores. The most common economic activity in which children participated was gathering wood and water for domestic use, which occupied 4.5 million of the 13.4 million children between the ages of 5 to 17 years for 1 hour or more per week. Of the 2 million children who spent at least 1 hour per week in activities for pay, profit, or family economic gain, 59 percent were involved in agriculture and 33 percent in trade. A survey noted that of the 13.4 million children between the ages of 5 and 17, 17.8 percent were engaged in subsistence farming, 5.3 percent in services, 0.4 percent in manufacturing, 0.1 percent in transport, 0.1 percent in informal finance, and 0.05 percent in construction and mining.

Child laborers from Zimbabwe and Mozambique work in the country on commercial farms, for the taxi industry, or as domestic servants.

Child prostitution is a growing problem in metropolitan areas (see Section 5). NGO's estimate that there are 10,000 children working as prostitutes in Johannesburg and at least 1,000 in Cape Town. Along trucking routes child prostitutes are sought after because of the belief that they are more likely to be disease-free or that, if they are virgins, sex with them cures diseases such as HIV/AIDS (see Section 5). The Government previously had established a task force to develop a plan of action to combat the sexual exploitation of children, and has created training courses for the police force and the judiciary regarding the problem.

The Government has stated that it is committed to abolishing child labor through new legislation and improving the enforcement of current child labor laws. In 1998 the Department of Labor established a Child Labor Inter-sectoral Group (CLIG) composed of representatives of trade unions, employers' organizations, NGO's, and officials of the Departments of Labor, Welfare, and Education. The CLIG debates policy options and ensures coordination of initiatives between these different groups.

Following the Government's ratification of International Labor Organization Convention 182 on the Worst Forms of Child Labor in June, the Department of Labor began provincial consultations in order to develop and complete a comprehensive program of action to implement the convention.

The Constitution prohibits children under the age of 18 from participating in armed conflict. The minimum age for military recruitment is 17 years.

Forced or bonded labor by children is illegal under the Constitution; however, there were reports that children were trafficked, forced into prostitution, and that some children work in conditions that amount to bondage (see Sections 5, 6.c. and 6.f.).

e. Acceptable Conditions of Work.—There is no legally mandated national minimum wage. Unionized workers in the formal sector of the economy set wage rates on an industry-by-industry basis through annual negotiations with employer organizations. Such wages generally are sufficient to provide a decent standard of living for a worker and family. In those sectors in which workers are not organized sufficiently to engage in the collective bargaining process, the Basic Conditions of Employment Act, which went into effect in 1998, gives the Minister of Labor the authority to set wages, including, for the first time, for farm laborers and domestic workers. However, income disparities between skilled and unskilled workers and the income distribution gap between rural and urban workers mean that many workers are unable to provide a decent standard of living for themselves and their families.

The Basic Conditions of Employment Act standardizes time-and-a-half pay for overtime, establishes a 45-hour workweek, and authorizes 4 months of maternity leave for women. A ministerial determination exempted businesses employing fewer than 10 persons from certain provisions of the act concerning overtime and leave.

Occupational health and safety issues are a top priority of trade unions, especially in the mining and heavy manufacturing industries. Although attention to these issues has increased significantly, including passage in 1993 of the Occupational Health and Safety Act, the country's industrial and mining processes are dangerous and sometimes deadly. Government attempts to reduce mining fatalities culminated in the 1996 Mine Health and Safety Act, which went into effect in January 1997. The act provides for the right of mine employees to remove themselves from work deemed dangerous to health or safety. Moreover, it establishes a tripartite mine health and safety council and an inspectorate of mine health and safety, which is tasked with enforcing the act and monitoring compliance with its provisions. The act specifically makes it an offense for a company to discriminate against an em-

ployee who asserts a right granted by the act (for example, to leave a hazardous work site) and requires mine owners to file annual reports that provide statistics on health and safety incidents for each mine being worked.

There are no laws or regulations in other industries that permit workers to remove themselves from work situations deemed dangerous to their health or safety without risking loss of employment; however, the Protected Disclosures Act protects employees from retaliation who, with "reasonable belief that the health or safety of an individual has been, is being, or is likely to be endangered," disclose dangerous workplace conditions to the appropriate authorities.

f. Trafficking in Persons.—The Alien Control Act prohibits trafficking in persons; however, the country is a transit and destination point for the trafficking of persons from Mozambique, Zimbabwe, Thailand, and other countries for forced prostitution and forced labor. Women and children reportedly are lured into the country by international organized crime syndicates with the promise of jobs and decent wages, and then forced to work as prostitutes, in some cases to pay off debts to those who smuggled them into the country. Women from Thailand, China, and Russia were trafficked into the country for prostitution by Chinese and South African organized crime syndicates. While many of these women come willingly, some claim that they were tricked into coming, or that they were forced to continue working as prostitutes until they had paid off the cost of their transport.

The country is also a transit point for trafficking operations between developing countries and Europe, the United States, and Canada. Migrants from foreign countries, particularly China, India, the Middle East, Eastern European countries, and other African countries, are lured to the country with accounts of money and jobs in the West. Once in the country they are provided with documentation and accommodation before being moved on to final destinations, where they are forced into prostitution, drug dealing, or other criminal activity, or forced to work in factories as virtual slaves until they pay off the debt of their travel expenses. Traffickers apparently have identified the country as one in which temporary entry permission often is granted, fraudulent documents are easy to obtain, and direct flight and shipping routes are available to most countries in the developed world.

The Government made efforts to address the trafficking problem with investigations and arrests by the police. These efforts are hampered by police corruption, lack of training, and understaffing. In February police discovered prostitutes from Thailand, Bulgaria, Russia, the Czech Republic, Romania, and Zambia at a brothel near Johannesburg, and arrested the owner. Some of the women were returned to their home countries, and the case against the owner was ongoing at year's end. The courts generally deal with trafficking through deportations and fines, rather than exacting criminal penalties.

SUDAN

The 1989 military coup that overthrew Sudan's democratically elected government brought to power Lieutenant General Omar Hassan Al-Bashir and his National Salvation Revolution Command Council (RCC). Bashir and the RCC suspended the 1985 Constitution, abrogated press freedom, and disbanded all political parties and trade unions. In 1993 the RCC dissolved itself and appointed Bashir President. Presidential and parliamentary elections were held in December. All major opposition parties boycotted the elections, and there were allegations of official interference and electoral fraud. Bashir was elected to another 5-year term, and the National Congress/National Islamic Front (NC/NIF) won 340 out of 360 seats in Parliament in the deeply flawed process. Despite the adoption of a new Constitution through a referendum in June 1998, the Government continued to restrict most civil liberties. Since 1989 real power has rested with the NIF, founded by Dr. Hassan al-Turabi, who became Speaker of the National Assembly in 1996. In November 1998, the NIF renamed itself the National Congress (NC); NIF/NC members and supporters continue to hold key positions in the Government, security forces, judiciary, academic institutions, and the media. In December 1999, Bashir declared a 3-month state of emergency, dismissed Turabi, and disbanded Parliament 2 days before it was to vote on a bill introduced by pro-Turabi legislators to reduce Bashir's presidential powers. On March 12, the state of emergency, which suspends basic civil liberties including freedom of expression and association, was extended until the end of the year, and in late December it was extended for another year. In May Bashir expelled Turabi from the NC, which prompted Turabi to create a new political party, the Popular National Congress Party (PNCP). The judiciary is subject to government influence.

The civil war, which is estimated to have resulted in the death of 2 million persons, continued into its 18th year. The principal insurgent faction is the Sudan People's Liberation Movement (SPLM), the political wing of the Sudan People's Liberation Army (SPLA). The SPLA remains the principal military force in the insurgency. In April 1997, the South Sudan Independence Movement/Army, which broke away from the SPLA in 1991, and several smaller southern factions concluded a peace agreement with the Government. However, the SPLM/SPLA and most independent analysts regard the 1997 agreement as a tactical government effort to enlist southerners on the Government's side. The 1997 agreement remains largely unimplemented, and there was significant fighting between pro-government and antigovernment elements who had signed the 1997 agreement during the year. In December 1999, Rieck Machar, a Southern leader who had signed the agreement, broke away from the Government and in January formed a new rebel movement, the Sudan People's Democratic Front (SPDF). The SPLM/SPLA and its northern allies in the National Democratic Alliance (NDA) carried out military offensives in limited areas along the borders with Ethiopia and Eritrea and in large parts of the south during the year. As in 1999, neither side appears to have the ability to win the war militarily; although oil revenues allowed the Government to invest increasingly in military hardware. There was no significant progress toward peace during the year. Government and SPLM/SPLA delegations met with mediators from the Kenyabased Peace Secretariat four times during the year and participated in Intergovernmental Authority for Development (IGAD)-mediated peace talks. The Bahr El Ghazal humanitarian cease-fire, which began in July 1998, was extended by both the Government and the SPLM several times in 1999, and in August 1999, the Government offered a comprehensive ceasefire, which in October 1999 it extended through January 15. However, the Government continued its bombing campaign during this period. The SPLM similarly extended its cease-fire through the same dates, but effectively limited its offer to the humanitarian cease-fire as agreed to in Bahr El Ghazal. In June the SPLA launched an offensive in Bahr El Ghazal and fighting between the Government and the SPLM resumed, marking the end of the humanitarian cease-fire.

In addition to the regular police and the Sudan People's Armed Forces, the Government maintains an external security force, an internal security force, a militia known as the Popular Defense Forces (PDF), and a number of police forces, including the Public Order Police (POP), whose mission includes enforcing proper social behavior, including restrictions on alcohol and "immodest dress." The Popular Police Force, which was made up of nominees from neighborhood popular committees for surveillance and services, was disbanded during the year. Members of the security forces committed numerous, serious human rights abuses.

Civil war, economic mismanagement, over 4 million internally displaced persons (IDP's) in a country of an estimated 27.5 million persons, and, to a lesser extent, the refugee influx from neighboring countries have devastated the country's mostly agricultural economy. Approximately 80 percent of the labor force is engaged in agriculture. Exports of gum Arabic, livestock, and meat accounted for more than 50 percent of export earnings. Private investment in the oil sector led to significant increases in oil production during the year. Reforms beginning in the early 1990's aimed at privatizing state-run firms and stimulating private investment failed to revive a moribund economy that maintains massive military expenditures and a large foreign debt of approximately $21.5 billion. Per capita national income is estimated at $900 per year.

The Government's human rights record remained extremely poor, and although there were some improvements in a few areas, it continued to commit numerous, serious abuses. Citizens do not have the ability to change their government peacefully. Government security forces were responsible for extrajudicial killings, and there were reports of Government responsibility for disappearances. Government security forces regularly beat, harassed, arbitrarily arrested and detained, and detained incommunicado opponents or suspected opponents of the Government with impunity, and there were a few reports of torture. Security forces beat refugees, reportedly raped women abducted during raids, and reportedly on occasion harassed and detained persons on the basis of their religion. Prison conditions remained harsh and life-threatening, prolonged detention is a problem, and the judiciary continued to be subservient to the Government. The authorities do not ensure due process, and the military forces summarily tried and punished citizens. The Government continues to infringe on citizens" privacy rights. The Government still does not fully apply the laws of war to the southern insurgency, has taken few prisoners of war (POW's), and does not cooperate with the International Committee of the Red Cross (ICRC) regarding POW's. Cooperation with U.N.-sponsored relief operations was poor. In 1999 the Government for the first time allowed U.N. teams to perform hu-

manitarian assessments in the Nuba Mountains on two occasions, and in July the Government permitted an initial U.N. flight into the Nuba Mountains. Government forces continued to obstruct the flow of humanitarian assistance. Problems with relief flights in the south centered on the Government's frequent denials of aircraft clearances to the U.N.'s Operation Lifeline Sudan (OLS), particularly for Western Upper Nile.

Restrictions on press freedom continued as the Government repeatedly suspended publications that criticized or disagreed with the government line, and detained journalists. Moreover, all journalists continued to practice self-censorship. The Government continued to restrict severely freedom of assembly, association, religion, and movement. In the context of the Islamization and Arabization drive, government pressure including forced Islamization—on non-Muslims remained strong. Fears of Arabization and Islamization and the imposition of Shari'a (Islamic law) fueled support for the civil war throughout the country. Violence and discrimination against women and abuse of children remained problems. Prostitution is a growing problem, and female genital mutilation (FGM) is widespread. Discrimination and violence against religious minorities persisted, as did discrimination against ethnic minorities and government restrictions on worker rights. Child labor is widespread. Slavery and trafficking in persons remained problems. Government security forces were responsible for forced labor (including forced child labor), slavery, and the forced conscription of children.

Insurgent groups continued to commit numerous, serious abuses. The SPLM/SPLA continued to violate citizens" rights, despite its claim that it was implementing a 1994 decision to assert civil authority in areas that it controls, and in many cases, has controlled for many years. The SPLM/SPLA was responsible for extrajudicial killings, beatings, rape, arbitrary detention, and forced conscription. SPLM/SPLA officials were guilty of, or complicit in, theft of property of nongovernmental organizations (NGO's) and U.N. agencies operating in the south. The ICRC reported in 1996 that the SPLA had begun to observe some basic laws of war; it takes prisoners on the battlefield and permits ICRC visits to some of them. However, the SPLA has not allowed the ICRC to visit prisoners accused by the insurgent group of treason or other crimes.

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

a. Political and Other Extrajudicial Killing.—There were reports of extrajudicial killings. In their attacks on insurgent forces, government troops killed a large number of civilians (see Section 1.g.). For example, at the beginning of November during an NDA attack on Kassala, 52 civilians and soldiers were killed during fighting between government and NDA troops (see Sections 1.c. and 1.g.). The Government suspended NGO operations in the area until the hostilities ended several days later. Government forces and allied militia pursued a scorched earth policy aimed at removing populations from around the newly built oil pipeline and other oil production facilities, which reportedly resulted in some deaths (see Section 1.g.). On numerous occasions, the Government bombed civilian facilities resulting in a number of civilian deaths, including children (see Section 1.g.). Explosions by government-laid landmines resulted in some deaths (see Section 1.g.). There were reports that during raids and attacks on civilian settlements, government forces killed a number of persons, and there were reports that persons abducted during those raids at times were killed (see Sections 1.b. and 6.c.). In early June in Gumriak, an attack by government air and ground forces in the vicinity of a Catholic mission reportedly resulted in the deaths of 32 persons, including women and children.

In February the Government's PDF allegedly attacked several villages in eastern Aweil and Twic counties, northern Bahr El Ghazal, killed 16 civilians, abducted over 300 women and children, stole cattle, and looted and burned villages. In November there were unconfirmed reports that the PDF attacked the village of Guong Nowh, killed several persons, abducted 24 persons, and stole cattle.

In September security forces in several cities in the north used tear gas and live ammunition to forcibly disperse some demonstrations; several persons were killed, and a number of persons were injured severely (see Section 2.b.).

There was no action taken in the 1999 case of Abdallah Chol, Hassan Abu Adhan, and Gladino (Sam) Okieny, who died as a result of torture while in the custody of military intelligence personnel.

University of Khartoum law student Mohamed Abdelsalaam Babeker was found dead in 1998 after being arrested by NIF security forces; an autopsy indicated that the cause of death was a brain hemorrhage allegedly caused by a head wound. A case was filed against an unknown person, and the police reportedly conducted an investigation; however, they did not release their findings by year's end.

There was no investigation into the January 1998 reports of reprisal killings of Dinka men by government forces.

Insurgent forces reportedly committed political and other extrajudicial killings, particularly in areas of active conflict; however, details generally were unavailable. There were reports that in July and August in the Western Upper Nile, SPLA forces and SPDF forces killed at least 50 civilians and abducted more than 20 women and children in intraethnic fighting.

Rebel forces killed a large number of civilians during their attacks on government forces (see Section 1.g.). Insurgent forces laid landmines indiscriminately on roads and paths that killed and maimed both soldiers and civilians (see Section 1.g.). Prisoners reportedly have died while in SPLA custody due to poor prison conditions (see Section 1.c.). There are reliable reports that rebel forces that captured villages along the border with Ethiopia in 1997 carried lists used to identify leading government figures whom they killed summarily.

In January two relief workers were killed in an attack by unidentified assailants. Also in January, rebels believed to be from the Ugandan Lord's Resistance Army (LRA) attacked a humanitarian vehicle, killing eight aid workers. Human Rights Watch (HRW) reported that the Sudan Alliance Forces (SAF), an NDA member, committed abuses against its soldiers accused of spying or defecting to another rebel group, including summary executions, torture, and detention of prisoners in a pit in the ground. SAF denied the allegations.

Sometime before March 30, 1999, a local Red Crescent worker and three government officials who accompanied an ICRC team near the town of Kong in the south were killed while in the custody of the SPLA under circumstances that remain unclear. The SPLM alleges that the four were killed in crossfire during a rescue attempt. The SPLM neither arranged for the return of the bodies nor permitted an independent investigation, and there was no further action on this case by year's end.

Interethnic and intraethnic tensions continued into the early part of the year resulting in numerous deaths. In the first half of the year, ongoing fighting between ethnic Dinkas and Didingas in the New Cush and Chukudum areas in Eastern Equatoria led to a number of deaths (see Section 5). Tensions eased with the departure of some Dinka to Bor County in May and June, and a dialog on a lasting resolution to the interethnic tensions continued during the year.

On December 8, supporters of the outlawed Takfeer and Hijra group killed 26 persons and injured 40 others at a Sunna mosque in Omdurman (see Section 5).

b. Disappearance.—There were continued allegations that the Government was responsible for the arrest and subsequent disappearance of persons suspected of supporting rebels in government-controlled zones in the south and the Nuba Mountains. Persons arrested by government security forces often were held for long periods of time in unknown locations without access to lawyers or family members.

There were reports that during raids on civilian settlements, government forces abducted persons, including women and children (see Sections 1.g. and 6.c.). In the last 15 years, between 5,000 and 15,000 Dinka women and children have been abducted; between 10,000 and 12,000 persons, most of whom are Dinka, remained abducted at year's end. Observers believe that some of the abductees were sold into slavery, while others were used as forced labor or drafted into the military. In some cases, observers believe that the abductees escaped or eventually were released or ransomed, and that in other cases some were killed. In February the Government's PDF forces allegedly attacked several villages in eastern Aweil and Twic counties, northern Bahr El Ghazal, abducted over 300 women and children, killed 16 civilians, stole cattle, and looted and burned villages. In November there were unconfirmed reports that the PDF attacked the village of Guong Nowh, abducted 24 persons, killed several persons, and stole cattle.

HRW reported that Islamic student militias operating under the protection of security forces abducted and tortured a number of student activists.

In February a U.N. plane flew three commanders of a progovernment militia to another location where they attended a meeting with commanders of an anti-government militia; the pilots claim they did not know the identity of these passengers. When they returned, the pro-government militia detained the two pilots, a U.N. worker, and a Sudanese relief worker for 1 week.

There were reports that in July and August in the Western Upper Nile, SPLA and SPDF forces abducted over 20 women and children and killed at least 50 civilians during intraethnic fighting.

Approximately 3,000 Ugandan children have been abducted and forced to become soldiers or sex slaves for the LRA, a Ugandan armed opposition group in the south, which is actively supported by the Government (see Section 5).

There also were reports of periodic intertribal abductions of women and children in the Eastern Upper Nile (see Section 5).

In 1996 the Government established the Special Commission to Investigate Slavery and Disappearances in response to a resolution passed by the 1995 U.N. General Assembly. The Commission technically still is functioning but has yet to produce a final report. In May 1998, the Government formed the Committee for the Eradication of the Abduction of Women and Children (CEAWAC). The Committee and UNICEF jointly sponsored a workshop on abductions in July 1999, during which the committee recognized abduction as a problem that the Government could and should address. The committee formed mechanisms to identify and return abductees. Several high-ranking Government officials participated in the activities of the committee. These mechanisms resulted in the identification and release of approximately 300 individuals who were returned to their homes during the year. An additional 1,200 have been identified; however, the Government's refusal to allow flights into SPLA territory prevented their return. In addition the Government did not record the identity of the abductors in these cases and chose not to prosecute the abductors.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The 1999 Constitution prohibits torture; however, government security forces continued to beat and harass suspected opponents and others. In 1997 the U.N. Special Rapporteur on Torture described torture as a fairly extensive problem; however, during the year, reports of torture were infrequent. Members of the security forces rarely, if ever, are held accountable for such abuses.

Security forces beat and otherwise abused youths and student leaders and others whom were deemed to be opponents of the Government.

There continued to be reports that security forces used "ghost houses," places where security forces tortured and detained government opponents incommunicado under harsh conditions for an indeterminate time with no supervision by the courts or other independent authorities with power to release the detainees; however, reports of the use of "ghost houses" ceased during the latter half of the year.

There continued to be reports that security forces harassed and at times used threats and violence against persons on the basis of their religious beliefs and activities (see Section 2.c.). For example, in June police in Hilla Kuku beat a Catholic seminarian on the neck and wrist with a stick after he refused to remove a wooden cross that he was wearing (see Sections 1.d. and 2.c.).

Security forces used excessive force, including beatings, tear gas, and firing of live ammunition to disperse unapproved demonstrations (see Section 2.b.). For example, in February security forces detained and beat two students for political activity (see Section 1.d.). Several times in September police used tear gas, batons, and live ammunition to disperse demonstrators and in some instances, beat or otherwise injured numerous individuals (see Section 2.b.). In May security forces raided Alnasr Technology College twice; they arrested, beat, and injured students, and fired bullets in the air to disperse a student protest on education issues. Security and police forces used sticks and tear gas in an attack on Juba University in Khartoum in June, arresting and detaining over 120 students. Refugees also were subjected to beatings and mistreatment (see Section 2.d.). HRW reported that Islamic student militias operating under the protection of security forces abducted and tortured a number of student activists.

Government forces were responsible for injuring many civilians during attacks on insurgent forces, during raids on civilian settlements, and while bombing civilian targets (see Section 1.g.). There were reports that persons abducted during those raids were subjected to torture and rape (see Section 6.c.). In November during an NDA attack on government forces in Kassala, government soldiers detained and severely beat a foreign International Red Cross worker (see Sections 1.d. and 1.g.). He was held incommunicado for two days and then released. Explosions of government-laid landmines resulted in a number of injuries (see Section 1.g.). Soldiers were responsible for raping women (see Section 1.g.).

In accordance with Shari'a (Islamic) law, the Criminal Act provides for physical punishments including flogging, amputation, stonings, and crucifixion—the public display of a body after execution. In a 1999 case involving ethnic clashes in the Darfur region in the west (see Section 5), an emergency court sentenced 10 persons to hanging and subsequent crucifixion. These sentences had not been carried out by year's end. During the year, there were six reported cases of amputations of limbs as punishment under Shari'a law for aggravated cases of theft.

The Government's "scorched earth" policy in the area surrounding the oil fields in Upper Nile resulted in a number of serious injuries (see Section 1.g.).

There was no investigation into, nor action taken, in the 1999 case in which prison officials tortured a convicted bank robber so severely while in detention that he was blinded.

Insurgent forces were responsible for a number of civilian injuries and for raping women (see Section 1.g.). Landmines laid indiscriminately in years past on roads and paths killed and maimed both soldiers and civilians (see Section 1.g.). There are credible reports of beatings and other punishment of prisoners by the SPLA rebels.

HRW reported that the Sudan Alliance Forces (SAF), an NDA member, committed abuses against its soldiers accused of spying or defecting to another rebel group, including torture, summary executions, and the detention of prisoners in a pit in the ground. SAF denied these allegations.

There were numerous injuries as a result of religious tensions. For example, on December 8, supporters of the outlawed Takfeer and Hijra group killed 26 persons and injured 40 others at a Sunna mosque in Omdurman (see Section 5).

Conditions in government prisons remain harsh, overcrowded, and life threatening. Built before the country's 1956 independence, most prisons are maintained poorly, and many lack basic facilities such as toilets or showers. Health care is primitive, and food is inadequate. Minors often are held with adults. There was a report in 1999 that 16 children who were living with their imprisoned mothers died of diseases. Female prisoners are housed separately from men; rape in prison reportedly is rare. Prison officials arbitrarily denied family visits. High-ranking political prisoners reportedly often enjoy better conditions than other prisoners do.

The Government does not permit regular visits to prisons by human rights monitors. No independent domestic human rights organizations monitor prison conditions.

Prisoners reportedly have died while in SPLA custody due to poor prison conditions. The SPLM allowed the ICRC to visit some POW's during the year and released some prisoners due to poor health.

d. Arbitrary Arrest, Detention, or Exile.—The 1999 Constitution prohibits arbitrary arrest and detention without charge; however, the Government continued to use arbitrary arrest and detention in practice. Under the Constitution and the criminal code, an individual may be detained for 3 days without charge, which can be extended for 30 days by order of the Director of Security and another 30 days by the Director of Security with the approval of the prosecuting attorney. Under the amended National Security Act, which was approved on December 15 by the Council of Ministers and subsequently made law by presidential decree and supercedes the criminal code when an individual is accused of violating national security, an individual may be detained for 3 months without charge, renewable by the Director of Security for another 3 months. During the state of emergency, the Government is not constrained by the National Security Act and can detain individuals indefinitely without judicial review, which reportedly it has done. During the year, the Government used the state of emergency to detain over 100 individuals.

The law allows for bail, except for those accused of crimes punishable by death or life imprisonment. In theory the Government provides legal counsel for indigent persons in such cases; however, reports continue that defendants do not always receive this right, and that counsel in some cases only may advise the defendant and may not address the court. In some cases, courts have refused to allow certain lawyers to represent defendants.

Authorities continued to detain political opponents of the Government during the year. The NGO Sudanese Human Rights Group (SHRG) reported several cases of this, including: A political activist who was detained in Atbara for several days in January; two students who were detained and beaten because of political activities in February; a lawyer and leading member of the National Democratic Alliance to Restore Democracy (NARD) who was arrested and detained in March; Dr. Tobi Madot, Chairperson of the Democratic Forces Front (JAD) who was detained in March; four students at the University of Sudan who were detained for 4 days in April for union activities (see Section 6.a.); Sid Ahmed Al-Hussein, deputy secretary-general of the Democratic Unionist Party (DUP), who was detained on several occasions in April; six members of the Communist Party who were detained in May; five students in Omdurman who were detained in June; leading members of the DUP and UMMA parties who were arrested and detained in June in Sennar City; a lawyer who was arrested for political activities in August in Khartoum; and a leading DUP member was arrested in September in Khartoum. Over 150 members of Hassan al-Turabi's PNCP were detained after allegedly participating in demonstrations against the Government in September and October. In general the Government detains persons for a few days before releasing them without charge or trial; however, detentions of PNCP and NDA members generally were much longer. There were unconfirmed reports that security forces tortured, detained without charge, and held

incommunicado the members of PNCP. Human rights activist Ghazi Suleiman also was detained several times during the year. In addition to detentions, government security forces frequently harassed political opponents by summoning them for questioning, forcing them to remain during the day without questioning, and then ordering them to return the following day. This process sometimes continued for days.

In December government forces broke up a meeting of NDA representatives with a foreign diplomat, detained the diplomat briefly, eventually expelled the diplomat from the country, and arrested seven NDA representatives. In the following weeks, human rights activist Ghazi Suleiman and Ali Mahmoud Hassanein, head of the opposition Democratic Unionist Party, opposition lawyers for the NDA, were arrested by the Government (see Section 2.b.). After approximately 6 weeks in detention, the Government charged the NDA representatives with treason and sedition. There was no trial by year's end. The lawyers were not charged and remained in detention at year's end.

A number of journalists were arrested and detained during the year (see Section 2.a.).

In May security forces raided Alnasr Technology College twice; they arrested, beat, and injured students, and fired bullets in the air to disperse the students" protest on education issues (see Section 2.a.). Security and police forces used sticks and tear gas in an attack on Juba University in Khartoum in June, arresting and detaining over 120 students.

In November during an NDA attack on government forces in Kassala, government soldiers detained and severely beat a foreign International Red Cross worker (see Sections 1.a. and 1.g.). He was held incommunicado for 2 days and then released.

Security forces detained persons because of their religious beliefs and activities; however, such detentions decreased in the latter half of the year (see Section 2.c.). For example, in June police in Hilla Kuku detained and beat a Catholic seminarian after he refused to remove a wooden cross that he was wearing; he later was released (see Sections 1.c. and 2.c.). Generally detentions based nominally on religion were of limited duration; because the practice of religion is not technically illegal, detainees could not be held formally on grounds indefinitely. However, the Government resorted to accusing, at times falsely, those arrested for religious reasons of other crimes, including common crimes and national security crimes, which resulted in prolonged detention. In May President Bashir ordered that all women in prison for violations of the Public Order Law be released and rescinded the prohibition on the brewing of alcohol; 563 women were released (see Section 2.c.). Despite the fact it is legal to brew alcohol, police continued to arrest southern women, and reportedly the police demand bribes in exchange for releasing the women.

In December the Government arrested and detained 65 leading members of the Takfeer and Hijra group following an attack on a rival group's worshippers; most of the individuals remained in detention and had not been tried as of year's end (see Sections 1.a., 1.c., and 5).

In September security forces detained numerous persons while forcibly dispersing demonstrations in several cities in the north (see Section 2.b.). In September security forces also briefly detained 25 women who participated in a National Democratic Women's Association demonstration against the governor of Khartoum's decree prohibiting women from working in hotels, restaurants, and gas stations (see Sections 2.b. and 5). In October police arrested and detained four students at a rally at the University of Khartoum (see Section 2.b.).

Persons arrested by government security forces often were held for long periods of time in unknown locations without access to lawyers or family members.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The judiciary is not independent and is largely subservient to the Government. The Chief Justice of the Supreme Court, formerly elected by sitting judges, is nominated by a Judiciary Committee and appointed by the President. As the senior judge in the judicial service, the Chief Justice also controls the judiciary. On occasion some courts display a degree of independence. Appeals courts on several occasions overturned decisions of lower courts in political cases, particularly public order courts.

The judicial system includes four types of courts: Regular courts, both criminal and civil; special mixed security courts; military courts; and tribal courts in rural areas to resolve disputes over land and water rights and family matters. In November 1998, Parliament passed a bill to form a constitutional court, which was implemented in December 1998. The President appointed the court's seven members at the end of 1998. Within the regular court system there are civil and criminal courts, appeals courts, and the Supreme Court. Public order courts, which heard only minor public order issues, were suspended, and public order cases were heard in criminal courts.

The 1999 Constitution provides for fair and prompt trials; however, it has not resulted in changes in practice. The 1991 Criminal Act governs criminal cases, and the 1983 Civil Transactions Act applies in most civil cases. Military trials, which sometimes are secret and brief, do not provide procedural safeguards, sometimes have taken place with no advocate or counsel permitted, and do not provide an effective appeal from a death sentence. Other than for clemency, witnesses may be permitted to appear at military trials.

Trials in regular courts nominally meet international standards of legal protections. For example, the accused normally have the right to counsel, and the courts are required to provide free legal counsel for indigent defendants accused of crimes punishable by death or life imprisonment. However, in practice these legal protections are applied unevenly. Persons arrested by government security forces often were held for long periods of time in unknown locations without access to their lawyers or family members.

In 1989 the Special Courts Act created special three-person security courts to deal with a wide range of offenses, including violations of constitutional decrees, emergency regulations, some sections of the Penal Code, as well as drug and currency offenses. Special courts, on which both military and civilian judges sit, handle most security-related cases. Attorneys may advise defendants as "friends of the court" but normally may not address the court. Lawyers complain that they sometimes are granted access to court documents too late to prepare an effective defense. Sentences usually are severe and implemented at once; however, death sentences are referred to the Chief Justice and the Head of State. Defendants may file appellate briefs with the Chief Justice.

The Government dissolved the respected Sudanese Bar Association in 1989 and reinstated it with an NIF-controlled leadership in 1997. In 1997 elections for the leadership of the Bar Association, an NIF-associated group won overwhelmingly amid accusations of blatant fraud. Lawyers who wish to practice must maintain membership in the Bar Association. The Government continued to harass and detain members of the legal profession whom it views as political opponents.

The Government officially exempts the 10 southern states, whose population is mostly non-Muslim, from parts of the Criminal Act; however, the act permits the possible future application of Shari'a law in the south, if the State assemblies so decide. No reports cited court-ordered Hudood punishments, other than lashings, in government-controlled areas of the south. Fear of the imposition of Shari'a law remained a key problem in the rebellion.

Parts of the south and the Nuba Mountains fell outside effective judicial procedures and other governmental functions. According to credible reports, government units summarily tried and punished those accused of crimes, especially for offenses against civil order.

Magistrates in SPLM/SPLA-held areas follow a penal code roughly based on the 1925 Penal Code. In rural areas outside effective SPLM control, tribal chiefs apply customary laws. In 1996 the SPLM proclaimed a civilian structure to eliminate the conduct of secret and essentially political trials such as those conducted by military commanders in previous years. The SPLM has a judicial system of county magistrates, county judges, regional judges, and a court of appeals. While officials have been appointed for most of these positions, the court system did not function in many areas due to lack of infrastructure, communications, funding, and an effective police force. Some cases were heard at the magistrate and county levels. The SPLM recognizes traditional courts or "Courts of Elders," which usually hear matters of personal affairs such as marriages and dowries, and base their decisions on traditional and customary law. Local chiefs usually preside over traditional courts. Traditional courts are particularly active in Bahr El Ghazal. The SPLM process of conducting a needs assessment for the courts continued during the year.

There are political prisoners in the country, although the Government maintains that it holds none. The Government usually charges political prisoners with a crime, allowing the Government to deny their status as political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The 1999 Constitution provides for the inviolability of communication and privacy; however, the Government routinely interferes with its citizens" privacy. Security forces frequently conducted night searches without warrants, and they targeted persons suspected of political crimes. During demonstrations in September (see Section 2.b.), riot police reportedly broke into private homes to search for demonstrators. Some residents of Khartoum filed lawsuits against the riot police for violating their privacy and damaging property in the aftermath of September 1999 riots; the suits eventually were dismissed as lacking jurisdiction. In the north, security forces also targeted persons suspected of making alcoholic beverages, which are illegal.

Security personnel routinely opened and read mail and monitored telephones. The Government continued to restrict the ownership of satellite dishes by private citizens through use of its licensing requirement.

A Muslim man may marry a non-Muslim, but a Muslim woman cannot marry a non-Muslim, unless he converts to Islam (see Section 5); however, this prohibition is not observed or enforced universally, particularly in the south and among Nubans. NonMuslims may adopt only non-Muslim children; no such restrictions apply to Muslim parents.

Various government bodies have decreed on different occasions that women must dress according to modest Islamic standards (see Sections 2.c. and 5). Enforcement of female dress standards by the Public Order Police continues, but was reduced greatly during the year. There were no reports of corporal punishment to enforce public order during the year; enforcement generally took the form of verbal admonishment by security forces.

Non-Muslim prison inmates were pressured to convert to Islam, as were PDF trainees, children in government-controlled camps for vagrant minors, and persons in government-controlled peace camps (see Sections 1.g. and 2.c.).

Government forces pursued a scorched earth policy aimed at removing populations from around the newly built oil pipeline and other oil production facilities, which resulted in deaths and serious injuries (see Section 1.c.).

The Government continued to raze some squatter dwellings; however, the practice decreased greatly during the year.

A wide network of government informants conducted pervasive surveillance in schools, universities, markets, workplaces, and neighborhoods. However, government-instituted neighborhood "popular committees"—ostensibly a mechanism for political mobilization—which served as a means for monitoring households" activities were disbanded.

The Government continued to dismiss military personnel summarily as well as civilian government employees whose loyalty it considered suspect. The government committee set up in 1995 to review cases of persons summarily dismissed since the 1989 coup continued to function in theory; however, it has released no results since May 1996.

Government armed forces burned and looted villages and stole cattle (see Sections 1.a. and 1.g.).

The Government continued to conscript citizens forcibly, including high school age children (see Sections 5 and 6.c.).

As a result of the prolonged war, approximately 4 million persons are displaced internally (see Section 2.d.).

The insurgent SPLM/SPLA generally is not known to interfere with privacy, family, home, or correspondence in areas that it controls, although correspondence is difficult in war zones; however, rebel factions continued to conscript citizens forcibly including high school age children (see Sections 5 and 6.c.).

There were unconfirmed reports that the SPLA forcibly recruited Sudanese refugees in northern Uganda for service in their forces.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Since the civil war resumed in 1983, an estimated 2 million persons have been killed, and 4 million displaced internally as a result of fighting between the Government and insurgents in the south, interethnic fighting, and famine. The civil war continued despite limited cease-fires, and all sides involved in the fighting were responsible for violations of humanitarian norms. At year's end, the Government controlled virtually all of the northern two-thirds of the country but was limited to garrison towns in the south. In June the SPLA launched an offensive in Bahr El Ghazal, fighting resumed between the SPLA and government forces, and the humanitarian cease-fire broke down. During the year, government bombings continued, often killing or injuring innocent civilians and destroying homes, schools, and hospitals. Some Government bombing intentionally was directed at civilian targets; most bombing was indiscriminate and resulted in deaths and injuries or destruction of property. In early February, government bombs struck a school in the Nuba Mountains, killing 15 persons and wounding 17 others. On March 4, a government bombardment of the town of Yirol damaged the compound of Irish NGO Concern, killing 2 persons and wounding 11 others. On March 14, government forces bombed the Diocese of Torit hospital, killing one person and injuring seven others. In early July in Rumbek, a young girl and a pregnant woman were killed and 23 persons were injured when bombs hit an open area between the Catholic and Episcopal churches and a market place. On July 15, the Government bombed the town of Chelkou and damaged an ICRC airstrip, an ICRC plane, and relief station, and injured an ICRC employee. In mid-September on two different occasions, government bombs killed 11 persons in Narus and Ikotos, and the Diocese of Torit Clinic was

destroyed. On November 21, government forces bombed Yei; 19 persons were killed and 45 others were injured. In November government forces also bombed the towns of Polit Abur and Ikotos, killing 8 persons and seriously injuring 32 others.

The Government also conducted bombing raids that targeted NGO's and often impeded the flow of humanitarian assistance to the south. On March 1, the Government bombed a hospital run by the NGO Samaritan's Purse in Lui in Western Equatoria. Norwegian People's Aid reported that on April 16, government forces dropped bombs near a child feeding compound. On July 28, in Akhuem in northern Bahr El Ghazal, several bombs landed close to a Doctors Without Borders plane and near its health center, prompting the medical team to evacuate the area. On August 7, government planes bombed an airstrip in Mapel where an OLS plane was parked. On August 9, government aircraft again bombed Mapel endangering U.N. personnel and facilities. On October 12, bombs were dropped on the towns of Ikotos and Parajok in Eastern Equatoria, which, according to relief workers, occurred during a food distribution and injured at least seven persons, including four persons seriously. On October 23, relief workers reported that 23 bombs were dropped on the town of Nimjule in 2 separate attacks during a 12-day cease-fire to allow for a U.N. polio vaccination campaign. No one was injured, although a nursery and several houses were destroyed.

The Government and government-allied militia carried out raids and attacks on civilian settlements particularly in Bahr El Ghazal. These raids were accompanied by killings, abductions, rapes, the burning and looting of villages, the theft of cattle, and significant displacement of civilian populations. However, the Government pledged to end this practice, and there were fewer reports of such raids during the year (see Sections 1.a., 1.b., 1.c., and 6.c.).

The Government and government-associated forces have implemented a scorched earth policy along parts of the oil pipeline and around some key oil facilities. These forces have injured persons seriously, destroyed villages, and driven out inhabitants in order to create an uninhabited security zone.

Victims of government bombings, and of the civil war in general, often flee to government-controlled peace camps. Some NGO's reported that persons in the peace camps were subject to forced labor and at times pressured to convert to Islam (see Section 2.c.).

Government forces routinely kill rebel soldiers captured in battle. Only a small group of prisoners captured before the 1989 coup and a few soldiers taken in the east in 1998 and during the year reportedly are held as POW's in governmentcontrolled areas. The Government does not concede that it holds POW's. It has not responded to ICRC inquiries about POW's and has refused the ICRC access to POW's.

Government forces in the south raped women and forcibly conscripted men and boys (see Sections 1.f. and 6.c.). Government forces routinely displaced, killed, and injured civilians, and destroyed clinics and dwellings intentionally during their offensive operations. At the beginning of November, during an NDA attack on Kassala, 52 civilians and soldiers were killed during fighting between government and NDA troops.

In addition to bombings that have made humanitarian assistance difficult, the Government routinely has denied flight clearances. The Government banned all relief flights to Western Upper Nile and Eastern Equatoria during the year. In July the Government informed OLS that it would require 7 days notice for all relief flights (previously 48 hours notice was required), thus reducing OLS's flexibility. Until 1999 the Government had not permitted U.N. humanitarian assistance to Blue Nile. In June 1999 and September 1999, U.N. teams conducted humanitarian assessment visits to rebel-held areas of the Nuba Mountains, and in October 1999, the U.N. conducted a humanitarian assessment in government-held areas of the Nuba Mountains. During the year, the Government on two occasions permitted polio eradication teams to visit the Nuba Mountains but denied access for other humanitarian assistance.

During a March 1999 visit by the U.N. Special Representative for Children and Armed Conflict, both the Government and SPLM/SPLA agreed to stop using antipersonnel mines. However, in the early part of the year, a government militia raided a relief center at Mading and placed landmines in an NGO compound forcing the permanent evacuation of the center. Reportedly the SPLA continued to lay landmines in Eastern Equatoria for defense purposes. Injuries continued to occur during the year from landmines previously laid by the Government to protect garrison towns and from landmines laid by the SPLA and its allies during the course of the war.

Northern Muslim opposition groups under the 1995 NDA umbrella structure, which includes the SPLA, took military action against the Government. The NDA

attacked government garrisons, the oil pipeline, and strategic points near the Ethiopian and Eritrean borders.

There were reports that in July and August in the Western Upper Nile region rebel SPLA and SPDF forces killed at least 50 civilians and abducted over 20 women and children in intraethnic fighting (see Section 5). In Kerial and Koch, soldiers burned huts and looted food and other household goods, and several chiefs reported that their villagers were forced to relocate.

The SPLA has taken a number of prisoners over the years. The SPLA often cooperates with ICRC and allows regular visits to prisoners. The SPLA released a limited number of POW's for health reasons during the year. Prisoners reportedly have died while in SPLA custody due to extremely poor prison conditions.

There are credible reports of SPLA taxation and occasional diversion of relief supplies. The SPLM leadership repeatedly has committed itself to eliminating these problems; however, in practice it appears unable to impose consistently those commitments on its representatives in the field. There were reports that the Sudan Relief and Rehabilitation Association (SRRA) diverted humanitarian food to the SPLA.

Insurgent forces in the south forcibly conscripted men and boys and reportedly raped women (see Sections 1.f. and 6.c.). Insurgent forces also routinely displaced, killed, and injured civilians, and destroyed clinics and dwellings intentionally.

In March the SPLM/SPLA expelled 11 NGO's, which handled 75 percent of NGO-provided humanitarian aid entering the south, for refusing to sign a memorandum of understanding (MOU) on NGO activities that had been under negotiation for several years. Several other NGO's that refused to sign left the area before the deadline. All but a few of the NGO's that were expelled or left before the deadline returned to the southern part of the country and later in the year signed the MOU (see Section 2.b.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The 1999 Constitution provides for freedom of thought and expression, and freedom of the press "as regulated by law;" however, the Government severely restricts freedom of speech and of the press. Government detentions of journalists, intimidation, surveillance, and suspensions of newspapers continued to inhibit open, public discussion of political issues. Journalists practice self-censorship.

As a result of a limited easing of press restrictions that the Government began in 1997, some lively discussions of domestic and foreign policy were published in the press. Nonetheless, the Government still exercised control of news reporting, particularly of political topics, the war, and criticism of the Government, through the National Press Council and security forces. The National Press Council applies the Press law and is directly responsible to the President. It is charged with licensing newspapers, setting press policy, and responding to complaints. In the event of a complaint, it can give a newspaper a warning or suspend it for up to 15 days. It also can suspend a newspaper indefinitely and suspend journalists for up to 2 weeks. The National Press Council consists of 21 members: 7 selected by the President; 5 from the National Assembly; 7 directly elected by journalists from the Journalists" Union; and 2 selected by the Journalists" Union leadership. In February President Bashir fired five members of the National Press Council because they had been selected by the dissolved National Assembly (see Section 3). Observers believe the Journalist's Union is government-controlled. The National Press Council was active in suspending journalists and newspapers during the year.

The Government restricted freedom of the press through detention of journalists and editors (see Section 1.d.), the confiscation of already printed editions, prepublication censorship, and pressure, which resulted in self-censorship.

In March security forces arrested and detained Kamal Hassan Bakheit, Chief Editor of "Al Sahafa" and four of the paper's journalists for publishing poetry calling on Egypt to rescue the country from "the unjust war" and writing an article supportive of the NDA. In May security forces arrested Idris Hassan, Chief Editor, and El Badawi Yousif, Editing Director of "Al Rai AlAam" newspaper for "crimes against the state" involving alleged false accusations and insults to public servants executing judicial proceedings. They were released after 1 day, and those editions of the newspaper were confiscated. In August security forces arrested Osman Mirghani, journalist for "Al Rai Al-Aam" for an article criticizing government education policy. In August security forces also arrested Alwola Burhi Kaidani, journalist for "Al-Rai Al Akhar" for an "anti-government" article.

In July the National Press Council suspended an independent Arabic daily Al-Rai Al-Aam for 1 day following the publication of an article critical of the police.

The editor in chief of the newspaper Al-Rai al-Akher, who was arrested in June 1999, and the editors in chief of two other newspapers, Elsharee Elsyasi and Al-

Ousbou, who reportedly were arrested at the same time all were released after a few days.

All journalists, even in the privately owned Arabic daily press, continued to practice self-censorship. There are 11 daily newspapers and one English newspaper, which generally represents the viewpoint of southerners. Of the Arabic papers, one is government-controlled, several generally reflect the Government's viewpoint, and several are independent. A wide variety of Arabic and English publications are available; however, they are subject to censorship.

Radio and television are controlled directly by the Government and are required to reflect government policies. Television has a permanent military censor to ensure that the news reflects official views. There are no privately owned television or radio stations, although one television cable company is jointly owned by the Government and private investors.

The Government often charged that the international, and particularly the Western, media have an anti-Sudan and antiIslam bias.

In spite of the restrictions on ownership of satellite dishes, citizens have access to foreign electronic media; the Government does not jam foreign radio signals. In addition to domestic and satellite television services, there is a pay cable network, which directly rebroadcasts uncensored Cable News Network (CNN), the British Broadcasting Company (BBC), the London-based, Saudiowned Middle East Broadcasting Corporation (MBC), DubaiTV, Kuwait-TV, and a variety of other foreign programming.

Uncensored Internet access is available through two Internet service providers.

Rebel movements have provided relatively few opportunities for journalists to report on their activities.

Academic freedom is restricted. In public universities, the Government appoints the vice-chancellors who are responsible for running the institutions. While many professors" lecture and write in opposition to the Government, they must exercise selfcensorship. Private universities are not subject to direct government control; however, professors also exercise selfcensorship.

Security forces detained, and at times, beat student activists (see Sections 1.c. and 1.d.). In May security forces raided Alnasr Technology College twice; they arrested, beat, and injured students, and fired bullets in the air in an effort to disperse a student protest on education issues. On a few occasions, security forces forcibly dispersed student demonstrations, killing and injuring some students (see Section 2.b.).

The Government officially requires that young men between the ages of 17 and 19 enter military service to be able to receive a certificate on leaving secondary school, which is a requirement for entry into a university (see Section 5). This decree effectively broadened the conscription base.

b. Freedom of Peaceful Assembly and Association.—The declaration of the state of emergency and of martial law on June 30, 1989, effectively eliminated the right of assembly, and the Government continued to severely restrict this freedom. The authorities permitted only government-authorized gatherings and routinely denied permission for or disrupted gatherings they view as politically oriented. Islamic orders associated with opposition political parties, particularly the Ansar and Khatimia, regularly have been denied permission to hold large public gatherings. In June the Independent Students Congress group of Sennar University organized an unapproved political rally at the University. Armed troops intervened and fired automatic weapons on the campus; the troops killed a student, seriously injured another, and approximately 20 students were hospitalized. In September demonstrators in several cities in the northern part of the country protested poor economic conditions, lack of water and electricity, government failure to pay teacher salaries, and compulsory military conscription. Claiming that the demonstrations threatened to become violent, police and security forces used tear gas and live ammunition to disperse demonstrators; the security forces killed several persons, and detained and beat numerous individuals. The individuals later were released. Also in September, the National Democratic Women's Association, which is associated with the NDA, held a peaceful demonstration against the Khartoum governor's decree banning women from working in public places. Riot police dispersed the protesters using tear gas; numerous women were injured, and security forces arrested and later released more than 25 women. In September and October, over 150 members of Hassan al-Turabi's PNCP were detained after allegedly participating in demonstrations against the Government (see Section 1.d.). In October police used batons and tear gas to break up a rally and protest held by the PNCP and Islamic students at the University of Khartoum; students allegedly fired shots at the police, pelted them with stones, and used Molotov cocktails. Six policemen were injured, and four students were arrested but later were released.

In December government forces broke up a meeting of NDA representatives with a foreign diplomat, detained the diplomat briefly, and eventually expelled him from the country; they also arrested seven NDA representatives. After approximately 6 weeks of detention, the Government charged the NDA representatives with treason and sedition. There was no trial by year's end. In the following weeks, human rights activist Ghazi Suleiman and Ali Mahmoud Hassanein, head of the opposition Democratic Unionist Party, opposition lawyers for the NDA, were arrested by the Government (see Section 1.d.). The lawyers were not charged and remained in detention at year's end. Following the incident, the Government announced restrictions on diplomatic, international, and regional organizations" contact with any Sudanese political organizations, including the NDA, that it considered to be waging war against it. The Government stated it would restrict travel into rebelcontrolled areas without prior written permission from the Ministry of External Affairs; however, this restriction was not enforced during the year.

The Government severely restricted freedom of association. In December 1998, implementing legislation linked to the new Constitution that in theory would allow the existence of political parties passed into law. As a result, there are now 20 officially registered political parties; however, the legislation includes restrictions that effectively prohibit traditional political parties if they are linked to armed opposition to the Government. Observers believe that the Government controls professional associations.

In March the SPLA implemented a MOU drafted in August 1999 that was the subject of negotiation between the SPLM, NGO's, and donors. It included items such as: Increased SPLA control over NGO interaction with local communities; SPLA control over the planning and distribution of humanitarian assistance; a requirement to work "in accordance with SPLA objectives" rather than solely humanitarian principles; the payment of "security fees;" and additional fees for services, including charges for the landing of aircraft carrying humanitarian aid and for NGO movement within SPLA-held areas. In March the SPLA expelled 11 NGO's, which handled 75 percent of NGO-provided humanitarian aid entering southern Sudan, for refusing to sign the MOU; several NGO's who refused to sign the memorandum left the area before the deadline (see Section 1.g.). Most NGO's returned by year's end, and most NGO's that provide assistance to the south reported that the MOU had little or no effect on their operations.

c. Freedom of Religion.—The 1999 Constitution provides for freedom of religion; however, the Government severely restricts this right in practice. The Government treats Islam as the state religion and has declared that Islam must inspire the country's laws, institutions, and policies. The Constitution states that "Shari'a and custom are the sources of legislation."

Religious organizations are subject to the 1994 Societies Registration Act, which replaced the controversial 1962 Missionary Societies Act. The act theoretically allows churches to engage in a wider range of activities than did the Missionary Act, but churches are subject to the restrictions placed on nonreligious corporations. Religious groups, like all other organizations, must be registered in order to be recognized or to gather legally. The Government also requires that houses of worship be approved. Registered religious groups are exempt from most taxes. Nonregistered religious groups, on the other hand, find it impossible to construct a place of worship or to assemble legally. Registration reportedly is very difficult to obtain in practice, and the Government does not treat all groups equally in the approval of such registrations and licenses.

Muslims may proselytize freely in the government-controlled areas, but non-Muslims are forbidden to proselytize. Foreign missionaries and religiously oriented organizations continue to be harassed by authorities; however, there were fewer reports of harassment in the second half of the year. On occasion requests by foreign missionaries and religiously oriented organizations for work permits and residence visas were delayed or denied. The Government refused to renew visas of several long-term Catholic missionaries, forcing them to leave the country and reapply with no assurances that the visas will be granted again. The Government generally is least restrictive of Christian groups that historically have had a presence in the country, including Copts, Roman Catholics, and Greek Orthodox, and is more restrictive of newer arrivals.

Although the Government considers itself an Islamic government, restrictions often are placed on the religious freedoms of Muslims, particularly against those orders linked to opposition to the Government. Islamic orders such as the Ansar and the Khatimia regularly are denied permission to hold large public gatherings (see Section 2.b.).

The Government permits non-Muslims to participate in services in existing and otherwise authorized places of worship; the Government continued to deny permis-

sion for the construction of Roman Catholic churches, although some other Christian groups have received permission. However, the Government permitted some makeshift structures to be used.

There is a longstanding dispute between the Episcopal Church and the Government. In September 1999, the Episcopal Church stated that the Government had moved to seize a portion of the property on which church offices in Omdurman stand. A government-run health care center had operated on the site since 1973. The Church claims that it has a freehold title to the land, while the Government claims that it is a leasehold. The Church claims that the courts will not act independently of the Government in the case. The case still is unresolved. In December 1999, police injured five persons in a clash in northwest Khartoum over an Episcopal Church school. Local authorities claim that the school was built without a proper permit. Despite a court ruling in favor of the Church, the school eventually was taken over by the Government and reopened as a Government school.

Government authorities, using soldiers for security, reportedly have razed approximately 30 religious buildings with bulldozers since 1990. In June 1999, local press reports indicated that an agreement had been signed between the Human Rights Committee of the National Assembly and the Minister of Engineering Affairs of Khartoum State not to remove schools or houses of worship during slum demolitions unless adequate alternative sites were found. In October 1999, the First Vice President directed that the demolition of churches and other Christian facilities in Khartoum be suspended and that a committee be formed under the Second Vice President to review the issue; the committee was formed and began operations during the year. During the year, no religious schools or houses of worship were razed. The Government was trying to take over the unused part of a Christian cemetery in Khartoum in order to build shops; the dispute was not resolved by year's end.

The Government requires instruction in Islam in public schools in the north. In public schools in areas in which Muslims are not a majority, students have a choice of studying Islam or Christianity; however, Christian courses are not offered in the majority of public schools, ostensibly due to a lack of teachers or Christian students, and, in practice this means that many Christian students attend Islamic courses.

Children who have been abandoned or whose parentage is unknownregardless of presumed religious origin—are considered Muslims and can be adopted only by Muslims. Non-Muslims may adopt only other non-Muslim children. No equivalent restriction is placed on adoption by Muslims of orphans, or other abandoned children. These children are considered by the State to be both Sudanese citizens and Muslims, and therefore can be adopted only by Muslims. In accordance with Islamic law, Muslim adopted children do not take the name of their adoptive parents and are not automatic heirs to their property.

Various government bodies have decreed on different occasions that women must dress according to modest Islamic standards. This, at the least, entails wearing a head covering. For example, in January 1999, the governor of Khartoum State announced that women in public places and government offices and female students and teachers would be required to conform to what is deemed an Islamic dress code. However, none of these decrees have been the subject of legislation, and enforcement of the dress code regulations was uneven. During the year, dress code enforcement was relaxed and, when it occurred, generally consisted of verbal admonishment by security forces. In September the Governor of Khartoum State issued a decree forbidding women from working in businesses that serve the public such as hotels, restaurants, and gas stations, defending the ban as necessary under Shari'a law to protect the dignity of women (see Section 5). At year's end, the decree was before the Constitutional Court pending a decision on appeal.

While non-Muslims may convert to Islam, the 1991 Criminal Act makes apostasy (which includes conversion to another religion) by Muslims punishable by death.

Authorities continued to restrict the activities of Christians, followers of traditional indigenous beliefs, and other nonMuslims, and there continued to be reports that security forces harassed and arrested persons for religious beliefs and activities (see Section 1.d.).

There were reports that police in Hilla Kuku harassed members of the Catholic Church. In June a Catholic seminarian reported that police stopped him at the bus station in Hilla Kuku and ordered him to remove a wooden cross that he was wearing. When he refused, the police took him to a police station, detained him, and beat him on the neck and wrist with a stick. After 3 hours of interrogation, they returned the cross and released him. In July at the same bus station, a Catholic worker was abducted by unidentified men, reportedly security personnel, and taken to an unidentified house. He was kept in a chair, with his hands tied behind his back, and questioned about church activities. He was released after dark but warned not to discuss the incident.

The Government officially exempts the 10 southern states, whose population is mostly non-Muslim, from parts of the Criminal Act, which permits physical punishments based on Shari'a (Islamic law). In June approximately 100 Christian secondary school students were not allowed to continue compulsory military service because they left their duties to pray; it was unclear if these students were abused because they were Christian. Without successfully completing military service, they will not be allowed to enter the university.

PDF trainees, including non-Muslims, are indoctrinated in the Islamic faith. In prisons and juvenile detention facilities, government officials and government-supported Islamic NGO's pressured and offered inducements to non-Muslim inmates to convert. Some persons in the government-controlled camps for internally displaced persons reportedly were subject to forced labor and at times pressured to convert to Islam (see Section 1.f.). Children, including non-Muslim children, in camps for vagrant minors are required to study the Koran, and there is pressure on non-Muslims to convert to Islam (see Section 5). There are credible reports that some boys in vagrant camps and juvenile homes have undergone forced circumcision. Some children from Christian and other non-Muslim families, captured and sold into slavery, were converted forcibly to Islam.

The Government bombed villages in the Nuba Mountains and other southern rebel-held areas, at times striking hospitals, schools, mosques, Christian churches, and religious services (see Section 1.g.). For example, on February 8, government forces bombed a Catholic school in the Nuba Mountains killing at least 14 children and 1 teacher, and wounding 14 other persons. Government officials described the incident as a legitimate bombing. On March 14, government forces bombed the Diocese of Torit hospital, killing 1 person and injuring 7 others. In September government forces dropped 12 bombs on a Catholic mission, injuring 6 persons and destroying a medical dispensary.

In June a group of 12 armed police entered the priests" residence of the Catholic Comboni College secondary school with a warrant to search for illegal immigrants and foreign currency. The rooms of two priests and a medicine storeroom were searched. The police did not arrest anyone, and spoke with one priest. Police took a camera, a file of newspaper cuttings, five boxes of slides, a corrector tape, three floppy disks, and a bottle of whiskey. The items were accounted for at the time and returned 2 days later. A mobile telephone and cash are believed to have disappeared, but were not listed among the items taken by police during the search. No charges were filed in the case. The Catholic Comboni College has a religiously and ethnically mixed student body and generally operates without interference or harassment.

There were some areas in which the Government took steps that improved religious freedom somewhat, including releasing religious prisoners and detainees, relaxing enforcement of public order laws, releasing women imprisoned under the public order law, and easing restrictions on religious visitors and gatherings. For example, during the year, the Archbishop of Canterbury visited the country as did German evangelist Reinhard Bonnke. Open air services in Khartoum were attended by tens of thousands of persons. Catholic Church representatives said thousands of persons routinely attended jubilee festivities in governmentheld areas without interference or harassment.

In rebel-controlled areas, Christians, Muslims, and followers of traditional indigenous beliefs generally worship freely, although it appears that many of the region's Muslim residents have departed voluntarily over the years. The SPLM officially favors secular government; however, the SPLM is dominated by Christians, and local SPLM authorities often have a very close relationship with local Christian religious authorities.

Government and SPLM/SPLA delegations participated in four rounds of IGAD-mediated peace talks in Kenya during the year. The delegations continued discussions of the role of religion in national affairs without resolution. The Government continues to insist that Shari'a or Islamic law form the basis of a unified state while southerners insist on a secular state.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The 1999 Constitution provides for freedom of movement and residence, including exit from and entry into the country; however, the Government restricted these rights in practice. The Government denied exit visas to some categories of persons, including policemen and physicians. The Government also maintains lists of political figures and other citizens who are not permitted to travel abroad.

Women may not travel abroad without permission of their husbands or male guardians. Some former political detainees have been forbidden to travel outside Khartoum. Movement generally was unhindered for other citizens outside the war zones, but travelers who failed to produce an identity card at checkpoints risked ar-

rest. Foreigners needed permits, which were often difficult to obtain and sometimes were refused, for domestic travel outside of Khartoum; however, foreign diplomats can travel to many locations under government escort. Foreigners must register with the police on entering the country, seek permission to move from one location to another, and reregister at each new location within 3 days of arrival. Foreign NGO staffs sometimes had problems obtaining entry visas or work or travel permits once they had entered the country. In December the Government announced restrictions on travel by diplomatic, international, and regional organizations and others into rebelcontrolled areas without prior written permission from the Ministry of External Affairs; however, this restriction was not enforced during the year.

Insurgent movements also require that foreign NGO personnel obtain permission before traveling to areas that they control, although they generally granted such permission. NGO workers who have worked in government-held territory encountered problems receiving permission to work or travel in insurgentheld territory. In March the SPLA drew up a Memorandum of Understanding for NGO's to sign that restricted much of their work in the southern part of the country and, as a result, many NGO's left the country (see Section 1.g.).

Tens of thousands of persons, largely southerners and westerners displaced by famine and civil war, continue to live in squatter slums in the Khartoum area. The Khartoum State government plans to upgrade conditions in some camps, requiring the movement of populations to other areas so that roads may be built or enlarged and services established. The state government is in contact with foreign NGO's and U.N. agencies concerning this effort.

Approximately 380,000 Sudanese are refugees in neighboring countries. Refugees have fled to Uganda, Ethiopia, Eritrea, Kenya, the Democratic Republic of the Congo, and the Central African Republic. Up to 4 million persons are displaced internally due to the civil war.

The law includes provisions for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian assistance organizations and accorded refugees generally good treatment. The UNHCR estimated that there were approximately 400,000 refugees, primarily from Eritrea, Ethiopia, Chad, Uganda, the Democratic Republic of the Congo, and Somalia. Approximately 150,000 refugees are in camps, and the rest are scattered in urban areas throughout the country. The Government provides first asylum, although no statistics were available for the year.

In April the Government signed an agreement with the Government of Eritrea to repatriate longtime Eritrean refugees in Sudan; however, it was not implemented because of the conflict between Eritrea and Ethiopia.

In August the UNHCR signed an agreement with the Government of Sudan and the Government of Ethiopia to repatriate pre-1991 Ethiopian refugees to their homeland by the end of the year; however, only some of the Ethiopian refugees were repatriated by year's end.

There were some reports of the mistreatment of refugees, including beatings and arbitrary arrests by government officials. Refugees could not become resident aliens or citizens, regardless of their length of stay. The Government allowed a large number of refugees to work.

There were unconfirmed reports that the SPLA forcibly recruited Sudanese refugees in northern Uganda for service in their forces.

There were no reports that the Government forcibly returned persons to a country where they feared persecution.

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

Citizens had no genuine opportunity to change their government peacefully. Presidential and parliamentary elections were held in December and there were allegations of serious irregularities; including official interference, electoral fraud, inadequate opportunities for all voters to register, and inadequate election monitoring. All major opposition parties boycotted the election. Bashir was elected to another 5-year term, and the NC/NIF won 340 out of 360 seats in Parliament in the deeply flawed process.

In December 1999, President Bashir declared a 3-month state of emergency, dismissed the speaker of the National Assembly, Dr. Turabi, and disbanded Parliament 2 days before it was to vote on a bill introduced by pro-Turabi legislators to reduce Bashir's presidential powers. Bashir suspended the Parliament on the grounds that it was necessary for the unity of the country. The State of Emergency remained in

effect throughout the year and was extended through next year. The new Parliament elected in December is expected to take office in February 2001.

The Constitution, which provides in theory for a wide range of rights, was passed by referendum in June 1998, and was implemented early in 1999. There was widespread skepticism about the Government's claims that the constitutional referendum passed with 96.7 percent approval and 91.9 percent participation. Critics of the new Constitution charged that it neither was drafted nor passed with truly national participation. Some critics also objected to the statement that "Islamic law" would be among "the prevalent sources of law" in regard to amending the Constitution (see Section 5). The new Constitution has resulted in few changes in practice.

In 1989 the National Salvation Revolution Command Council (RCC) abolished all political parties and detained the major party leaders for a short period. In 1990 the RCC rejected both multiparty and one party systems and, 2 years later, established an entirely government-appointed Transitional National Assembly, based on a Libyan-style political structure with ascending levels of nonpartisan assemblies. The essentially powerless appointed legislature was replaced following the 1996 elections by an elected National Assembly. In December 1998, implementing legislation linked to the new Constitution passed a law that would allow the restricted existence of political parties. As a result, there are 20 officially registered political parties; however, the legislation included restrictions that effectively prohibit traditional political parties if they are linked to armed opposition to the Government. The Government continued routinely to deny permission for and disrupt gatherings that it viewed as politically oriented (see Section 2.b.). Security forces arrested, detained, and on occasion, beat political opponents during the year (see Sections 1.c. and 1.d.).

The federal system of government was instituted in 1995 and slowly is developing a structure of 26 states, which the Government considers a possible inducement to the insurgents for accommodation through a principle of regional autonomy; however, southerners are underrepresented in the Government. This underrepresentation remained a key obstacle to ending the rebellion.

Women are underrepresented in government and politics, although they have the right to vote. There is one female Minister, who serves as a government advisor; one female State Minister, who serves on the Council of Ministers and is the former head of the legislative committee of Khartoum State; and there is one female Supreme Court judge.

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

Due to government restrictions on freedom of association (see Section 2.b.), there is only one independent domestic human rights organizations—the Sudan Human Rights Organization. There is one local NGO that addresses health concerns related to the practice of female genital mutilation (FGM) and other "traditional" practices (see Section 5). During the year, the Government conducted bombing raids that targeted NGO's and often impeded their activities in the south (see Section 1.g.).

Government-supported Islamic NGO's pressured imprisoned nonMuslims to convert to Islam. There were reports that Christian NGO's used their services to pressure persons to convert to Christianity during the year.

The Human Rights Advisory Council, a government body whose rapporteur is the Solicitor General for Public Law, continued its role in addressing human rights problems within the Government. The Council is composed of representatives of human rights offices in 22 government ministries and agencies. While the council is charged with investigating human rights complaints, its effectiveness was hampered by lack of cooperation on the part of some of the ministry and agency offices. In May 1998, the Government formed the CEAWAC, which in turn formed mechanisms to identify and return abductees (see Sections 1.b. and 6.f.).

In September 1998, the U.N. named a new Special Rapporteur on Sudan, Leonardo Franco. Franco visited the country in February and filed a report with the UNHCR and the U.N. General Assembly.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The 1999 Constitution prohibits discrimination based on race, sex, or religious creed; however, discrimination against women and ethnic minorities continued. Mechanisms for social redress, especially with respect to violence against women and children, are weak. The 1992 General Education Act stipulates equal opportunity in education for the disabled.

Women.—Violence against women continued to be a problem, although, because reliable statistics do not exist, the extent is unknown. Many women are reluctant

to file formal complaints against such abuse, although it is a legal ground for divorce. The police normally do not intervene in domestic disputes. Displaced women from the south were vulnerable to harassment, rape, and sexual abuse. The Government does not address the problem of violence against women, nor is it discussed publicly. The punishment for rape under the Criminal Act varies from 100 lashes to 10 years imprisonment to death. In most cases, convictions are not announced; however, observers believe that sentences often are less than the maximum provided for by law. Prostitution is a growing problem, although there is no sex tourism industry. There are no specific laws regarding sexual harassment.

Some aspects of the law, including certain provisions of Islamic law as interpreted and applied by the Government, and many traditional practices, discriminate against women. Gender segregation is common in social settings. In accordance with Islamic law, a Muslim woman has the right to hold and dispose of her own property without interference. Women are ensured inheritance from their parents; however, a daughter inherits half the share of a son, and a widow inherits a smaller percent than do her children. It is much easier for men to initiate legal divorce proceedings than for women. These rules only apply to Muslims and not to those of other faiths, for whom religious or tribal laws apply. Although a Muslim man may marry a non-Muslim, a Muslim woman cannot marry a non-Muslim unless he converts to Islam; however, this prohibition is not observed or enforced in areas of the south not controlled by the Government, nor among Nubans. Women cannot travel abroad without the permission of their husbands or male guardians (see Section 2.d.); however, this prohibition is not enforced strictly for women affiliated with the NCP.

A number of government directives require that women in public places and government offices and female students and teachers conform to what the Government deemed an Islamic dress code. This, at the least, entailed wearing a head covering. However, enforcement of the dress code regulations has been uneven. During the year, dress code enforcement was relaxed and, when it occurred, generally consisted of verbal admonishment by security forces. In May a presidential decree released 563 women who were in prison for violating the Public Order Law. Most were southerners who had been convicted of illegally making and selling alcohol in Khartoum. Subsequent to the decree, police continued to arrest numerous women for the same violation and reportedly the police demand bribes in exchange for releasing the women.

Women generally are not discriminated against in the pursuit of employment; however, in September the Governor of Khartoum State issued a decree forbidding women from working in businesses that serve the public, including hotels, restaurants, and gas stations. The Governor defended the ban as necessary to protect the dignity of women and to adhere to Shari'a law. Within a week, the Constitutional Court suspended the ruling, and the case was pending appeal at year's end.

Women enjoy equal access to education. Approximately 50 percent of university students are women, in part because men are conscripted for war.

There are credible reports that government and government-associated forces abducted and sold women for work as domestic servants and concubines (see Sections 6.c. and 6.f.).

Children.—Education is compulsory through grade eight, although local inability to pay teachers" salaries reportedly has resulted in declining attendance. In the northern part of the country, boys and girls generally have equal access to education, although many families with restricted income choose to send sons and not daughters to school. Girls do not have equal access to education in the south. The male literacy rate is 57.7 percent, and the female literacy rate is 34.6 percent; however, this rate is for the country as a whole; the literacy rate in the south reportedly is lower due to a lack of schools in many areas.

A considerable number of children suffered serious abuse, including abduction, enslavement, and forced conscription in the war zones (see Sections 1.f., 6.c., and 6.f.). There continued to be credible reports that government and government-associated forces abducted children for purposes of forced labor (see Sections 6.c. and 6.d.).

The Government forcibly conscripted young men and boys into the military forces to fight in the civil war. Conscription frequently was carried out by government authorities who raided buses and other public places to seize young men. The Government officially requires that young men between the ages of 17 and 19 years enter military service to be able to receive a certificate on leaving secondary school. Such a certificate is a requirement for entry into a university, and the decree effectively broadened the conscription base. There are credible reports that the government-controlled militia leader, Paulino Matip, forcibly conscripted boys as young as 10 years of age to serve as soldiers. In October the SPLA pledged to demobilize child soldiers from its forces, and during the year, 116 boys were removed from the army

and placed in school. There are credible reports that child soldiers continued to serve in the SPLA.

The Government operated camps for vagrant children. Police typically send homeless children who have committed crimes to these camps, where they are detained for indefinite periods. Health care and schooling at the camps generally are poor, and basic living conditions often are primitive. All of the children in the camps, including non-Muslims, must study the Koran, and there is pressure on non-Muslims to convert to Islam (see Section 2.c.). There were reports that boys in these camps and in homes for delinquent youths were forced to undergo circumcision. Teenagers in the camps often are conscripted into the PDF (see Section 1.f.).

During the last 10 years, thousands of children were abducted by the government-supported LRA, a Ugandan armed opposition group with bases in the southern part of the country (see Section 6.f.). The LRA forced many of the boys to become soldiers and the girls to become sex slaves. In December 1999, the Governments of both countries agreed to stop supporting each other's rebel armies and to return abductees. Subsequently, the Government assisted in repatriating a small number of individuals who had escaped from the LRA. In September both Governments agreed at the Winnipeg International Conference on War Affected Children to work for the speedy release and repatriation of LRA captives; however, implementation has proved problematic due to a lack of cooperation on the part of the LRA.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is widespread, especially in the north. An estimated 90 percent or more of females in the north have been subjected to FGM, with consequences that have included severe urinary problems, infections, and even death. Infibulation, the most severe type of FGM, is also the most common type. Usually it is performed on girls between the ages of 4 and 7 by traditional practitioners in improvised, unsanitary conditions, causing severe pain, trauma, and risk of infection to the child. No form of FGM is illegal under the Criminal Code; however, the health law forbids doctors and midwives from performing infibulation. Women displaced from the south to the north reportedly are imposing FGM increasingly on their daughters, even if they themselves have not been subjected to it. A small but growing number of urban, educated families are abandoning the practice completely. A larger number of families, in a compromise with tradition, have adopted the least severe form of FGM, Sunna, as an alternative to infibulation. The Government neither arrested nor prosecuted any persons for violating the health law against infibulation. The Government does not support FGM, and recently it has introduced information about FGM in some public education curriculums. One local NGO is working to eradicate FGM.

People with Disabilities.—The Government does not discriminate against disabled persons but has not enacted any special legislation for the disabled, such as mandating accessibility to public buildings and transportation for the disabled. The 1992 General Education Act requires equal educational opportunities for the disabled.

Religious Minorities.—Muslims predominate in the north, but are in the minority in the south, where most citizens practice traditional indigenous religions or Christianity. There are from 1 to 2 million displaced southerners in the north who largely practice traditional indigenous religions or Christianity. About 500,000 Coptic Christians live in the north. Traditionally there have been amicable relations between the various religious communities, although in previous years there were a small number of clashes.

There are reliable reports that Islamic NGO's in war zones withhold food and other services from the needy unless they convert to Islam. There were reports that Christian NGO's used their services to pressure persons to convert to Christianity during the year.

Non-Muslims legally are free to adhere to and practice their faiths; however, in practice the Government's treatment of Islam as the state religion creates an atmosphere in which non-Muslims are treated as second class citizens (see Section 2.c.). In government-controlled areas of the south, there continued to be credible evidence of prejudice in favor of Muslims and an unwritten policy of Islamization of public institutions, despite an official policy of local autonomy and federalism. In the past, some non-Muslims lost their jobs in the civil service, the judiciary, and other professions. Few non-Muslim university graduates found government jobs. Some non-Muslim businessmen complained of petty harassment and discrimination in the awarding of government contracts and trade licenses. There also were reports that Muslims receive preferential treatment for the limited services provided by the Government, including access to medical care.

On December 8, supporters of the outlawed Takfeer and Hijra Muslim groups attacked a rival group's worshippers at a Sunna mosque in Omdurman during Ramadam prayers, killing 26 persons and injuring 40 others. The Government ar-

rested and detained 65 leading members of the Takfeer and Hijra group; most of the individuals remained in detention and had not been tried as of year's end.

National/Racial/Ethnic Minorities.—The estimated population of 27.5 million is a multiethnic mix of over 500 Arab and African tribes with scores of languages and dialects. Northern Muslims, who form a majority of approximately 16 million persons, traditionally have dominated the Government. The southern ethnic groups fighting the civil war (largely followers of traditional indigenous religions or Christians) total approximately 6 million and seek independence, or some form of regional self-determination, from the north.

The Muslim majority and the NIF/NC-dominated Government continued to discriminate against ethnic minorities in almost every aspect of society. Citizens in Arabic-speaking areas who do not speak Arabic experienced discrimination in education, employment, and other areas. The use of Arabic as the language of instruction in higher education discriminated against nonArabs. For university admission, students completing high school are required to pass examinations in four subjects: English language; mathematics; Arabic language; and religious studies. Even at the university level, examinations in all subjects except English language were in the Arabic language, placing nonnative speakers of Arabic at a disadvantage.

There were reports that in July and August in the Western Upper Nile, predominantly Nuer SPLA forces and predominately Nuer SPDF forces killed at least 50 civilians and abducted more than 20 women and children in intraethnic fighting.

There also were periodic reports of intertribal abductions of women and children in the south, primarily in the Eastern Upper Nile. The abductions are part of traditional warfare in which the victor takes women and children as a bounty and frequently tries to absorb them into their own tribe.

In March 1999, at a grassroots peace conference in Wunlit, Bahr El Ghazal, representatives of the Nuer and Dinka tribes signed a peace covenant. The Dinka and the Nuer are the two largest tribes and had been on opposite sides of the war since 1991. The Wunlit accord provided concrete mechanisms for peace, including a ceasefire, an amnesty, the exchange of abducted women and children, and monitoring mechanisms. The Wunlit accord greatly reduced conflict between the Dinka and Nuer tribes during the year. Thousands of Nuer IDP's have fled into Dinka lands from Upper Nile, and generally they were well received.

A similar attempt in April and May in Lilirr to broker peace on the East Bank among various ethnic groups, including Dinka, Nuer, and Murle clans was less successful, and some of the conflicts between these groups continued.

Although details generally were unavailable, there were credible reports of civilian casualties as a result of ongoing fighting between ethnic Dinkas and Didingas in the New Cush and Chukudum areas in eastern Equatoria (see Section 1.a.). Interethnic tensions in the first half of the year resulted in some deaths. Interethnic tensions eased in May and June with the departure of some Dinka to Bor County as part of a relocation program to return them to their homes after having been displaced by the war.

Section 6. Worker Rights

a. The Right of Association.—The RCC abolished the pre-1989 labor unions, closed union offices, froze union assets, forbade strikes, and prescribed severe punishments, including the death penalty, for violations of its labor decrees. Several unions functioned during the year, including the government-controlled Sudan Workers" Trade Union Federation (SWTUF); however, there were no independent unions. The Government dismissed many labor leaders from their jobs or detained them, although most of those arrested during the year were freed by year's end. For example, in April security forces detained four students at the University of Sudan for 4 days for union activities. The 1999 Constitution provides for the right of association for economic and trade union purposes; however, it has resulted in no changes in practice.

The SWTUF is the leading blue-collar labor organization with about 800,000 members. In 1992 local union elections were held after a delay to permit the government-controlled steering committees to arrange the outcomes. The elections resulted in government-approved slates of candidates voted into office by prearranged acclamation. In 1997 largely the same leadership was reelected.

There were some teacher strikes during the year, some lasting several months, to protest the government's failure to pay salaries. During some of the strikes, police and security forces used tear gas and live ammunition to disperse demonstrators; the security forces killed several persons, and detained and beat numerous individuals (see Sections 1.c. and 2.b.).

Unions remained free to form federations and affiliate with international bodies, such as the African Workers" Union and the Arab Workers" Union.

b. The Right to Organize and Bargain Collectively.—A 1989 RCC constitutional decree temporarily suspended the right to organize and bargain collectively. Although these rights were restored to labor organizing committees in 1996, government control of the steering committees meant in practice that the Government dominates the process of setting wages and working conditions. The continued absence of labor legislation allowing for union meetings, the filing of grievances, and other union activity greatly reduced the value of these formal rights. Although local union officials have raised some grievances with employers, few carried them to the Government. The law does not prohibit antiunion discrimination by employers. The 1999 Constitution provides for the right of organization for economic or trade union purposes; however, it resulted in no changes in practice.

A tripartite committee comprising representatives of the Government, labor unions, and business sets wages. Specialized labor courts adjudicate standard labor disputes; however, the Ministry of Labor has the authority to refer a dispute to compulsory arbitration.

In 1993 the Government created two export processing zones (EPZ's); it later established a third at Khartoum International Airport. During the year, only the EPZ at Khartoum International Airport was open. The labor laws do not apply in the EPZ's.

c. Prohibition of Forced or Compulsory Labor.—The 1999 Constitution prohibits forced or compulsory labor; however, slavery persists, particularly affecting women and children. The taking of slaves, particularly in the war zones, and their transport to parts of central and northern Sudan continued.

There have been frequent and credible reports that Baggara raiders, supported by government troops, took women and children as slaves during raids in Bahr El Ghazal state. The Government did not take any action to halt these practices and continued to support some Baggara tribal militias. The majority of the victims were abducted in violent raids on settlements carried out by government-affiliated militias accompanying and guarding troop trains to the southern garrison town of Wau. During the raids, the militias, which frequently are not paid by the Government for their services, exact their own remuneration by abducting women and children, looting villages, and stealing cattle to take back to the north. Civilians often were killed and villages were destroyed. The Government has pledged to end this practice, and there were fewer reports of such raids during the year (see Sections 1.b. and 1.g.). Following the raids, there were credible reports of practices such as the sale and purchase of children, some in alleged slave markets, and the rape of women. Abductees frequently are forced to herd cattle, work in the fields, fetch water, dig wells, and do housework. Abductees are subjected to torture and rape, and at times, are killed. These practices all have a pronounced racial aspect, as the victims are exclusively black southerners and members of indigenous tribes of the Nuba Mountains.

The Government long has denied slavery but acknowledges that abductions occur. The Government also denies involvement or complicity in slavery, and states that hostage taking often accompanies tribal warfare, particularly in war zones not under government control. However, in 1998 the Government formed the Committee to Eliminate the Abduction of Women and Children (CEAWAC) and pledged to end the practice of hostage-taking. Since the creation of CEAWAC, reports of abductions and slavery have been less frequent. However, during the year the Government refused to approve flight clearances for the transfers of the abductees, which has prevented additional reunifications, and the Government did not record the identity of the abductors or forced labor owners and chose not to prosecute them.

The law prohibits forced and bonded labor by children; however, the Government does not enforce it effectively. There continued to be credible reports that government or government-associated forces took children as slaves.

Both the Government and rebel factions continued to conscript men and boys forcibly into the fighting forces (see Sections 1.f. and 5). Conscripts face significant hardship and abuse in military service. The rebel factions continued to force southern men to work as laborers or porters.

Approximately 3,000 Ugandan children have been forced to become soldiers or sex slaves for the LRA, a Ugandan armed opposition group in the south, which is actively supported by the Government (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for workers is 18 years; however, the law is not enforced in practice. Children as young as 11 or 12 years of age worked in a number of factories, particularly outside the capital, including the factories at Um Ruwaba that produce edible oils. In addition severe poverty has produced widespread child labor in the informal, unregulated economy. In rural areas, children traditionally assist their families with agricultural work from a very young age. The 1999 Constitution provides that the

State protect children from exploitation; however, it resulted in no changes in practice.

Child labor exists in SPLM/SPLA-held areas, particularly in the agricultural sectors. Child labor in such areas is exacerbated by lack of schools, extreme poverty, and the lack of an effective legal minimum age for workers.

The Government does not adhere to the ILO Convention 182 on the worst forms of child labor and has not taken any action to investigate abuses or protect child workers.

The law prohibits forced and bonded labor by children; however, the Government does not enforce it effectively, and there were credible reports that children are taken as slaves (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The legislated minimum wage is enforced by the Ministry of Labor, which maintains field offices in most major cities. Employers generally respect the minimum wage. Workers who are denied the minimum wage may file a grievance with the local Ministry of Labor field office, which then is required to investigate and take appropriate action if there has been a violation of the law. In January 1999, the minimum wage theoretically was raised from approximately $9 (24,000 Sudanese pounds) per month to approximately $11 (3,000 Sudanese dinars or 30,000 Sudanese pounds) per month; however, most government offices continue to pay the old rate. The Sudanese Workers Trade Union Federation requested the Minister of Finance to execute the increase retroactively, and the Minister promised to increase the minimum wage when submitting the next Government budget; however, such an increase of the minimum wage had not occurred by year's end. The current minimum wage is insufficient to provide a decent standard of living for an average worker and family.

The workweek is limited by law to six 8-hour days, with a day of rest on Friday, which generally is respected.

Legal foreign workers have the same labor rights as domestic workers. Illegal workers have no such protections and, as a result, typically work for lower wages in worse conditions than legal workers.

Although the laws prescribe health and safety standards, working conditions generally were poor, and enforcement by the Ministry of Labor is minimal. The law does not address the right of workers to remove themselves from dangerous work situations without loss of employment.

f. Trafficking in Persons.—Although the law does not specifically prohibit trafficking in persons, the 1999 Constitution specifically prohibits slavery and forced labor; however, slavery persists, particularly affecting women and children (see Sections 5 and 6.c). The taking of slaves, particularly in war zones, and their transport to parts of central and northern Sudan, continued. Credible reports persist of practices such as the sale and purchase of children, some in alleged slave markets. Libyans have been implicated in the purchase of Sudanese slaves, particularly women and children who were captured by government troops. During the year, there were occasional reports of abductions of women and children by government and government-associated forces who sold women for domestic servants.

There were unconfirmed reports that the SPLA forcibly recruited Sudanese refugees in northern Uganda for service in their forces.

There are credible reports that intertribal abductions of women and children continued in the southern part of the country.

During the past 10 years, approximately 3,000 Ugandan children were kidnaped by the LRA, taken to southern Sudan, and forced to become sex slaves or soldiers. The Government actively supported the LRA. There were also reports in previous years that the LRA had sold and traded some children, mostly girls, or provided them as gifts, to arms dealers in Sudan. In December 1999, the Government agreed to cease supporting the LRA. During the year, there were talks between both Governments aimed at repatriation of the abductees (see Section 5).

While the Government has pledged to end abduction and slavery, and the creation of the CEAWAC in May 1998 (see Section 1.b.) has resulted in the return of approximately 300 abducted individuals, 10,000 to 12,000 slaves remain in captivity at year's end. During the year, the Government's refusal to approve flight clearances for the transfers of the abductees prevented additional reunifications. Furthermore, the Government did not record the identity of the abductors or forced labor owners, and chose not to prosecute them.

SWAZILAND

Swaziland is governed as a modified traditional monarchy with executive, legislative, and limited judicial powers ultimately vested in the King (Mswati III). The King rules according to unwritten law and custom, in conjunction with a partially elected parliament and an accompanying structure of published laws and implementing agencies. Despite a professed intention to alter the current system, the steps taken by the King toward reform have resulted in little progress. Parliamentary and municipal elections were held in 1998 and introduced increased representative government; however, political power continues to rest largely with the King and his circle of traditional advisors, including the Queen Mother. The 1968 Constitution was suspended by the present King's father in 1973. Based upon the 1973 decree, the King has the authority to issue decrees that carry the force of law, and exercised this authority with the introduction of the 1998 Administrative Order. The 1973 decree also bans political parties, meetings, and processions except in local "Tinkhundla" administrative centers or as authorized by the police. There are public demands to lift the 1973 decree. The judiciary is generally independent; however, the King has certain judicial powers. In addition, the judiciary's independence was occasionally challenged by individuals in high positions, including the Minister of Justice and Constitutional Affairs and the traditional governor of the royal family, who have made attempts to influence or overturn some court decisions. The Chief Justice of the High Court (a South African citizen appointed by the King) has resisted pressure to yield any powers to those outside the judiciary.

Both the Umbutfo Swaziland Defense Force and the Royal Swaziland Police operate under civilian control and are responsible for external and internal security. Some communities, questioning the ability of National Police to deal with enforcement at the community level, have formed community police. Reports of conflicts between national and community police have subsided. Members of both the National Police and the community police committed some human rights abuses.

Swaziland has a free market economy, with relatively little government intervention. The majority of citizens are engaged in subsistence agriculture, although a relatively diversified industrial sector now accounts for the largest component of the formal economy. The economy relies heavily on the export sector, especially on the wood pulp, soft drink concentrate, and sugar industries, which are composed primarily of large firms with mostly foreign ownership. The country depends heavily on South Africa from which it receives almost all of its imports and to which it sends the majority of its exports. A quasi-parastatal organization established by royal charter maintains large investments in major sectors of the economy, including industry, agriculture, and services. This parastatal normally requires partnership with foreign investors and international development agencies.

The Government's human rights record was generally poor, and there continued to be serious human rights problems. Citizens still are not able to change their government. Police continued to torture and beat some suspects. The Government generally failed to prosecute or otherwise discipline officers who committed abuses. Prison conditions meet minimum international standards; however, government remand centers are overcrowded. The Government continued to use a nonbailable offense provision. The Government infringed on citizen's privacy rights. The Government continued to limit freedom of speech and of the press, restraints continued on news coverage by government-owned broadcast houses, and all media practiced some self-censorship, although journalists spoke out on key issues. There has been slow progress in the drafting of a media policy to replace the proposed media council bill. The Government restricted freedom of assembly and association and retained prohibitions on political activity, although numerous political groupings operated openly and voiced opinions critical of the Government, which received prominent press coverage. However, the police on occasion harassed political activists. Police forcibly dispersed a community prayer service alleged to be a political activity. There are some limits on freedom of movement. Legal and cultural discrimination and violence against women, as well as abuse of children, remained problems. Some societal discrimination against mixed race and white citizens persisted. The Government restricted workers" rights. In June the King signed the Industrial Relations Act 2000 (IRA) into law and it became effective on August 25; the act was amended in November, and the amended act remedies many of the inequities in the 1996 labor law.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings by government agents. Three bombings took place between August and November 1998, apparently timed to coincide with major state events; one of the bombings killed one person. Although a previously unknown group claimed responsibility for the bombings, the existence of the group was unconfirmed and the perpetrators remained unidentified and their motives unknown.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—There were credible reports by criminal defendants that the security forces used torture during interrogation. Police sometimes beat criminal suspects and occasionally used the "tube" style of interrogation, in which police suffocate suspects through the use of a rubber tube around the face and mouth. The Government generally failed to prosecute or otherwise discipline police officers for such abuses. An internal complaints and discipline unit investigates reports of human rights abuses by the police, but no independent body has the authority to investigate police abuses. However, courts have invalidated confessions induced through physical abuse; for example, in September 1998, the High Court awarded a former prisoner approximately $7,000 (42,000 emalangeni) in damages for cruel and unusual punishment suffered while incarcerated in 1992-94.

On September 9, police used force to disperse worshippers, injuring more than 60 persons (see Section 2.c.).

Overcrowding and generally poor prison conditions were alleviated markedly through the opening of new institutions including a modern correctional facility for women. In 1998 foreign diplomats and representatives of international agencies toured the prisons, including maximum-security institutions, and reported favorably on improved medical care, nutrition, sanitation, and vocational training. The use of nonbailable provisions led to less favorable conditions, including continued overcrowding in government remand centers where suspects are held during pretrial detention and often are released for time served after being sentenced (see Section 1.d.). Women and juveniles are held in separate prison facilities.

The Government routinely has permitted prison visits by diplomats, journalists, human rights monitors, and representatives of international organizations, and some prison visits by journalists and political figures occurred during the year.

d. Arbitrary Arrest, Detention, or Exile.—The law requires warrants for arrests in most circumstances, except when police observe a crime being committed or have reason to believe that a suspect may flee. Detainees may consult with a lawyer of their choice and must be charged with the violation of a statute within a reasonable time, usually 48 hours, or, in remote areas, as soon as the judicial officer appears. The authorities generally respected these rights in practice.

In September police detained without charges two members of the banned political party SWAYOCO for a few hours after they raided the home of opposition leader Zodwa Mkhonta (see Section 2.b.).

On November 10, the president of the banned political party PUDEMO, Masuku, was arrested on charges of sedition; on November 15 he was released on bail, and his trial was pending at year's end.

In September 1999, an editor of an independent newspaper was arrested for criminal defamation after reporting that the King's latest fiancee was a high-school dropout (see Section 2.a.).

The Government continued to limit the provisions for bail for crimes appearing in the Nonbailable Offenses Order, which became effective in 1993 and was strengthened by Parliament in 1994. The Order currently lists 11 offenses. The mere charge of the underlying offense, without any evidentiary showing that the suspect is involved, is sufficient to employ the nonbailable provision. The Minister of Justice may amend the list by his own executive act.

In November there were reports that the Government was considering reinstating the practice of detaining persons for up to 2 months without formal charges, a policy that had been used in the country under the predecessor to King Mswati III; however, the Government denied these reports, and such a policy was not implemented by year's end.

The Government does not use forced exile. There are no barriers to prevent the return of dissidents.

e. Denial of Fair Public Trial.—The judiciary is generally independent; however, the King has certain judicial powers. In addition, the judiciary's independence was occasionally challenged by individuals in high positions, including the Minister of Justice and Constitutional Affairs and the traditional governor of the royal family,

who have made attempts to influence or overturn some court decisions. The Chief Justice of the High Court (a South African citizen appointed by the King) has resisted pressure to yield any powers to those outside the judiciary. However, the Government ignored a ruling on September 5 by the Chief Justice that prohibited the eviction of two Swazi chiefs. On October 5, the Chief Justice rescinded the injunction against the eviction after the Attorney General gave him an affidavit stating that the King had decreed the evictions and that the High Court had no jurisdiction over the case (see Section 3). The case was appealed to the Court of Appeals, which ruled on December 14 that the Chief Justice's original ruling was correct.

Judicial powers are vested in a dual system, one independent and based on Western law, the other based on a system of national courts that follows unwritten traditional law and custom. In treason and sedition cases, the King can circumvent the regular judiciary by appointing a special tribunal, which may adopt rules and procedures different from those applied in the High Court; however, this power was used last in 1987.

The Western judiciary consists of the Court of Appeals (composed entirely of expatriate, usually South African, judges), the High Court, and magistrate courts, all of which are independent of executive and military control and free from intimidation from outside forces. The expatriate judges, often distinguished members of their respective bars, serve on the basis of 2-year renewable contracts. Local judges serve indefinitely on good behavior. In magistrate courts, defendants are entitled to counsel at their own expense. Court-appointed counsel is provided in capital cases or when difficult points of law are at issue. There are well-defined appeal procedures up to the Court of Appeals, the highest judicial body. A lack of an independent court budget, lack of trained manpower, inadequate levels of salary remuneration, and managing case work remain problems for the judiciary.

Most citizens who encounter the legal system do so through the traditional courts. The authorities may bring ethnic Swazis to these courts for minor offenses and violations of traditional law and custom. In traditional courts, defendants are not permitted formal legal counsel but may speak on their own behalf and be assisted by informal advisers. Sentences are subject to review by traditional authorities and can be appealed to the High Court and the Court of Appeals. The public prosecutor legally has the authority to determine which court should hear a case, but in practice the police usually make the determination. Accused persons have the right to transfer their cases from the traditional courts. Delays in trials are common.

In November 1998, the King issued an administrative order that strengthened the judicial powers of traditional chiefs appointed by the King. The order provides for chiefs" courts with limited civil and criminal jurisdiction and authorizes the imposition of fines up to approximately $50 (300 emalangeni), and prison sentences of up to 3 months. Accused persons are required to appear in person without representation by a legal practitioner or advocate. However, chiefs" courts only are empowered to administer customary law "insofar as it is not repugnant to natural justice or morality," or inconsistent with the provisions of any law in force. The order provides that defendants may appeal decisions of the chief's court to regional appeal courts and to the higher courts of appeal. Appeals in criminal matters can be taken to the Judicial Commissioner as a last resort, and the High Court is the court of last resort for civil matters. Human rights organizations and the press expressed serious concern over issuance of the 1998 administrative order.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law requires a warrant from a magistrate before police may search homes or other premises, and police generally respect this requirement in practice; however, police officers with the rank of subinspector or higher have the right to conduct a search without a warrant if they believe that evidence might be lost through the delay in obtaining a warrant. Searches without warrants occur occasionally.

There were occurrences of physical surveillance by the police on members of labor unions and banned political groups.

On October 13, the Operation Support Service Unit (OSSU) of the Royal Swaziland Police (RSP) and the Umbutfo Swaziland Defense Force (USDF) evicted from their residences and relocated two Swazi chiefs, members of their families, and supporters who opposed the imposition of a prince in the chiefs" positions. Reportedly 200 villagers who were supporters of the chiefs were scattered throughout the country; some were moved to an open field where they sought temporary shelter unsuccessfully. Some families were allowed to return to their residences after apologizing to Prince Maguga and recognizing him as their chief.

There were reports that in September police entered a private home and arrested two SWAYOCO members (see Section 2.b.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Government limits freedom of speech and of the press through a continuing formal ban on political parties and occasional harassment of journalists. The Government also has discouraged critical news coverage of the royal family, and journalists practice self-censorship in regard to the immediate royal family and national security policy.

During the October 13 eviction of two Swazi chiefs from their residences by the Government, some journalists were harassed, and a Swazi television journalist was arrested and detained for 4 hours after the police confiscated his tape recording and accused him of operating as an informant for a foreign government (see Sections 1.f. and 3).

In September 1999, an editor of an independent newspaper was arrested for criminal defamation after reporting that the King's latest fiancee, now one of his wives, was a high-school dropout. After being released on bail, the editor was fired from his job. In response to the scandal, the Ministry of Public Service drafted antidefamation statutes, which were pending approval by the Attorney General and Parliament in 1999; however, there was no further action on them during the year. In February the authorities closed the Government-owned newspaper, Swazi Observer, due to alleged financial problems; many observers considered this a final response to the negative press reports regarding the King's fiancee. Some observers also considered the newspaper closure to be a response to the refusal of the newspaper to reveal the sources of several stories, including a report on the police raid of a SWAYOCO meeting (see Section 2.b.).

In general both government-owned and independent newspapers covered a wide variety of sensitive topics and criticized government corruption, inefficiency, and waste, frequently using harsh invectives. However, the Government uses the same media to rebut such allegations. With some exceptions, the Government continued to withhold its advertising from the country's only independently-owned daily newspaper. The Prime Minister's office distributes a free weekly circular reporting on government policy and activities.

The Government has a monopoly over television and radio programming. There are two government-owned radio stations. There is one independent station, but it only broadcasts religious programs. The government-owned television and radio stations—the most influential media in reaching the public—generally followed official policy positions. Government broadcast facilities retransmit Voice of America and British Broadcasting Corporation news programs in their entirety.

Private companies and church groups own several newsletters, magazines, and one radio station that broadcasts throughout the region, but these generally avoid political controversy. The Christian Broadcasting Company radio station is allowed to operate despite the fact that it is government policy not to permit private broadcasters to operate in the country.

The practice of self-censorship and the prohibition of political gatherings limit academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Government restricts freedom of assembly. King Sobhuza's 1973 decree prohibits meetings of a political nature, processions, or demonstrations in any public place without the consent of the Commissioner of Police. The authorities did not routinely grant permission to hold such meetings, and on at least one occasion in September, police disrupted meetings organized by pro-democracy activists under the authority of the 1973 decree. There were also reports that police raided a gathering of SWAYOCO members and beat and arrested two SWAYOCO members in September (see Section 1.d.).

Several traditional forums exist for the expression of opinion, including community meetings, national councils, and direct dialog with area chiefs. However, these local channels are not meant as a vehicle for political change; they often depend on the whims of leaders and are not consistently effective channels for expressing political dissent. In addition there was a report that a chief threatened to evict families from ancestral land if they included members of a banned political party.

On October 23, members of the Swaziland Federation of Trade Unions (SFTU) and the Swaziland National Association of Teachers (SNAT) marched to the Prime Minister's office to present a petition denouncing the eviction of two chiefs from their residences (see Sections 1.f. and 3). On October 24, students from the University of Swaziland and William Pitcher Teachers" College, along with opposition leaders, also marched to present a petition regarding the evictions but were denied entry by police in riot gear and blockades. After several hours, the police threatened forcible removal, and the protesters dispersed. It was reported that at least 18 students were injured (see Sections 1.c and 3).

The Government restricts freedom of association. King Sobhuza's 1973 decree prohibits political parties.

c. Freedom of Religion.—There are no formal constitutional provisions for freedom of religion; however, the Government generally respects freedom of religion in practice. Followers of all religious faiths are generally free to worship without government interference or restriction; however, police cancelled two prayer meetings on August 26 and September 3 on the grounds that they had political overtones. In addition, on September 9, police used force to disperse a community prayer service just as an opposition leader rose to address the meeting. Two individuals were wounded by rubber bullets and 60 persons were treated for minor injuries that occurred after police fired tear gas canisters into the crowd.

New religious groups or churches are expected to register with the Government upon organizing in the country. Government permission is required for the construction of new religious buildings. Non-Christian groups sometimes experience minor delays in obtaining permits from the Government.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens may travel and work freely within the country; however, under traditional law, a married woman requires her husband's permission to apply for a passport, and an unmarried woman requires the permission of a close male relative. A citizenship law passed in 1992 removed several ambiguities relating to citizenship and nominally enabled nonethnic Swazis to obtain passports and citizenship documents. However, individuals seeking these documents sometimes experienced lengthy processing delays, in part due to occasional prejudice that mixed-race and white Swazis are not real Swazis. Political dissenters often have their citizenship questioned and can experience difficulty in obtaining travel documents.

The Government treats several thousand ethnic Swazis living across the border with South Africa as virtually indistinguishable from local Swazis and routinely grants them travel and citizenship documents.

The law includes provisions for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates fully with the UN High Commissioner for Refugees (UNHCR), as well as the various nongovernmental organizations (NGO's) involved in the care of refugees. According to the UNHCR, there are an estimated 1,000 refugees in the country, the majority coming from the Great Lakes region and Angola. The issue of provision of first asylum has not arisen in recent years.

There were no reports of the forced return of persons to a country where they feared persecution.

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

Citizens are not able to exercise this right. The King retains ultimate executive and legislative authority, and political parties are prohibited. Passage of legislation by Parliament requires the King's assent to become law, which he is not obliged to give. When Parliament is not in session, the King may legislate by decree under his residual emergency powers. The King chooses the Prime Minister and, in consultation with the Prime Minister, also chooses the Cabinet, many senior civil servants, and the heads of government offices.

Citizens elect most members of the lower house of parliament. Parliamentary elections were held by secret ballot in October 1998 for 53 of the 55 elected seats in the 65-seat lower house (the King appoints the remaining 10 members), and a by-election was held in December 1998 for 1 of the 2 remaining constituencies. The final remaining constituency held its by-election in October 1999. The continuing ban on political parties and restrictions on political activity prompted some political groupings and trade unions to call for a boycott of the 1998 elections by their members. Members of the Swaziland Federation of Trade Unions (SFTU) who participated in the electoral process were threatened with disciplinary measures by the labor federation. Election officials reported that approximately 200,000 of the 400,000 eligible citizens registered for the parliamentary elections, and that approximately 120,000 citizens voted, although critics questioned that figure.

There was no formal international observer presence during the 1998 elections, but there was intensive coverage by local and foreign media, and resident diplomats were granted accreditation to observe the proceedings freely. Candidates or their representatives also were allowed to monitor the elections. Election procedures generally were carried out in an orderly fashion. However, the decision to open polling stations for further voting a week after the election because of torrential rains led to irregularities, including persons being found with multiple copies of registration certificates. Alleged irregularities led to legal challenges in four constituencies, and the High Court overturned the result in one constituency as a result. Opposition political groupings remained highly critical of the entire electoral process, due to the continuing formal ban on organized political party activity.

In the days leading up to the 1998 elections, the police searched dozens of homes, including those of trade union leaders and opposition political figures ostensibly in response to some of the bombing incidents that occurred between August and November 1998 (see Section 1.a.). No one was arrested or detained.

As provided under law, the House of Assembly nominated 10 members from the public at large to serve in the upper house or Senate. The King appointed the additional 20 Senate members. The Cabinet of Ministers, sworn in on November 20, 1998, included only three elected Members of Parliament, with the balance drawn from appointed members of the House and Senate.

Elections were held by secret ballot without major difficulties in August 1998 to select new municipal councils in 11 cities and towns across the country. Approximately 70 percent of all eligible voters registered to vote, but only 22 percent of registered voters actually cast ballots. Citizens voted largely without interference or intimidation, except for scattered incidents in Mbabane where representatives of PUDEMO opposed to participation in the election attempted to deter voting activities.

Pressure has been building for several years to modernize the political system, and both the King and the Government recognize that there is a need for political reform, including the drafting of a new constitution and, specifically, a bill of rights. In 1996 the King appointed a 30-member Constitutional Review Commission (CRC), with the stated purpose of examining the suspended 1968 Constitution, carrying out civic education, determining citizens" wishes regarding a future system of government, and making appropriate recommendations on a new constitution. The CRC compiled a constitutional framework, including portions of the 1968 Constitution still in force, the 1973 decree as currently amended, and the 1992 Establishment of Parliament Order. The CRC distributed this framework nationwide as a starting point for discussion. However, the CRC made very limited progress due to members resigning to protest the Commission's terms of reference, and multiple internal disputes. At year's end, the CRC had 22 members after four members resigned and four died during the year. Observers criticized the independence of the CRC because the majority of its members are traditionalists. In addition the Government prohibited media coverage and group submissions. In October, after several extensions of its deadline, the CRC submitted a draft report to the King; however, the report was not released to the public by year's end, and it is not scheduled for release until 2001.

On at least one occasion in September police disrupted meetings held by pro-democracy activists, and in February police raided a SWAYOCO meeting (see Section 2.b.).

On October 13, the Operation Support Service Unit (OSSU) of the Royal Swaziland Police (RSP) and the Umbutfo Swaziland Defense Force (USDF) evicted from their residences and relocated two Swazi chiefs, members of their families and supporters. Although the Chief Justice issued a ruling against the eviction order on September 5, the Chief Justice subsequently rescinded it after the Attorney General presented an affidavit stating that the King had decreed the evictions (see Sections 1.e., 1.f., 2.a., and 2.b). The case was appealed to the Court of Appeals, which ruled on December 14 that the Chief Justice's original ruling was correct. The two chiefs and some of their supporters sought asylum in a neighboring country. The 1998 Administrative Order was cited by the Minister of Home Affairs as a justification for ousting the two chieftains and imposing upon the communities Prince Maguga Dlamini of the royal family as the new chief despite the fact that custom implies that chieftancy is hereditary. Several communities organized prayer meetings where they questioned the validity of the order.

Human rights organizations, church groups, labor unions, and other NGO's conducted their own active programs of constitutional and human rights civic education. In May the National Democratic Institute, in conjunction with the country's Council of Churches, organized a 3-day constitutional conference that was well-supported and well-received by these groups as well as the Government.

Women generally have full legal rights to participate in the political process; however, women are underrepresented in the Government and politics. There are 4 women in the 65-member House of Assembly formed after the October 1998 elections, 4 women in the 30-seat Senate, and 2 women among the 16 ministers in the Cabinet. A woman serves as Secretary to the Cabinet and the head of the civil service. Three women serve as principal secretaries, the most senior civil service rank in the ministries. There are 3 women on the 30-person Constitutional Review Commission. However, in accordance with societal practice, widows in mourning (for periods that can vary from 6 months to 3 years) are prevented from appearing in certain public places and from being near the King and, as a result, can be excluded from voting or running for office.

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

The Government permits domestic human rights groups to operate. Human rights groups often have spoken out on a number of occasions, criticizing the lack of accountability and transparency in government circles. There were no visits by international human rights organizations, although foreign diplomats and local representatives of international agencies were invited to tour correctional facilities (see Section 1.c.). The Government solicited and obtained expert assistance from the International Labor Organization (ILO) in 1997 to form a tripartite committee charged with redrafting national industrial relations legislation, and in October requested the assistance of the ILO to bring the 2000 IRA into conformity with international labor standards (see Section 6). In November an ILO team traveled to the country to provide technical assistance in drafting a final, amended version of the 2000 IRA.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The 1980 Employment Act forbids employers to discriminate on the basis of race, religion, sex, or political affiliation. Under the act, employees may bring suit against employers for discrimination, and there also are provisions for criminal prosecutions; however, there is no record of any suits or prosecutions. The act reportedly has been used on occasion to bring moral suasion to bear against employers. Legal and cultural discrimination against women remains a problem. Mixed race citizens sometimes experience societal discrimination.

Women.—Violence against women, particularly wife beating, is frequent, despite traditional strictures against this practice. Women have the right to charge their husbands with assault under both the Western and the traditional legal systems, and urban women frequently do so, usually in extreme cases when intervention by extended family members fails to end such violence. Rural women often have no alternative but to suffer in silence if family intervention does not succeed, because the traditional courts can be unsympathetic to "unruly" or "disobedient" women and are less likely than the modern courts to convict men for wife beating. Rape is also common and is regarded by many men as a minor offense, while women are inhibited from reporting such crimes by a sense of shame and helplessness, especially when incest is involved. Even in the modern courts, sentences frequently amount to no more than several months in jail, a fine, or both. The Legal Code provides some legal protection from sexual harassment, but its provisions are vague and largely ineffective. Several NGO's provide support for victims of abuse or discrimination.

Women occupy a subordinate role in society. In both civil and traditional marriages, wives are treated as minors legally, although those who marry under civil law may be accorded the legal status of adults, if stipulated in a signed prenuptial agreement. A woman generally requires her husband's permission to borrow money, open a bank account, obtain a passport, leave the country, gain access to land, and, in some cases, take a job. An unmarried woman requires a close male relative's permission to obtain a passport (see Section 2.d). Despite the 1980 Employment Act that required equal pay for equal work, men's average wage rates by skill category usually exceed those of women.

The dualistic nature of the legal system complicates the issue of women's rights. Since traditional marriage is governed by uncodified law and custom, women's rights often are unclear and change according to where and by whom they are interpreted. Couples often marry in both civil and traditional ceremonies, creating problems in determining which set of rules applies to the marriage and to subsequent questions of child custody and inheritance in the event of divorce or death. In traditional marriages, a man may take more than one wife. A man who marries a woman under civil law legally may not have more than one wife, although in practice this restriction sometimes is ignored. Traditional marriages consider children to belong to the father and to his family if the couple divorces. Children born out of wedlock are viewed as belonging to the mother. Under the 1992 Citizenship Act, a woman does not pass citizenship automatically to her children. Inheritances are passed through male children only.

Changing socioeconomic conditions, urbanization, and the increasing prominence of female leaders in government and civic organizations are breaking down barriers to equality. Women routinely execute contracts and enter into a variety of transactions in their own names. The Government has committed itself to various women's initiatives, and the Ministry of Home Affairs coordinates women's issues. For example, the Government established a task force to address domestic gender issues and has held workshops for journalists in 1998 on gender sensitivity, while the Min-

istry of Education has launched an initiative to promote gender sensitization of school curriculums.

Children.—The Government is concerned with the rights and welfare of children, and a number of laws directly address children's issues. The Government does not provide free, compulsory education for children. The Government pays teachers' salaries while student fees pay for books and the buildings' fund. Supplemental money sometimes must be raised for building upkeep, including teachers' housing. However, the country has a 99 percent primary school enrollment rate. A government task force educates the public on children's issues.

Child abuse is a problem. Children convicted of crimes sometimes are caned as punishment. There is a growing number of street children in Mbabane and Manzini. The law provides protection to children under 16 years from sexual exploitation and sets the age of sexual consent at 16 years (see Section 6.d.); however, female children sometimes suffer sexual abuse, including by family members.

People with Disabilities.—The Ministry of Home Affairs has called for equal treatment of the disabled; however, there are no laws that protect the rights of the disabled or that mandate accessibility for the disabled to buildings, transportation, or government services. A government task force was established in 1997 to address issues affecting persons with disabilities, and in December 1998 the Minister of Health and Social Welfare announced that a bill giving preferential treatment to disabled persons for building access and other needs was in the final stages of preparation for submission to the Parliament. The bill has yet to be introduced in Parliament; however, all new government buildings under construction include improvements for the disabled, including accessibility ramps.

Section 6. Worker Rights

a. The Right of Association.—The 1996 IRA permitted workers in all elements of the economy, including the public sector, to join unions and allowed unions to associate freely in the context of traditional trade union concerns; however, it imposed criminal penalties for union activity outside core union concerns, specifically on social or political issues, and provided that the Government could suspend or close down unions that focused too much on such noncore labor matters. It prohibited trade union federations (but not individual unions) or their officers from engaging in any act that "causes or incites" the slowdown or cessation of work or economic activity, or from acting in any way that might be construed as a "restraint of trade," with 5 years' imprisonment the maximum penalty for such violations. Employers faced equivalent penalties for unauthorized lockouts. The 1996 IRA confined unions and employer organizations to single industries, and did not permit organization across economic and industrial sectors, contrary to ILO Convention 87. On August 25, the Industrial Relations Act, signed into law in June by King Mswati III, came into effect and replaced the 1996 Industrial Relations Act. It was expected that the new act would improve many of the past inequities in the 1996 labor law and bring the country into full conformity with international labor conventions. The act had been endorsed by employees and employers, and passed both houses of Parliament; however, the Swaziland National Council (SNC), an appointed body of traditional advisors to the King, made several amendments to the legislation which Parliament then approved, before the King signed the act that inhibit the right of association. However, the Government, with technical assistance from the ILO, revised the controversial amendments in the act, and the amended act was passed by Parliament and signed by the King in November. The final, amended 2000 IRA remedies many of the inequities of the 1996 IRA and provides that an employee who is not engaged in an essential service has the right to participate in a peaceful protest action to promote socio-economic interests.

The main trade union federation is the Swaziland Federation of Trade Unions (SFTU). A second trade union federation is the Swaziland Federation of Labor, which broke away from the SFTU in 1993 and gained formal recognition from the Government in 1994.

Unions are free to draw up their own constitutions within the framework of the 2000 IRA, as under the 1996 IRA. The 2000 act specifies a number of provisions that must be addressed in a constitution, including the election of officers by secret ballot. The Labor Commissioner must approve the union constitution, and can strike out or amend provisions that violate the law. The Government may suspend unions that fail to maintain proper registration with the Labor Commissioner without recourse to judicial review (under the 1996 act it could dissolve such unions). There is no collusion between the Government and business in relation to worker rights. The Labor Commissioner may reinstate unions quickly, once they have met all the legal requirements of the 2000 act.

The 2000 IRA, like the 1996 IRA, details the steps to be followed when disputes arise, including the definition of a legal or illegal strike. The final, amended 2000 IRA shortened the notice that an organization or federation is required to give before it commences a protest action from 3 weeks to 2 weeks. The act empowers the Government to mediate employment disputes and grievances through the Labor Advisory Board. When disputes arise, the Government often intervenes to try to reduce the chances of a strike, which may not be called legally until all avenues of negotiation have been exhausted, and a secret ballot of union members has been conducted. The 2000 law prohibits strikes in "essential" services, which include police and security forces, correctional services, fire fighting, health, and many civil service positions. The 1996 law had included other occupations such as electricity, water, sanitation, telephone, telegraph, and broadcasting under the "essential services" category.

In recent years, there have been a number of strikes, usually over wages and benefits, or the dismissal of fellow workers. Approximately 32 state television employees were dismissed in November 1999 after striking for higher wages and better working conditions. On September 14, the Minister of Public Service and Information ordered the reinstatement of the employees; however, on September 20 he withdrew the order, citing lack of jurisdiction over the matter. On September 28 and 29, the SFTU and Swaziland Federation of Labor (SFL) called a nationwide strike to protest the controversial clauses in the 2000 IRA; however, a last minute court order declared the strike illegal and discouraged many workers from participating. There were reports that riot police and soldiers were dispatched to the potential strike site and set up road blocks between the town of Manzini and the capital. Unionists alleged that police shot at a group of workers in Manzini, but there were no reports of arrests or injuries.

Although the Government maintained that all outstanding issues already had been addressed, the SFTU continued to press for action on the 27 demands it presented in 1994, including calls for fundamental political change. These demands addressed a wide range of issues, including recognition of affirmative action, a national uniform minimum wage, an end to discrimination against women, the provision of better housing for workers, inclusion of worker representatives in constitutional discussions, and the lifting of the 1973 Decree that suspended the Constitution and outlawed political parties.

The ILO Committee of Experts (COE) had noted discrepancies between the 1996 IRA and ILO Convention 87 on Freedom of Association and ILO Convention 98 on the right to organize and bargain collectively. The COE concerns included the powers accorded government officials to control union activity and the strictures on the ability of workers to form unions and associate with other unions at home and abroad. Although the COE was expected to highlight any discrepancies between the 2000 IRA and the ILO conventions at its November-December meeting, the Government's revisions of the act in November, with ILO assistance, precluded that review.

b. The Right to Organize and Bargain Collectively.—The 2000 IRA, like the 1996 IRA, provides for the right to organize and bargain collectively and outlaws antiunion discrimination. Collective bargaining is widespread; approximately 80 percent of the formal private sector is unionized. The law obliges employers to recognize a union when it achieves over 50 percent membership among employees. Employers must allow representatives of legally recognized unions to conduct union activities on company time. The Industrial Court may refuse to register collective bargaining agreements in the event of nonobservance of any requirement of the 2000 IRA. The 1996 IRA prohibited trade union federations or their officers, but not individual unions, from inciting any slowdown of work or economic activity or acting in any way that might be construed as a restraint of trade. It provided equivalent penalties to employers in the case of unauthorized lockouts. The 2000 IRA entitles works councils, which are to be established in factories with 25 or more employees in the absence of a trade union, to negotiate terms and conditions of work, wages, and welfare.

Disputes were referred to the Labor Commissioner and the Industrial Court, if necessary. Although many employers resisted recognition and forced the issue to the Industrial Court, the Court generally ruled in favor of the unions in these cases. In the case of unfair dismissal, the court could order reinstatement and compensation for the employee, as well as fine the employer. Union leaders made credible charges that management in various industries dismissed workers for union activity. The Government sometimes instigated such dismissals. The 2000 act provides for disputes to be referred to the Conciliation, Mediation, and Arbitration Committee (CMAC). The Deputy Labor Commissioner chairs the CMAC.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced labor, including by children, and the Government generally enforces this prohibition effectively; however, the SFTU cited the 1998 Administrative Order as a form of forced labor, because it reinforces the tradition of residents doing traditional tasks for chiefs and allows the chiefs to fine their subjects for failing to carry out the manual labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—The 1980 Employment Act prohibits the hiring of a child below the age of 15 in an industrial undertaking, except in cases where only family members are employed in the firm, or in technical schools where children are working under the supervision of a teacher or other authorized person. Legislation limits the number of night hours that can be worked on schooldays, and limits children's work-hours overall to 6 per day or 33 per week. Employment of children in the formal sector is not customary; however, children below the minimum age frequently are employed in the agricultural sector, particularly in the eastern cotton-growing region. Children also are employed as domestic workers, and as herd boys in rural areas. The Ministry of Labor is responsible for enforcement, but its effectiveness is limited by personnel shortages. The law prohibits prostitution and child pornography. The age of protection against sexual exploitation and the age of sexual consent is 16 years; however, there were reports that Mozambican girls worked as prostitutes in the country.

The law prohibits forced labor, including by children, and the Government enforces this prohibition effectively.

e. Acceptable Conditions of Work.—There is a legally mandated sliding scale of minimum wages depending on the type of work performed. These minimum wages generally provide a worker and family with a decent standard of living. The minimum monthly wage for a domestic worker is approximately $30 (180 emalangeni), for an unskilled worker $47 (280 emalangeni), and for a skilled worker $75 (450 emalangeni).

Labor, management, and government representatives have negotiated a maximum 48-hour workweek in the industrial sector, except for security guards who work up to six 12-hour shifts per week. The Employment Act and the Wages Act entitle all workers to 1 day of rest per week. Most workers receive a minimum of 12 days annual leave. The Labor Commissioner enforces standards in the formal sector. There are extensive provisions allowing workers to seek redress for alleged wrongful dismissal; these provisions frequently are brought into play. There also are penalties for employers who conduct unauthorized lockouts.

Extensive legislation protects worker health and safety. The Government sets safety standards for industrial operations, and it encourages private companies to develop accident prevention programs. Recent growth in industrial production has necessitated more government action on safety issues. However, the Labor Commissioner's office has conducted few safety inspections in recent years because of staffing deficiencies. Workers have no formal statutory rights to remove themselves from dangerous work places without jeopardizing their jobs; nor do any collective bargaining agreements address the matter.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, although there are laws prohibiting procurement, including by coercion and within and across borders, for the purposes of prostitution, and, unlike in the previous year, there were no reports that women and children were trafficked for sexual exploitation during the year.

TANZANIA

The United Republic of Tanzania amended its Constitution in 1992 to become a multiparty state. On October 29, the country conducted its second multiparty national elections for president and parliament. On the mainland, international observers concluded that the elections were free and fair and conducted peacefully. The incumbent President of the mainland, Benjamin Mkapa, was reelected with 71 percent of the vote, and the ruling Chama Cha Mapinduzi (CCM) party made significant gains in its majority in Parliament, winning 167 out of 181 seats. In the October elections, opposition candidates gained 11 seats in 6 of the 19 mainland regions, giving them a total of 14 seats in Parliament in 8 out of 20 regions. In the 5 administrative regions of Zanzibar, the opposition Civic United Front (CUF) won 16 seats. The islands of Zanzibar are integrated into the United Republic's governmental and party structure; however, the Zanzibar Government, which has its own president and parliament, exercises considerable autonomy. In October presidential and parliamentary elections took place in Zanzibar; however, the vote was marred

by irregularities, voter intimidation, and politically-motivated violence. Votes were cancelled in 16 constituencies, and new votes were held on November 5. The CUF boycotted the revotes in protest. The ruling CCM party won a majority of 34 seats in the House of Representatives and 35 seats in the National Assembly. The national judiciary is formally independent but suffers from corruption, inefficiency, and executive interference.

The police have primary responsibility for maintaining law and order. They formerly were supported by citizens" anticrime groups and patrols known as "Sungusungu." The Sungusungu remain active in rural areas, but have virtually disappeared from urban areas. There are also Sungusungu groups composed of refugees in most refugee camps that act as quasi-official security forces. The military is composed of the Tanzanian People's Defense Force (TPDF). The People's Militia Field Force (FFU) is a division of the national police force. Security forces regularly committed human rights abuses.

Agriculture provides 85 percent of employment. Cotton, coffee, cashews, sisal, tea, and gemstones account for most export earnings. The industrial sector is small. Economic reforms undertaken since 1986, including liberalization of agricultural policy, the privatization of state-owned enterprises, the rescheduling of foreign debt payments, and the freeing of the currency exchange rate, helped to stimulate economic growth, as has the decline in the rate of inflation. In 1999 the gross domestic product (GDP) was $8,019 million. The GDP growth rate was 4 percent and per capita GDP equaled $252 for the first quarter of the year. While the Government has attempted to improve its fiscal management, pervasive corruption constrains economic progress.

The Government's human rights record was poor; while there were improvements in a few areas, there continued to be serious problems. Citizens' right to change their government in Zanzibar continued to be circumscribed severely by abuses of and limitations on civil liberties. Police continued to harass and intimidate members and supporters of the political opposition before and after the October elections. Security forces committed extrajudicial killings and beat and otherwise mistreated suspects. The police in Zanzibar attacked and beat civilians, and there were reports that police in Zanzibar used torture, including floggings. Police also beat demonstrators. Prison conditions remained harsh and life threatening. Arbitrary arrest and detention and prolonged detention remained problems. The inefficient and corrupt judicial system often did not provide expeditious and fair trials. Pervasive corruption, which was documented in the Warioba Commission's 1997 report, continued to have a broad impact on human rights. The Government infringed on citizens' privacy rights and limited freedom of speech and of the press, and freedom of assembly and association. Significant resentment and hostility led to attacks on some refugees. The Government obstructed the formation of domestic human rights groups. Violence and discrimination against women remained serious problems. Abuse of children, female genital mutilation (FGM), and child prostitution were problems. The Government continued to infringe on workers' rights and child labor persisted. There were some instances of forced labor. Mob justice remained severe and widespread.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings; however, the authorities were responsible for a number of extrajudicial killings. Security forces used excessive force while dispersing demonstrations and political meetings on the mainland, which resulted in some deaths (see Section 2.b.). In May FFU officers in Iringa were accused of beating a man to death for not paying a "development levy;" no further information was available on the case at year's end. In July police killed a prisoner while he was in remand. No further information was available on the case at year's end.

In February 1999, two police and two FFU officers were accused of beating to death a prisoner in detention. No further action was taken against those responsible by year's end.

In October 1999, in retaliation for a theft, TPDF soldiers in Dodoma attacked a village, killing one civilian. No further action was taken against those responsible by year's end.

In February 1999, members of the quasi-official citizens" anticrime group known as Sungusungu killed five persons accused of murdering witches in Shinyanga. The case still was under investigation by local authorities, and no further action was taken by year's end.

Prison conditions were harsh and life threatening. A prisoner in Moshi Prison died in July. Although the police denied responsibility, the autopsy showed the body was beaten badly and possibly strangled. The Government had not undertaken an investigation into the incident by year's end (see Section 1.c.).

In 1998 police opened fire on protestors who rioted in Mwembechai when police attempted to disperse a crowd of Muslims protesting the arrest of a popular Muslim leader, killing three persons and wounding several others. Subsequently, 23 Members of Parliament (M.P.'s) demanded parliamentary discussion of police brutality in connection with the incident, but the National Assembly Speaker denied the request, saying that it was an internal police matter. No further action was taken in connection with the matter during the year.

There were no developments in the 1993 police killing of a member of the opposition party Civic United Front (CUF) on the island of Pemba. After a lengthy investigation, the authorities charged the policeman who fired the shots with involuntary manslaughter; the officer remains free on bail. Nearly 8 years after the event, the case still has not gone to trial. Observers believe that the case will never be tried.

Instances of mob justice against suspected criminals continued to claim dozens of lives. Throughout the year, the media reported numerous incidents in which mobs killed suspected thieves, who were stoned, lynched, beaten to death, or doused with gasoline and set on fire. Such events are so common that they often are grouped together in newspapers with reporting on car accidents and other mishaps. Many instances never are reported. The widespread belief in witchcraft has led, in some instances, to the killing of alleged witches by their "victims," aggrieved relatives, or mobs. The Government estimated in 1998 that in the Mwanza region alone at least 50 persons are killed every year by those who believe them to be witches. Government officials criticized these practices and some arrests were made; however, most perpetrators of witch killing or mob justice elude arrest, and the Government did not take preventive measures during the year.

On October 6, 21 persons were beaten to death and 50 injured in a clash over a theft between ethnic Sonje and Maasai groups (see Section 5).

There was continuing concern over violence allegedly perpetrated by some Burundian and Rwandan refugees, although such violence has diminished since 1999 (see Section 1.c.). Local officials complained that refugees committed killings and robberies. In a well-publicized case, Burundian refugees were accused of killing a local schoolteacher in May 1999, and in a reprisal attack, a group of men raped approximately 50 refugee women (see Section 1.c.).

On August 7, 1998, terrorists bombed the U.S. Embassy in Dar Es Salaam, killing 11 persons and injuring more than 85 others. The Government cooperated with international efforts to apprehend the suspects; one suspect was arrested in 1999, and the trial was scheduled for early 2001.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits the use of torture and inhuman or degrading treatment; however, the police regularly threaten, mistreat, or occasionally beat suspected criminals during and after their apprehension and interrogation. Police also use the same means to obtain information about suspects from family members not in custody (see Section 1.f.). There were reports that police in Zanzibar use torture. Police and security forces used beatings and other forms of physical abuse regularly by police and security forces to disperse large gatherings and as a form of public punishment. Although government officials usually criticize these practices, the Government seldom prosecutes police for such abuses.

Incidents of police brutality occurred during the year. Repeated reports indicate that the police used torture, including beatings and floggings, in Zanzibar, notably on the island of Pemba. Both the Zanzibar and Union Governments have denied these charges, and no action was taken against those responsible for abuses. There were numerous reports that police randomly beat pedestrians, bicyclists, and automobile drivers that they had stopped at intersections. For example, in April CUF supporters severely beat and injured two police officers who sought to break up an indoor opposition meeting (see Sections 1.d. and 2.b.). In response, the police in the following 2 weeks randomly attacked and beat pedestrians and passers-by on the streets of Stone Town. In April the Union Inspector General Omari Mahita, said publicly that the show of force was needed to restore respect for the police force in Zanzibar. Beginning on April 6 and continuing throughout the month, there were credible reports of police brutality in Zanzibar. On April 12, there were reports that police officers marched through Stone Town and indiscriminately beat passers-by, including children, with batons and rifle butts. Several persons received injuries that required medical treatment, including a 13-year-old girl with a fractured elbow.

Credible evidence indicates that police seriously injured children as young as 7 years of age and elderly residents, in some cases inflicting limb fractures and facial scars. There also was credible evidence that during this period, police officers shot and injured a bicyclist and threw him into a ditch. Several diplomatic missions formally criticized the Government for these abuses. The Government had not investigated the incident nor punished the responsible officers by year's end.

On January 19, police used tear gas to disperse riots that began when hundreds of CUF supporters were not allowed to observe the trial of 18 CUF supporters accused of treason (see Section 1.d.). The incident lasted for 4 hours, and approximately 70 persons were injured, including some police officers (see Sections 1.e. and 3). Several persons were arrested and detained during the incident.

In early October, eight members of the FFU reportedly beat a man after they took him into custody (see Section 1.d.).

On October 11, police shot and injured six CUF supporters at a CUFsponsored election rally at a party office in Zanzibar (see Sections 2.b. and 3). Members of the TPDF who arrived after the shootings criticized the FFU for not following correct procedures; however, the police had not investigated the incident nor punished the responsible officers by year's end.

On October 28, police beat a man during a CUF meeting after he reportedly did not move his food stand quickly enough for the police (see Section 2.b.).

On October 29, Fortunatus Masha, an opposition candidate who was vice-chairman of his party was beaten and injured by police in Mwanza district during an altercation at a ballot counting center over possible ballot rigging in favor of the CCM party.

On October 30, police used excessive force and beat both demonstrators and bystanders during rallies and demonstrations in the Darajani district of Stone Town in Zanzibar (see Sections 2.b. and 3). FFU officers beat and shot demonstrators, who were chanting antigovernment slogans, resulting in a number of injuries and arrests. On October 30, police also used tear gas, rubber bullets, and live ammunition against CUF opposition activists in Zanzibar, injuring six persons. There also were reports that police beat with truncheons and rifle butts at least 15 persons whom they had forcibly removed from shops.

On October 29, police injured several persons whom they arrested at a CUF office in Pemba (see Section 1.d.).

After the elections, police reportedly beat persons for violating a 7 p.m. curfew imposed in Wete, Pemba (see Section 1.f.).

On November 1, a group of CCM members reportedly beat several CUF officials in Stone Town in Zanzibar as police watched without intervening.

In November police reportedly broke the jaw of a detainee (see Section 1.d.).

There were reports of beatings and assault by police officers and army units in areas around roadblocks in Pemba. Police reportedly targeted elderly, infirm, and mentally ill persons (see Section 2.d.).

During the repeat elections on November 5, police beat and reportedly tortured opposition officials in Zanzibar (see Section 3). There were reports that police beat and tortured opposition officials who they had taken at gunpoint to a beach. There were reports that police beat and whipped two CUF supporters, and forced them to lie in the street in urine.

Pervasive corruption is a serious problem in the police force (see Section 1.d.). The Government took some steps during the year to discourage and punish such abuses. In July the police force began an internal investigation of a police officer in Dar Es Salaam accused of harassing and attempting to bribe a local businessman. The spokesperson for the police force stated that if the police officer was found guilty, the police force would take "exemplary" measures; however, no action was taken on this case by year's end.

The People's Militia Laws, as amended by Parliament in 1989, bestow quasilegal status on the traditional Sungusungu neighborhood and village anticrime groups. Participation in these groups was compulsory prior to the 1995 election. In the past, these groups were criticized for using excessive force against criminal suspects. While largely moribund since 1995, the Sungusungu still exist, particularly in rural areas such as the Tabora, Shinyanga, and Mwanza regions. As a result of the President's 1997 initiative to have government law enforcement officials work cooperatively with Sungusungu, members of Sungusungu were given additional benefits on a par with those given to members of the police officials, including the right to arrest persons. In return members of Sungusungu were to be held accountable for any abuses; during the year, one member was prosecuted for abuses, and three others reportedly were sentenced to 30 years in prison for killing civilians in Tabora.

On November 6, a bomb exploded at a school in Stone Town in Zanzibar that was being used as a polling office for the November 5 re-run elections (see Section 3). No group had claimed responsibility by year's end.

On October 6, 21 persons were beaten to death and 50 injured in a clash over a theft between ethnic Sonje and Maasai groups (see Section 5).

As a result of increased criminal activity allegedly perpetrated by some Burundian refugees, there is significant hostility and resentment against Burundian refugees. In May 1999, in Kasulu, approximately 50 Burundian refugee women collecting firewood allegedly were attacked and raped by villagers in reprisal for the killing of a local teacher (see Sections 1.a. and 2.d.). Eleven men were arrested for the rape in 1999. On December 17, the case was dismissed on a technicality. The police appealed the magistrate's decision to the High Court in Tabora, which overturned the dismissal and remanded the case to the lower court for retrial. The retrial was pending in Kigoma at year's end.

There was continuing concern over violence allegedly perpetrated by some armed Burundian and Rwandan refugees, although such violence has diminished since 1999. Local officials reported incidents of banditry, armed robbery, and violent crime, perpetrated by refugees in the areas surrounding refugee camps (see Sections 1.a. and 5). Women and girls in refugee camps suffered a high level of rape and gender abuse perpetrated by other refugees (see Section 5). There were also credible reports that some refugees engage in vigilante justice within camps, occasionally beating other refugees (see Section 2.d.).

Prison conditions remained harsh and life threatening. Government officials acknowledged that prisons are overcrowded, and living conditions are poor. The prisons were designed to hold 21,000 persons, but the actual prison population is estimated at 43,000 persons; an estimated 40 percent of this number are remandees. The Government is expanding prisons, but its efforts have not kept pace with the growing number of prisoners. Some prisoners are paroled or receive suspended sentences as a means of relieving overcrowding problem. The Government did not release statistics on the prison expansion program or on the exact extent of the overcrowding during the year. The daily amount of food allotted to prisoners is insufficient to meet their nutritional needs, and even this amount is not provided regularly. Convicted prisoners are not allowed to receive food from outside sources and often are moved to different prisons without notification to their families. In April a prisoner on remand alleged that he was held for 4 days without being given food (see Section 1.d.).

In 1998 the Commissioner of Prisons stated that his department received inadequate funds for medicine and medical supplies. Prison dispensaries only offer limited treatment, and friends and family members of prisoners generally must provide medication or the funds with which to purchase it. Serious diseases, such as dysentery, malaria, and cholera, are common and result in numerous deaths. Amnesty International visited the prison and reported that 18 CUF prisoners who were in prison on treason charges were denied adequate medical treatment while in the Zanzibar Central Prison (see Section 1.d.). However, the International Committee of the Red Cross (ICRC) visited the 18 CUF prisoners and reported that they consistently were given better food, space, and medical treatment than other prisoners held in the same location. A prisoner in Moshi Prison died in July (see Section 1.a.). Prison officials claim the death was a result of tuberculosis and AIDS, but the autopsy that showed the body was badly beaten. There are credible reports that guards beat and abuse prisoners. There were reports that prisoners were strip-searched in front of other prisoners. The Warioba Commission released in 1997 reported that wardens give favorable treatment to certain prisoners at the expense of others. Pretrial detainees are held together with those serving sentences but are allowed to receive food from the outside.

The Prisons Act requires that prisoners be separated based on age and gender, and female prisoners are held separately from male prisoners in practice. Women sent to remand prison report being forced to sleep naked and being subjected to sexual abuse by wardens. Juveniles are protected under both the Prisons Act and the Young Persons Ordinance Act, which also requires separation according to age. However, there are limited resources to provide for juveniles and only two juvenile detention facilities in the country, and as a result juveniles are not always separated from adults in practice.

Local nongovernmental organizations (NGO's) are permitted to monitor prison conditions; however, the Government has not granted permission to international NGO's to monitor prison conditions. The ICRC was permitted to visit select groups of prisoners 4 times per year, including the 18 CUF members arrested in Zanzibar, and combatants imprisoned in the western part of the country. The Government requested ICRC assistance with a cholera outbreak in mainland prisons during the

year. It also invited the ICRC to monitor conditions in a small prison that holds special categories of refugees that are not included under UNHCR jurisdiction, such as combatants. The Government denied a request from the U.N. High Commissioner for Refugees (UNHCR) to visit refugees in prisons in Dar Es Salaam.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are problems. The Criminal Procedure Code, amended in 1985, requires that a person arrested for a crime, other than a national security detainee under the Preventive Detention Act, be charged before a magistrate within 24 hours; however, in practice the police often fail to comply. During the year, authorities on the mainland and in Zanzibar arrested or threatened with arrest opponents of the Government for acts that it regarded as seditious.

The 1985 amendments to the Criminal Procedure Code restricted the right to bail and imposed strict conditions on freedom of movement and association when bail is granted. Because of backlogs, an average case takes 2 to 3 years or longer to come to trial. Observers estimate that only approximately 5 percent of persons held in remand ultimately are convicted, and in many cases, those convicted already had served their full sentences before their trial was held. On March 10, inmates at Keko remand prison went on a hunger strike to press for prompt hearings of their cases. Court officials stated that the cases had been delayed because of a lack of funds.

In April authorities held a drug suspect in Moshi in remand for 4 days without questioning him, despite a law that requires detainees be questioned within 48 hours of their arrest. The detainee alleged that he was held without food during that time. There was no further information available on the case at year's end.

In some cases, accused persons are denied the right to contact a lawyer or talk with family members. Bribes often determine whether bail is granted or even whether a case is judged as a civil or criminal matter. There are reports of prisoners waiting several years for trial because they could not pay bribes to police and court officials. The authorities acknowledge that some cases have been pending for several years.

Under the Preventive Detention Act, the President may order the arrest and indefinite detention without bail of any person considered dangerous to the public order or national security. This act, as amended in 1985, requires that the Government release detainees within 15 days of detention or inform them of the reason for their detention. A detainee also is allowed to challenge the grounds for detention at 90-day intervals. The Preventive Detention Act has not been used for many years nor was it used during the year; however, despite a landmark ruling by the Court of Appeal in 1991 that the Preventive Detention Act could not be used to deny bail to persons not considered dangerous to society, the Government still has not introduced corrective legislation. In 1992 the Nyalali report on repressive laws, drafted by the president-appointed Nyalali Commission in 1992, recommended that the act be repealed; however, in 1998 the Government stated that there was no need to rewrite the Constitution or repeal any legislation, including the Preventative Detention Act. The Government has additional broad detention powers under the Regions and Regional Commissioners Act and Area Commissioners Act of 1962. These acts permit regional and district commissioners to arrest and detain for 48 hours, persons who may "disturb public tranquillity."

Police continued to make arbitrary arrests, often as a means of securing money. In previous years, the police occasionally arrested relatives of criminal suspects and held them in custody without charge for as long as several years in an attempt to force suspects to surrender; however, there were no reports of this occurring during the year. Such detainees who managed to get their cases before a judge usually were set free; however, some were rearrested immediately when they left the courtroom.

On April 1, police arrested CUF leader Seif Shariff Hamad at an indoor CUF meeting in Zanzibar; on April 3, he was released on bail. In April police launched a campaign to apprehend persons who had attacked police officers attempting to break up the meeting (see Section 1.c.), and arrested numerous persons on the streets. Police also broke into homes and businesses, beat persons inside, arrested and detained them, and charged them with loitering and breach of the peace.

In December four persons reportedly were arrested for the November gasoline bombing of a primary school that housed a polling station. The four still were in custody at year's end.

There were reports that at least 150 CUF members were arrested in the aftermath of the October 29 elections. After the new Zanzibar President Amani Karume took office in October, he pardoned and released all detainees arrested in connection with the elections.

There were numerous arrests in Pemba after the October elections. On October 29, authorities reportedly arrested 12 persons in a CUF office in Wete, Pemba, and injured several of them during the arrest. An appeal was filed in November, and the case was still pending at year's end. In November 10 persons reportedly were arrested on charges of setting off gasoline explosives at a hotel in Wete, Pemba. The 10 suspects reportedly remained in custody at year's end and were not granted bail. In November six persons reportedly were arrested on charges of attempted manslaughter of a Zanzibar Electoral commission officer in Wete, Pemba. Their bail reportedly was set at $875 (700,000 shillings), which the detainees" defense counsel argued was so high that it amounted to "technically denying bail" to the accused. In early November, four persons reportedly were arrested for allegedly setting off a bomb in Wete, Pemba. They reportedly remained in custody at year's end, and their case was pending.

On the mainland, police reportedly arrested Pembans without charge and forcibly returned them to Pemba under police custody.

In September an opposition Member of Parliament (M.P.) was detained in Songea on allegations of causing a breach of peace at a police station where she had gone to determine why her supporters had been detained. She was held in remand and released without charges.

Several journalists were arrested and detained by police following the October 29 elections in Zanzibar (see Section 2.a.).

There were reports that police at times arrested innocent persons, accuse them of fictitious crimes, and withdraw or reduce the charges upon payment of bribes. During 1999, there were several complaints that police regularly hide their badge numbers while on duty so that complainants cannot report abuses; however, there were no such confirmed reports during the year. The Government began to take action during the year to punish police for abuse of their positions. For example, in November the district commissioner in Songea removed a police official from his duties for "ignoring ethics." In November there were also reports that two police officers were fired for corruption in Tabora.

In October 1999, the authorities arrested and detained opposition leader Augustine Mrema for making derogatory statements about President Mkapa's wife and the NGO that she operates. Mrema was also charged with sedition for statements he made about former President Julius Nyerere. Although most of the charges were dropped due to insufficient evidence, Mrema was scheduled to be tried in February 2001 for three charges of sedition, based on the claim that he presented fraudulent documents to Parliament. In November 1999, the authorities arrested opposition leader Reverend Christopher Mtikila and a boy for distributing audiocassettes, which contained derogatory statements about Nyerere. The boy was released on bail, but Mtikila remained in detention. In February a magistrate temporarily adjourned Mtikila's sedition trial. In October he was charged again with sedition, detained, and prevented from campaigning during the last weeks before the October elections. In November the charges were dropped, and he was released (see Sections 1.d., 2.a., and 3).

In January authorities dropped the charges against Dr. Walid Kaborou, the Kigboma regional chairman of the Chadema Party and Chadema Party candidate, who had been arrested in 1999 for inciting the public to violence as a result of Chadema's challenge to the results of a local by-election. After 35 days in detention, Kaborou was released with no charges filed against him (see Sections 2.a. and 3).

Since the 1995 election, police in Zanzibar, particularly on Pemba, regularly have detained, arrested, or harassed CUF members and suspected supporters. Despite orders from the Union Government's Inspector General of Police, officers in Zanzibar continued these activities. In 1997 and 1998, police arrested 18 CUF officials, including M.P.'s, and charged them in January with treason for attempting to overthrow the Zanzibar Government. Treason, which is a nonbailable offense, carries a mandatory death sentence. On January 19, the Zanzibar High Court began trial proceedings against the CUF officials. The first court session was marred by violence when police fired tear gas and used batons against supporters and family members of the defendants who were protesting their lack of access to the High Court gallery (see Section 1.c.). Fifteen persons were arrested. The defendants had been held without bail since November 1997. The trial proceeded slowly and was suspended in August, pending a defense request for the Court of Appeals to invalidate the treason charges. On November 9, the High Court dismissed the case on instructions from incoming President Karume and released the 18 defendants.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, it suffers from executive interference, corruption, and inefficiency. Nevertheless, the higher courts increasingly have demonstrated independence from the Government. Senior police or government officials no longer pressure or reassign

judges who make unpopular rulings. However, independent observers continued to criticize the judiciary, especially at lower levels, as corrupt and inefficient, and questioned the system's ability to provide a defendant with an expeditious and fair trial. The Warioba Commission reported in 1997 that pervasive corruption affected the judiciary from clerks to magistrates. Clerks took bribes to decide whether or not to open cases and to hide or misdirect the files of those accused of crimes. Magistrates occasionally accepted bribes to determine guilt or innocence, pass sentences, withdraw charges, or decide appeals. In April the Minister of Justice acknowledged in public statements that problems within the judiciary include unwarranted delays in the hearing of cases, falsified recording of evidence in court records, bribery, improper use or failure to use bail, and unethical behavior on the part of magistrates. The Court of Appeals delayed hearing any cases from 1999 until the backlog of cases from 1997 and 1998 have been heard (see Section 1.b.). Judicial ethics committees were established by statute in 1997 but could not begin operating until committee members were trained; the first training course was conducted in late 1999. The ethics committees were tasked with drafting recommendations to improve the credibility and conduct of the judiciary; however, they had not yet drafted a report by year's end. The committees have no mechanism to redress grievances or enforce decisions, and are weak and ineffective. The Government made some progress in addressing judicial corruption. During the year, several magistrates were arrested after the Chief Justice was presented with credible evidence of their corruption.

The legal system is based on the British model, with modifications to accommodate customary and Islamic law in civil cases. Christians are governed by customary or statutory law in both civil and criminal matters. Muslims may apply either customary law or Islamic law in civil matters. The court system consists of primary courts, district courts, the High Court, and the Court of Appeal. Advocates defend clients in all courts, except in the primary courts. There is no trial by jury. In addition to judges, there are district (or resident) magistrates. The law also provides for commercial courts, land tribunals, housing tribunals, and military tribunals. Military courts do not try civilians, and there are no security courts. Defendants in civil and military courts may appeal decisions to the High Court and Court of Appeal. In refugee camps, Burundian mediation councils called abashingatahe, comprised of male refugee elders, often handle domestic abuse cases of Burundian refugees even though the law does not allow these councils to hear criminal matters.

Zanzibar's court system generally parallels that of the mainland but retains Islamic courts to adjudicate Muslim family cases such as divorce, child custody, and inheritance. Islamic courts only adjudicate cases involving Muslims. Cases concerning Zanzibar constitutional issues are heard only in Zanzibar's courts. All other cases may be appealed to the national Court of Appeal.

Criminal trials are open to the public and to the press; courts must give reasons on the record for holding secret proceedings. Criminal defendants have the right of appeal.

Bail is set on a discretionary basis by judges based on the merits of each case (see Section 1.d.). However, there is no bail in murder or armed robbery cases.

The code provides for a right to defense counsel. The Chief Justice assigns lawyers to indigent defendants charged with serious crimes such as murder, manslaughter, and armed robbery. There are only a few hundred practicing lawyers in the country, and most indigent defendants charged with lesser crimes do not have legal counsel.

A separate facility for young offenders was established in 1997; however, the court is underutilized and many juvenile offenders still are tried in adult courts. In 1998 a magistrate ordered prosecutors to stop prosecuting juveniles in adult courts; however, because of the huge backlog in the country's only juvenile court, some cases continue to be sent through the traditional court system where they are processed faster because of a less significant backlog than in the regular civil court system.

There were no reports of political prisoners on the mainland; however, 18 CUF members accused of treason were held as political prisoners in Zanzibar until they were released in November (see Section 1.e.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution generally provides for these rights; however the Government continued to interfere with these rights. During the years in which Tanzania was a one-party state, the CCM penetrated all levels of society through local cells, varying in size from single family homes to large apartment buildings and containing from 10 to 200 persons. Unpaid party officials served as 10-cell leaders with authority to resolve problems at the grassroots level and to report to authorities any suspicious behavior, event, or noncompliance with compulsory night patrol service in the neighborhood. The role of the cells has diminished considerably, particularly in areas where opposition parties are strong; however, the CCM remained influential. While in the past CCM membership was necessary for advancement in political and other

areas, CCM membership is voluntary. Although in past years some government employees, particularly in Zanzibar, who supported opposition candidates lost their jobs, and some students were expelled from school because of their families' political affiliation.

The Criminal Procedures Act of 1985 authorizes police officials, including the civilian anticrime groups, to issue search warrants; however, the act also authorizes searches of persons and premises without a warrant if necessary to prevent the loss or destruction of evidence connected with an offense or if circumstances are serious and urgent. In practice police and members of other security services rarely requested warrants and often searched private homes and business establishments at will. The security services reportedly monitor telephones and correspondence of some citizens and foreign residents.

Although in previous years, police threatened, mistreated, occasionally beat, and arrested relatives of criminal suspects and detained them without charge in an effort to force suspects to surrender, there were no reports of this occurring during the year.

In April police broke into homes and businesses in Zanzibar, beating and arresting those inside and destroying property (see Sections 1.c. and 1.d.). There were also credible eyewitness reports of police breaking into shops and looting in Stone Town, in the presence of union police officials from the mainland.

There were reports that police and army units made nightly rounds in Pemba following the elections, conducting house-to-house searches (see Sections 1.c. and 2.d.).

In 1999 the Government repealed the Human Resources Deployment Act of 1983, which allowed forced labor and forced relocation of citizens to ensure productive employment. The new law, the Employment Services Promotion Act of 1999, does not permit either forced labor or forced relocation (see Sections 2.d. and 6.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government limited these rights in practice. Various laws, such as the Newspaper Act and the Broadcasting Act, limit the media's ability to function effectively. Government ministers and the Registrar of Newspapers pressure journalists to practice self-censorship. The Government denied political opponents unrestricted access to the media. In August the Government banned the book, "The Mwembechai Killings and the Political Future of Tanzania" for being "incendiary." Unlike the previous year, the Government did not ban any newspapers.

On October 28, members of the FFU beat up, detained, and confiscated the film of a photojournalist; he was released after several hours of questioning.

Except in Zanzibar, citizens generally enjoyed the right to discuss political alternatives freely, although there were instances in which the freedom of speech was restricted severely. Political parties are required by law to support the continuation of the Union. Opposition political party members and others openly criticize the Government and ruling party in public forums; however, persons using "abusive language" against the country's leadership may be subject to arrest, and the Government used this provision to detain some opposition figures (see Section 1.d.). For example, Reverend Christoper Mtiila was held on sedition charges for making comments abusive to the Government (see Section 1.d.).

In June charges were dropped due to insufficient evidence against opposition leader Augustin Mrema, who was detained for 18 days in April and in 1999 for making derogatory statements about President Mkapa's wife and using seditious words against the late President, Julius Nyerere (see Section 1.d.).

In February a magistrate temporarily adjourned the sedition trial of Reverend Christopher Mtikila, a leader of the Democratic Party, who was arrested in late 1999 for distributing audiocassettes that contained derogatory statements about former President Nyerere. In October Mtikila was detained and charged with sedition for alleging during a campaign speech in Singida that former President Julius Nyere had died of HIV/AIDS, and prohibited from campaigning during the last weeks before the October national elections (see Sections 1.d. and 3).

In January Dr. Walid Kaborou, an opposition M.P. who was arrested for sedition in late 1999, was released after 35 days in detention. No charges were filed against him (see Sections 1.d. and 3).

In Zanzibar the Government controls radio and television, and also implements a restrictive policy with regard to print media. In 1998 a Zanzibar government minister threatened three newspapers because of their allegedly negative reporting. Soon thereafter, amendments to the Zanzibar News Act further circumscribed journalists' freedom of action, by giving authorities greater protection for the harassment, detention, and interrogation of journalists. Private mainland newspapers are widely available in Zanzibar, and many residents can receive mainland television.

On January 19, police confiscated a journalist's notebook and camera at a demonstration outside the courtroom where 18 CUF members were being tried in Zanzibar (see Section 1.d.).

In June at a political rally in Zanzibar, a regional CCM official, in the presence of President Mkapa, threatened an international radio journalist with physical harm for allegedly broadcasting politically biased reports about Zanzibar.

Several journalists were arrested and detained by police following the October 29 elections in Zanzibar (see Section 2.a.). For example, on November 1, authorities in Zanzibar arrested and detained a British Broadcasting Corporation correspondent for allegedly kidnaping and assaulting two women after he interviewed the women and broadcast their comments about witnessing voter fraud during the elections; he was released later without being charged.

The press on the mainland is, on the whole, lively and outspoken. Even the government-owned newspaper regularly reports events that portray the Government in an unflattering light. There are 9 daily newspapers and 15 other newspapers in English and Kiswahili, along with another dozen periodicals, some of which are owned or influenced by political parties, both the CCM and the opposition. There is no official censorship, but throughout the year the Government continued to pressure newspapers to suppress or change articles unfavorable to it in some instances. In October 1999, the Government revoked the registration of 291 publications that had not published during the previous 3 years.

Private radio and television stations broadcast in Dar Es Salaam and in a few other urban areas, although their activities may be circumscribed. The Government reportedly does not censor news reports, but attempts to influence their content. Some journalists, such as those in Zanzibar, exercise self-censorship on sensitive problems. Journalists who report arrests can be charged with obstructing police activity under the 1964 Police Act. The Parliamentary Power, Privileges, and Immunities Act gives the Government authority to prevent television cameramen from filming the swearing-in of an opposition Member of Parliament, and the Government occasionally did so during previous years; however, there were no documented cases reported of this occurring during the year.

The Union Government sought to maintain some control over the private media with the establishment in 1997 of a code of conduct for journalists and a media council. With the leadership of the local chapter of the Media Council for Southern Africa and the Association of Journalists and Media Workers, journalists forced the Government to agree in 1995 to a voluntary code of ethics and establishment of a Media Council intended to preserve and expand media freedom. The Council was inaugurated formally in August 1997, although it began operating in 1995. Although it initially proved ineffectual except as a sounding board for complaints against the media, the Council operated with some effectiveness during the year. The Council received approximately 20 cases for adjudication during the year. The Council serves as an adjudicating body when journalists infringe upon the code of ethics and has the power to impose fines. The Council consists of university professors and media lawyers, in addition to Judge Joseph Sinde Warioba. The president of the Council, Professor Geoffrey Mmari, has complained publicly that the laws governing the media are outdated.

Academic freedom generally is respected in practice. Academics, increasingly outspoken in their criticism of the Government, continued their calls for reform during the year and were particularly critical of the union Government's actions in response to the political situation in Zanzibar.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, the Government limits this right in practice. Political parties that seek to hold rallies must give the police 48 hours' advance notice. Police have the authority to deny permission on public safety or security grounds or if the permit seeker belongs to an unregistered organization or political party. Authorities arrested citizens for assembling without the appropriate permit. For example, on June 27 authorities arrested CUF leaders for holding a rally without a permit in Dar es Salaam.

Opposition parties, other than in Zanzibar, generally are able to hold rallies; however, CUF meetings have been banned periodically since 1995. In Zanzibar and Dar es Salaam, CUF rallies were more restricted than those of other political parties. CUF rallies were banned at least once in Dar es Salaam and several times in Zanzibar before the October elections. Several rallies were prevented through indirect means as cutting off electricity for loudspeakers, citing ad hoc time limits, and scheduling the same rally times for more than one group. Security officials interfered with citizens" rights to assemble peacefully on numerous occasions (see Section 1.d. and 3).

Police continue to break up meetings attended by persons thought to be opposed to the Zanzibar Government. In Pemba security forces broke up gatherings and intimidated opposition party officials. On January 19, police used tear gas indiscriminately to disperse a crowd outside a courthouse in Zanzibar during a riot, injuring 70 persons (see Section 1.c.). On April 1, police officers attempted to break up a CUF meeting at a party branch office in Zanzibar, despite the fact that the indoor meeting did not require a permit. In August police used tear gas and bullets to disperse demonstrators in Zanzibar (see Section 1.c.). On October 11, police forcibly dispersed a CUFsponsored election rally at a party office in Zanzibar; police used tear gas and shot and injured six CUF supporters (see Section 1.c.). The police opened fire on the demonstrators after they threw stones at a police car. The activists were demonstrating in protest of the decision by Zanzibar election officials to annul the vote in 16 constituencies because of voting irregularities (see Section 3). Police were criticized for not following the correct procedures and for using excessive force to respond to the incident by firing shots at demonstrators. On October 28, police and army units circled a CUF meeting in Zanzibar, and shot bullets into the air during the presidential candidate's speech.

Police used excessive force during rallies and demonstrations protesting the October 29 elections in Zanzibar (see Section 1.c.). On October 30, police beat both demonstrators and bystanders during rallies and demonstrations in the Darajani district of Stone Town in Zanzibar (see Sections 2.b. and 3). FFU officers beat and shot demonstrators, who were chanting antigovernment slogans, resulting in a number of injuries and arrests (see Section 1.c.).

The Government continued to arrest opposition politicians for holding meetings, distributing information, and other acts that it regarded as seditious (see Sections 1.d. and 3).

The Constitution provides for freedom of association; however, the Government limits this right in practice. The Registrar of Political Parties has sole authority to approve or deny the registration of any political party and is responsible for enforcing strict regulations on registered or provisionally registered parties. The Constitution and other legal acts stipulate that citizens cannot establish new political parties; candidates must be members of 1 of the 13 registered political parties. The Electoral Law prohibits independent candidates; requires all standing M.P.'s to resign if they join another party; requires all political parties to support the union with Zanzibar; and forbids parties based on ethnic, regional, or religious affiliation. Parties granted provisional registration may hold public meetings and recruit members. They have 6 months to submit lists of at least 200 members in 10 of the country's 25 regions, including 2 regions in Zanzibar, in order to secure full registration and to be eligible to field candidates for election. Unregistered parties are prohibited from holding meetings, recruiting members, or fielding candidates. In October 1999, the Registrar of Political Parties stated that the registration provisions were too restrictive; however, no action was taken during the year to reform the provisions. One new party, Chama Cha Demokrasia Makini, was granted provisional registration in June.

The most prominent unregistered party is the Reverend Christopher Mtikila's Democratic Party, which advocates the dissolution of the union and the expulsion of minorities from the mainland. Despite his party's lack of government recognition, Mtikila was able to publicize his views through his legally registered church and through ongoing lawsuits against the Government. In spite of his criticism of the Government, Mtikila campaigned actively for the October general elections after a magistrate temporarily adjourned Mtikila's sedition trial to allow him to campaign (see Sections 1.d. and 2.a.).

Under the Societies Ordinance, the Ministry of Home Affairs must approve any new association. The Government suspended registration of new NGO's in 1997, pending the enactment of new NGO legislation, which was scheduled for late 1997; however, such legislation was not introduced and details of the proposed legislation (which is viewed as restrictive) still were being discussed within the Government, with some input from NGO's, at year's end. In the interim, new applications for registrations were considered under the Societies Ordinance and the Trustees Ordinance. There were 8,250 registered NGO's as of June. During the year, the Government continued a general suspension of registration of religious NGO's on the grounds that many were being formed for the purpose of evading taxes (see Section 2.c.). During the year, the Government denied registration to eight NGO's for abusing their exemptions by selling for profit goods that they brought into the country duty-free. The Government continued to harass the National Women's Council for allegedly engaging in political activity contrary to its charter. The Government struck the organization from the register in 1997, but the High Court overturned this action in 1999. The Government appealed the case to the Court of Appeal, but

the Court has delayed hearing any cases from 1999 until the backlog of cases from 1997 and 1998 have been heard (see Section 1.e.). The National Women's Council continued to operate at year's end.

A number of professional, business, legal, and medical associations only have begun to address political topics. In 1999 the Government denied registration to the NGO Defenders of Human Rights in Tanzania (see Section 4), after withholding it for more than 3 years. In 1999 the Government also denied a youth group registration on the grounds that there already was a youth organization affiliated with the CCM. Zanzibar has a separate NGO registration policy from the mainland, which is less restrictive; however, there was minimal NGO activity in Zanzibar during the year.

c. Freedom of Religion.—The Constitution provides for freedom of religion and the Government generally respects this right in practice, subject to measures that it claims are necessary to ensure public order and safety. The Government does not penalize or discriminate against any individual on the basis of religious beliefs or practices, and it does not designate religion on any passports or records of vital statistics. However, individual government officials are alleged to favor persons who share the same religion in the conduct of business.

The Government requires that religious organizations register with the Registrar of Societies at the Home Affairs Ministry. In order to register, religious organizations must have at least 10 followers and must provide a constitution, the resumes of their leaders, and a letter of recommendation from their District Commissioner. Christian groups also must provide letters of recommendation from the leaders of three registered Christian churches or from a Christian Council of a similar denomination. Muslim groups also must have letters from the leaders of three registered mosques. These additional requirements apply to other religious organizations in the same manner. There were no reports that the Government refused to register any religious groups that met registration criteria; however, during the year, the Government continued a general suspension of registration of religious NGO's on the grounds that many were being formed for the purpose of evading taxes (see Section 2.b.).

The law prohibits preaching if it incites persons against other religions. Following riots in Mwembechi in 1998, triggered by the arrest of a popular Muslim leader, the Government charged that some religious leaders were inciting their adherents to violence. In August government officials warned religious leaders to avoid using religion to incite their adherents to violence during and after the October election campaign.

The Government failed to respond to growing tensions between the Muslim and Christian communities (see Section 5). The Government appeared to recognize that a problem exists, but it chose not to take action. The Government cancelled several meetings with Muslim and Christian leaders aimed at improving relations between the two communities. Even senior Muslim officials in the Government appear unwilling to address the problem, aside from general criticism of those who would foment religious conflict.

National and regional parole boards, constituted in 1998, were dissolved when it was found that they did not include Muslim members, and the Government named new boards in January 1999. It was disclosed in February 1999 that the Government was investigating reports that the National Muslim Council of the country was receiving millions of dollars from unknown sources in the Middle East and was considered a possible "security risk." The Government had not released publicly the results of the investigation by year's end.

Christians are governed by customary or statutory law in both civil and criminal matters. Muslims may apply either customary law or Islamic law in civil matters. Zanzibar's court system generally parallels the mainland's legal system but retains Islamic courts to adjudicate cases of Muslim family law, such as divorce, child custody, and inheritance (see Section 1.e.).

The Government has banned religious organizations from involvement in politics. In July Parliament passed a law which imposes fines and jail time on political parties who campaign in houses of worship or educational facilities. In September the Muslim Council of Tanzania, a private organization, indefinitely closed a school in Singida for holding a CUF political meeting on its grounds.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—In the previous year, the Government imposed some limits on these rights; however, in 1999 the Government repealed the Human Resources Act of 1983, which allowed the arbitrary transfer of citizens from one district to another in order to ensure that all citizens were engaged in productive employment (see Section 6.e.). The National Employment Service Act provides for training of youths to

be selfemployed and eliminates the ability of officials to move residents from one location to another.

Passports for foreign travel may be difficult to obtain, mostly due to bureaucratic inefficiency and officials' demands for bribes. Citizens can return without difficulty.

Mainlanders are required to show identification to travel to Zanzibar, although the requirement is largely ignored in practice; however, Zanzibaris need no special identification to travel to the mainland. Mainlanders are not allowed to own land in the islands, except in partnership with foreign investors. There is no prohibition against mainlanders working in the islands; however, in practice few mainlanders are hired.

After the October elections, a curfew was imposed on Wete of Pemba. Any persons observed by the police after 7 p.m. were ordered to return home. There were also reports of beatings by the police (see Section 1.c.).

Police set up six roadblocks in Pemba after the elections; there were reports that police beat and assaulted persons in the area (see Section 1.c.).

There were reports of police harassment of Pembans on the mainland. Police reportedly arrested persons without charge and returned them to Pemba under police custody. At least 20 persons reportedly were returned by year's end.

The law includes provisions for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and these provisions were respected in practice with a few exceptions. The Government granted prima facie refugee status to an estimated 500,000 refugees during the year. The Government cooperates with the U.N. High Commissioner for Refugees. The Government traditionally has maintained a generous open border policy both with regard to neighboring countries' refugees and to persons seeking political asylum. In 1999 the Government agreed to accept asylum applications from Rwandans who had been barred from seeking asylum in 1997 and 1998. During the year, a relatively small number of Rwandans who feared for their safety were granted asylum by the Government and appeals by others who petitioned for asylum were pending at year's end. The Government continues to offer first asylum to nearly 500,000 refugees from Burundi and the Democratic Republic of the Congo. There were 368,448 Burundian, 110,412 Congolese, and 27,372 Rwandan refugees living in refugee camps in the country by year's end. In addition, there are at least 200,000 other Burundian refugees in the country who have lived in settlements since the early 1970's.

The Government arrested, detained, and forcibly expelled 80 Rwandan and 580 Burundians during the year. Many of these refugees reportedly were denied the opportunity to collect their belongings or contact their families prior to being expelled. The refugees who were forcibly returned were living outside UNHCR camps and included Rwandans living in the country since the 1960's. The returns were ordered by the regional commissioner, reportedly without the involvement of higher government officials; however, the Ministry of Home Affairs took no action to reprimand the regional commissioner for the expulsions. In late June, the regional commissioner gave the refugees the choice of returning to their countries of origin or moving into UNHCR camps. The regional commissioner reportedly also gave the refugees the option of paying the required fees to become residents in the country, which were too expensive for the refugees to pay. In December a group of 1,500 of the refugees left the country for Rwanda. In February the Government forcibly returned two Rwandans and three Burundians to Rwanda. The number of Burundian refugees who were returned forcibly reportedly decreased after June and July, when the Government began to send refugees outside of refugee camps to the UNHCR rather than forcibly returning them to their countries of origin.

Refugee camps in the west were plagued by food shortages, overcrowding, and malaria outbreaks during the year. Refugee camps were large and overcrowded, and the authorities restricted employment opportunities. Women and girls in refugee camps suffered a high level of rape and gender abuse perpetrated by other refugees. There were reports that women and girls were raped when they left the camps for daily tasks, such as collecting firewood. The Government does not adequately investigate, prosecute, or punish perpetrators of abuses in refugee camps. There is no mechanism within refugee camps to punish abusers, and most cases are not referred to local authorities. Police lack special training in the area of domestic abuse, and local and traditional courts, which both handle domestic violence cases, lack necessary resources. Among Burundian refugees, mediation councils called abashingatahe, comprised of male refugee elders, often handle domestic abuse cases (see Section 1.e). There were reports that some refugees engage in vigilante justice within camps, occasionally beating other refugees. There are nine camps and one long-term transit center for Rwandan refugees in the country.

There is some resentment and hostility against Burundian refugees because of the availability of particular goods and services for refugees that are not available for the local population; however, during recent years, the UNHCR, NGO's, and international organizations have made many of these services available for the local population, thereby alleviating many tensions (see Section 1.c.).

There was continuing concern over violence allegedly perpetrated by some armed Burundian and Rwandan refugees, although such violence has diminished since 1999. Local officials reported incidents of killings, banditry, armed robbery, and violent crime, perpetrated by refugees in the areas surrounding refugee camps (see Sections 1.a. and 1.c.). There were unconfirmed reports that the Burundian Government hired mercenaries to invade refugee camps, although the Burundian Government strongly denies these reports.

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

A multiparty political system was introduced officially in 1992, and in 1995 for the first time in more than 30 years, citizens exercised their right to change their government through national elections for president and parliament. On October 29, the second multiparty national elections were held on the mainland and Zanzibar. On the mainland, international observers concluded that the elections were free and fair and conducted peacefully; however, in Zanzibar, the vote was marred by irregularities, voter intimidation and politically motivated violence. The incumbent President of the mainland, Benjamin Mkapa, was reelected with 71 percent of the vote. The ruling CCM party made significant gains in its majority in Parliament, winning 167 out of 181 seats. Opposition candidates gained 11 seats in 6 of the 19 mainland regions giving them a total of 14 seats on the mainland, and the CUF won 15 seats in Zanzibar. The CUF continued to refuse to recognize the election results in Zanzibar and to demand new elections, and CUF elected representatives are boycotting the union and Zanzibar parliaments.

In late 1996, following its loss in a by-election, the Government issued new directives limiting political activity and fund raising on the grounds of maintaining order.

The Government continued to harass its opponents and arrested opposition politicians for holding meetings, distributing information, and other acts that it regarded as seditious (see Sections 1.d. and 2.b.). The authorities forcibly dispersed a number of political rallies during the period prior to and after the October elections (see Section 2.b.) In October police officials pulled opposition leader Augustine Mrema off of a platform in Kigoma during a campaign rally before he had finished speaking; he had a permit to speak for an additional 30 minutes. In May 1999, Mrema had been prohibited from running for reelection by a High Court injunction that stated that he was ineligible to run because he had changed political parties, and had not yet been designated formally as chairman of his new party. The injunction against Mrema was dropped after the Court of Appeals ruled that the lower court had no grounds to prohibit his nomination as the Labor Party chairman in order to be eligible for presidential nominations. In October, police forced opposition leader John Cheyo to leave a campaign platform in Morogoro for speaking after the legal deadline for campaign rallies of 6 p.m. When Mr. Cheyo resisted, police threatened him with a police baton and physically removed him from the platform. On October 29, Fortunatus Masha, an opposition candidate who was vice-chairman of his party was beaten and injured by police in Mwanza district during an altercation at a ballot counting center over possible ballot rigging in favor of the CCM party.

In January the authorities dropped the charges against Dr. Walid Kabouru, the Kigoma M.P. and the national chairman of the Chadema Party; he had been arrested in 1999 for inciting the public to violence as a result of Chadema's challenge to the results of a local by-election. After 35 days in detention, Kabouru was released with no charges filed against him (see Sections 1.d.).

On April 1, police broke into a CUF branch office in Zanzibar during an indoor meeting and destroyed property (see Section 1.c.).

In August local authorities forced persons attempting to register to vote in Mwanza to provide documentary proof that they had paid local government taxes before they allowed them to register, even though there is no legal requirement for voters to prove payment of taxes to register.

The Constitution of Zanzibar provides citizens with the right to change their government peacefully; however, this right was circumscribed severely. In June 1999, a Commonwealth-brokered agreement between the ruling CCM party and the opposition CUF party was signed, but its provisions were not implemented fully during the year. While both parties failed to fulfill parts of the accord, impartial observers agree that the Government of Salmin Amour in Zanzibar did not appear to act in

good faith. The Zanzibar Government refused to reform its electoral commission, a provision that was central to the agreement, and the Commonwealth Agreement was not implemented during the year. In Zanzibar there were credible reports of irregularities during the voter registration process conducted in August in preparation for the October elections. The ruling CCM party was accused by several opposition parties of illegally registering mainland citizens as voters in Zanzibar. Some transportation operators were asked by union officials to transport citizens from the mainland to Zanzibar without charge. One operator reported that his family received threatening telephone calls at home for refusing to comply with the request. Shehas (village headmen) were responsible for validating residency requirements for voting in the elections. The majority of shehas were CCM members, and international monitors reported that in some cases they abused their discretion during the registration process. There also were credible reports that CUF supporters attempted to intimidate legally registered voters believed to be CCM supporters in Zanzibar. The homes of several long-term residents of mainland origin reportedly were stoned, and in August, three residences were burned down, although no one claimed responsibility for these actions. Subsequently, some occupants decided to leave Zanzibar or to send family members to the mainland until after the election.

Voting irregularities during the October 29 elections included the late arrival and absence of ballots, and the late opening of polling stations. The Zanzibar Electoral Commission (ZEC) stopped balloting and counting throughout Zanzibar at 5:30 in the evening, even in locations that did not have ballot shortages. Police and some officials from the Zanzibar Electoral Commission were implicated in the voting irregularities. Police officers, accompanied by ZEC officials, seized ballot boxes in many constituencies, including the entire island of Pemba, and most of the ballot boxes were not under independent or opposition supervision after they were seized. Four groups of international election observers criticized the Zanzibar vote and called for a re-run election in all of the Zanzibar constituencies; however, the Government only announced new elections in 16 of the 50 constituencies to be held on November 5.

Voter turnout for the new elections was low. The opposition boycotted the re-run election, claiming that the elections already had been compromised. After the re-run, the ruling party announced that it had won all of the constituencies in Zanzibar and four constituencies on Pemba (where they previously did not hold any seats). The final results of the re-run election gave the ruling CCM party 34 seats in the 50-seat House of Representatives and 35 seats in the 50-seat National Assembly. CCM candidate Amani Karume was declared the new Zanzibari President on November 7.

Since the 1995 elections, government security forces and CCM gangs have harassed and intimidated CUF members on both main Zanzibar islands, Pemba and Ugunja, and such incidents sharply increased in the 3 months before the October elections. Security forces forcibly dispersed gatherings and intimidated, harassed, arrested and beat persons (see Sections 1.c., 1.d. and 2.b.). During the November 5 re-run elections, police beat and reportedly tortured opposition officials (see Section 1.c.). Almost all international donors had suspended direct assistance to Zanzibar in response to the authorities' human rights abuses in 1995, and the suspension remained in effect by year's end.

In November a bomb exploded at a primary school in Stone Town in Zanzibar at the location of a polling office for the November 5 revote (see Section 1.c.). In December four persons reportedly were arrested for the bombing; the four remained in custody at year's end (see Section 1.d.).

Women are underrepresented in government and politics. There are no legal restrictions on the participation of women in politics and government. There are 61 seats in Parliament that are occupied by women; 12 female M.P.'s are elected members of the CCM; 47 female M.P.'s occupy "Special Women" seats which are appointed by political parties based on the elected percentages of the constituent seats, and one M.P. was nominated by President Mkapa. There is one seat in the House of Representatives occupied by a woman. On February 10, Parliament passed the 13th Amendment to the Union Constitution, which requires 20 percent of seats in Parliament to be occupied by women. President Mkapa ratified the amendment in February. Three of the Cabinet's 27 ministers are female.

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

The Government has obstructed the formation of local human rights groups. Persons seeking to register human rights NGO's, such as the Tanzania Human Rights Education Society, complained that the Ministry of Home Affairs continued to delay action on their applications (see Section 2.b.). This hampered their access and efforts

to monitor violations of human rights. The Government continued to refuse registration of the African Human Rights and Justice Protection Network on the grounds that it was politically oriented (see Section 2.b.). The Government had withheld registration from the NGO Defenders of Human Rights in Tanzania for more than 3 years before finally denying it registration in 1999. During the year, the Government appealed a High Court decision ordering the reinstatement of the National Women's Council, an NGO that the Government had deregistered in 1997 but the Court had not heard the case by year's end. The National Women's Council continued to operate at year's end (see Section 2.b.). At year's end, the ICRC was awaiting a response from the Government to its application for accreditation as a legal entity.

Government officials have stated that international human rights groups are welcome to visit the country; several human rights organizations operated freely in the country and report little government interference. Amnesty International visited during the year, and had discussions both within the Government and among NGO's, concerning the formation of a human rights commission; however, sharp differences on the independence of the commission were not resolved by year's end. In February AI lobbied parliamentarians to create an independent human rights commission; however, the Government refused on the grounds that the President's Permanent Commission of Inquiry, which focuses on civil servant claims against the Government, could serve in both capacities. On November 20, President Mkapa announced to the National Assembly that the Government would establish a Human Rights and Good Governance Committee; however, the Committee would not be independent from the Government.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on nationality, tribe, origin, political affiliation, color, or religion. Discrimination based on sex, age, or disability is not prohibited specifically by law but is discouraged publicly in official statements. The Government issued several statements beginning in August encouraging religious and ethnic tolerance during the election campaign. Discrimination against women and religious and ethnic minorities persisted. Religious and ethnic tensions in society exist.

Women.—Violence against women remained widespread. Legal remedies exist in the form of assault provisions under the Criminal Code; however, in practice these provisions are difficult to enforce. The Marriage Act of 1971 makes a declaration against spousal battery, but does not prohibit it or provide for any punishment. Traditional customs that subordinate women remain strong in both urban and rural areas and local magistrates often upheld such practices. Women may be punished by their husbands for not bearing children. It is accepted for a husband to treat his wife as he wishes, and wife beating occurs at all levels of society. Cultural, family, and social pressures prevent many women from reporting abuses to the authorities. Nonetheless, in 1998 the Ministry of Home Affairs noted that an average of 10,000 cases of wife beating are reported annually. A local NGO, Tamwa, reports that as many as 6 out of 10 women are beaten by their husbands. In 1998 the Ruvuma regional crime officer noted that a large number of women are killed by their husbands or commit suicide as a result of domestic battery. Government officials frequently make public statements criticizing such abuses, but action rarely is taken against perpetrators. Police often have biases against pursuing domestic abuse cases and have demanded bribes to investigate allegations. The Sexual Offenses Special Provisions Bill provides for life imprisonment for persons convicted of rape and child molestation. Several persons were prosecuted and convicted for rape and battery under this law during the year. Women in refugee camps suffered a high level of rape and gender abuse perpetrated by other refugees (see Section 2.d.).

Several NGO's provide counseling and education programs on women's rights problems, particularly sexual harassment and molestation.

There is no legal protection for adult women who undergo FGM. The Sexual Offenses Act, which prohibits cruelty against children, only protects persons under 18 years of age.

During the year, Parliament amended the Constitution to prohibit sexual harassment against women in the workplace by a person in authority. During the year, several persons were arrested under the new law. Male colleagues sometimes harass women seeking higher education, and the authorities largely have ignored the practice. Although the Government advocates equal rights for women in the workplace, it does not ensure these rights in practice. In the public sector, which employs 80 percent of the salaried labor force, certain statutes restrict women's access to some jobs or hours of employment. For example, in general, women may not be employed between 10 p.m. and 6 a.m., although this restriction is usually ignored in practice

(see Section 6.e.). While progress on women's rights has been more noticeable in urban areas, strong traditional norms still divide labor along gender lines and place women in a subordinate position. Discrimination against women is most acute in rural areas, where women are relegated to farming and raising children, and have almost no opportunity for wage employment. Custom and tradition often hinder women from owning property such as land, and may override laws that provide for equal treatment.

The overall situation for women is less favorable in Zanzibar, which has a majority Muslim population. Although women generally are not discouraged from seeking employment outside the home, women there, and on many parts of the mainland, face discriminatory restrictions on inheritance and ownership of property because of concessions by the Government and courts to customary and Islamic law. While provisions of the Marriage Act provide for certain inheritance and property rights for women, the application of customary, Islamic, or statutory law depends on the lifestyle and stated intentions of the male head of household. Thus far, the courts have upheld discriminatory inheritance claims, primarily in rural areas. Under Zanzibari law, unmarried women under the age of 21 who become pregnant are subject to 2 years' imprisonment.

Children.—Government funding of programs for children's welfare remained miniscule. The Government has made some constructive efforts to address children's welfare, including working closely with UNICEF and other international and local organizations to improve the well being of orphans and neglected children. Child labor is a problem, and there were reports that forced labor of children occurred (see Sections 6.c and 6.d.). There were unconfirmed reports in previous years that children were trafficked to work in mines and other businesses (see Sections 6.c. and 6.f.). A 1998 study funded by the International Labor Organization (ILO) reported a growth in child prostitution, including forced prostitution (see Section 6.c.). The Sexual Offences Special Provisions Act of 1998 criminalizes child prostitution and child pornography. The age criterion for protection from sexual exploitation is 18 years. Under the law, sexual intercourse with a child under 18 years is considered rape regardless of consent; however, the law is not effective in practice because it is customary for girls as young as 14 years of age to be considered adults for the purposes of sexual intercourse and marriage.

The law provides for 7 years of compulsory education through the age of 15; however, education is no longer free on both the mainland and on Zanzibar. Fees are charged for books, enrollment, and uniforms, with the result that some children have been denied an education. In some cases, children were unable to attend school because poorly paid teachers demanded money to enroll them. The primary school dropout rate is between 30 and 40 percent. The literacy rate is approximately 70 percent; however, for girls it is only 57 percent compared with 80 percent for boys. The rate of girls' enrollment in school is lower than that of boys, and generally declines with each additional year of schooling. In some districts, there was a decline in attendance as the result of early marriage, often at the behest of parents. In the past, girls who became pregnant were expelled from school. Despite a 1996 law to permit pregnant girls to continue their education following maternity absences, the practice of forcing pregnant girls out of school remains in effect. Nevertheless, there have been across the board increases in the rate of girls' participation since 1990.

Although the Government officially discourages female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, it still is performed at an early age in approximately 20 of the country's 130 main ethnic groups. According to a 1996 health survey conducted by the Bureau of Statistics, FGM affects 18 percent of the female population. In some ethnic groups, FGM is compulsory, and in others, a woman who has not undergone the ritual may not be able to marry. Government data show this to be a problem that varies by region, with the most affected regions being Arusha (81 percent of women), Dodoma (68 percent), Mara (44 percent), Kilimanjaro (37 percent), Iringa (27 percent), Tanga/Singida (25 percent), and Morogoro (20 percent). FGM is almost nonexistent in the rest of the country. There is no law that specifically prohibits FGM. The country's educational curriculum does not include instruction on FGM but the issue is covered occasionally in secondary schools. Government officials have called for changes in practices that adversely affect women, and the 1998 Sexual Offenses Special Provisions Bill, which prohibits cruelty against children, has been used as the basis for campaigns against FGM performed on girls; however, police do not have adequate resources to protect victims. Some local government officials have begun to combat the practice and have convicted and imprisoned some persons who performed FGM on young girls, although there were no reported prosecutions during the year. Seminars sponsored by various governmental organizations and NGO's are held regularly in an attempt to educate the public on

the dangers of FGM and other traditional practices. These practices include the tradition of inherited wives, which critics contend contributes to the spread of HIV/AIDS, and child marriages, which are sanctioned with parental consent under the Marriage Act of 1971 for girls 12 years of age or older. While some authorities believe that FGM is declining, a 1996 government report has suggested that it is on the rise, especially in the central region. In 1998 the Dodoma Traditional Practices and Beliefs Committee, supported by a World Health Organization grant, began a program to eliminate FGM in the Dodoma region. The Ministry of Health began an educational campaign on FGM as part of its Safe Motherhood Initiative. The enforcement of policies to stop FGM remains difficult because some regional government officials are in favor of the practice or fear speaking out against it because of the power of traditional leaders.

People with Disabilities.—The Government does not mandate access to public buildings, transportation, or government services for the disabled. Although there is no official discrimination against the disabled, in practice the physically disabled effectively are restricted in their access to education, employment, and provision of other state services due to physical barriers. The Government provides only limited funding for special facilities and programs.

Religious Minorities.—While Muslim-Christian relations are generally stable, some urban Muslim groups are sensitive to perceived discrimination in government hiring and law enforcement practices. The mainland is 60 percent Christian and 40 percent Muslim, whereas Zanzibar is 97 percent Muslim. The Muslim community claims to be disadvantaged in terms of its representation in the civil service, government, and parastatals, in part because both colonial and early post-independence administrations refused to recognize the credentials of traditional Muslim schools. As a result, there is broad Muslim resentment of certain advantages that Christians are perceived to enjoy in employment and educational opportunities. Muslim leaders have complained that the number of Muslim students invited to enroll in governmentrun schools still was not equal to the number of Christians. In turn Christians criticize what they perceive as lingering effects of undue favoritism accorded to Muslims in appointments, jobs, and scholarships by former President Ali Hassan Mwinyi, a Muslim. Despite these perceptions, there does not appear to be a serious widespread problem of religious discrimination in access to employment or educational opportunities.

A few leaders in the Christian and Muslim communities appear to be fomenting religious tension between their groups. Christian leaders reportedly have used the 1998 bombing of the U.S. Embassies in Dar Es Salem and Nairobi, Kenya, as a justification to criticize Muslims.

There are signs of increasing tension between secular and fundamentalist Muslims, as the latter feel that the former have sold out to the Government. The fundamentalist Muslims accuse the Government of being a Christian institution, and Muslims in power as being only interested in safeguarding their positions. In these circles, secular Muslims who drink alcohol or marry Christian women are criticized severely. Muslim fundamentalists attempted, unsuccessfully, to introduce Muslim traditional dress into the national school system. Fundamentalist groups also have exhorted their followers to vote only for Muslim candidates.

National/Racial/Ethnic Minorities.—In the past, the Government discriminated against the Barabaig and other nomadic persons in the north. These ethnic groups continued to seek compensation for past government discrimination because of government efforts to make them adopt a more modern lifestyle and to restrict their access to pastoral lands that were turned into large government wheat farms. In 1994, 6 Barabaig plaintiffs filed a class action suit, which included 750 members of the Barabaig tribe, challenging their eviction by the National Food Corporation, a government parastatal organization. In 1994 the High Court ruled that three of the plaintiffs had the right to return to their land and awarded them damages of 20,000 shillings, 60,000 shillings, and 200,000 shillings respectively. However, the court found that the 3 other plaintiffs did not prove their cases and refused to award them compensation; the court also denied the cases of the 750 members of the tribe for not following correct procedures in filing their claim. The three plaintiffs who received compensation appealed the case, arguing that the compensation was not adequate. The other 3 plaintiffs and the 750 tribe members also appealed the denial of their case; the appeals were scheduled to be heard in February 2001.

The Asian community, which is viewed unfavorably by many African citizens, has declined by 50 percent in the past decade to about 50,000 persons. There are no laws or official policies that discriminate against Asians; however, as the Government places greater emphasis on market-oriented policies and privatization, public concern regarding the Asian minority's economic role has increased. This has led to demands by small, populist opposition parties for policies of "indigenization" to en-

sure that privatization does not increase the Asian community's economic predominance at the expense of the country's African population.

On October 6, 21 persons were beaten to death and 50 were injured during a clash between a group of ethnic Sonje and Maasai in the Mererani region. The incident began when a group of Sonje youths stole gemstones from a Maasai miner and other Maasai retaliated with violence. However, the incident appeared to be economically motivated.

Section 6. Worker Rights

a. The Right of Association.—Both the Constitution and the 1955 Trade Union Ordinance provide for freedom of association for workers, and the Government respected this right in practice. Worker rights are handled separately by the Union and Zanzibar Governments. The Union Government enforces labor laws for the mainland and the Zanzibar Government enforces legislation specific to Zanzibar and Pemba islands. The labor law that applies to the mainland applies to both public and private sector workers, but restricts the right of association for those workers broadly defined as "essential." The 1999 labor law in Zanzibar applies only to private sector workers and does not protect trade union members from anti-union discrimination.

On July 1, the 1999 Trade Union Act abolished the umbrella organization, the Tanzania Federation of Trade Unions (TFTU) and required its 11 independent unions to separately register with the Registrar of Trade Unions. The act permitted workers to form unions voluntarily without requiring membership in an umbrella organization. All of the 11 unions had registered by year's end.

The 1999 Act gives the Registrar of Trade Unions the power to restrict freedom of association by allowing the Registrar to interfere union activities. The law permits the imposition of large fines, imprisonment, or both for failing to register a trade union. The Registrar is also permitted to deregister the smaller of two trade unions when more than one exists in an industry and to order the smaller union to remove members. The Registrar can suspend a trade union for contravening the act or the union's own rules, suspend a union for 6 months on grounds of public order or security, and invalidate the union's international trade union affiliation if certain internal union procedures are not followed. The Registrar did not use these powers during the year.

Overall, only about 10 to 15 percent of the country's 2 million wage earners are organized. Registered trade unions nominally represent 60 percent of workers in industry and government. All workers, including those classified broadly as "essential" service workers, are permitted to join unions, but essential workers are not permitted to strike.

There are no laws prohibiting retribution against legal strikers; however, workers have the legal right to strike only after complicated and protracted mediation and conciliation procedures leading ultimately to the Industrial Court, which receives direction from the Ministry of Labor and Youth Development. If a union is not satisfied with the decision of the Industrial Court, it may then conduct a legal strike. The mediation and conciliation procedures can prolong a dispute by months without resolving it. During the year, the ILO submitted to the Union Government a list of recommended changes to the law to bring into conformity with ILO standards, but the Government had not taken action by year's end. Frustrated workers have staged impromptu, illegal wildcat strikes and walkouts pending a resolution of their cases in the Industrial Court. The last major strike took place in 1998 at Muhimbili Medical Center when more than 70 percent of the doctors and nurses went on strike for higher pay and better working conditions. In 1998 the Zanzibar Government pledged to review the island's labor laws in an effort to improve industrial relations and minimize labor disputes; however, there was no progress on this issue by year's end.

In 1998 the regional ILO representative called on the Government to ratify conventions on freedom of association, minimum working age, equal opportunity, and freedom from discrimination. In April the Government ratified the convention on freedom of association. The regional ILO office continued to call upon the Government to ratify the other core conventions.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is protected by law but does not apply to the public sector. The Government sets wages for employees of the Government and state-owned organizations administratively, although privatization and reductions in public sector employment have reduced such employees to about 5 percent of the work force.

With the abolition of the TFTU, unions directly negotiate with the Association of Tanzanian Employers on behalf of private sector members. Collective agreements must be submitted to the Industrial Court for approval and may be refused registra-

tion if they do not conform with the Government's economic policy. The ILO has observed that these provisions are not in conformity with ILO Convention 98 on Collective Bargaining and the Right to Organize. None of the newly registered unions concluded new collective bargaining agreements by year's end. The Security of Employment Act of 1964 prohibits discriminatory activities by an employer against union members. Employers found guilty of antiunion activities are required under the law to reinstate workers. The Warioba Commission, in its White Paper Report of 1998, found that bribes often determine whether a worker dismissed from his job actually is reinstated.

There are no export processing zones (EPZ's) on the mainland, but there are three in Zanzibar. Working conditions are comparable to those in other areas. Labor law protections apply to EPZ workers.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor; however, there were reports that it occurred (particularly of children). In 1999 the Government repealed the Human Resources Deployment Act of 1983, which allowed forced labor and forced relocation of citizens to ensure productive employment (see Section 2.d.). The new law, the Employment Services Promotion Act of 1999, does not permit either and instead promotes self-employment. However, in some rural areas, villagers still are obligated to work in the village community gardens or on small construction projects, such as repairing roads. The Constitution does not specifically prohibit forced or bonded child labor, and there were reports that it occurred. There were reports of children forced into prostitution by parents or guardians in need of extra income, and there were unconfirmed reports in previous years that children were trafficked to work in mines and other businesses (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law provides for 7 years of compulsory education through age 15 (see Section 5). In accordance with ILO Convention 138, which the Government ratified in 1999, the Government prohibits children under the age of 14 from working in the formal wage sector in both urban and rural areas, and the Government enforces this prohibition; however, the provision does not apply to children working on family farms or herding domestic livestock. The minimum age for work of a contractual nature in approved occupations is set at 15 years. Children between the ages of 12 and 15 may be employed on a daily wage and on a dayto-day basis, but they must have parental permission and return to the residence of their guardian at night. Approximately 250,000 children engage in child labor.

The law prohibits young persons from employment in any occupation that is injurious to health and that is dangerous or otherwise unsuitable. Young persons between the ages of 12 and 15 may be employed in industrial work but only between the hours of 6 a.m. and 6 p.m., with some exceptions. The Ministry of Labor and Social Welfare and Youth Development is responsible for enforcement; however, the number of inspectors is inadequate to police conditions. The effectiveness of government enforcement reportedly has declined further with increased privatization.

Approximately 3,000 to 5,000 children engage in seasonal employment on sisal, tea, tobacco, and coffee plantations. Children working on plantations generally receive lower wages than their adult counterparts, although they may be in comparable jobs. Work on sisal and tobacco plantations is particularly hazardous and detrimental to children. From 1,500 to 3,000 children work in unregulated gemstone mines. Girls often are employed as domestic servants, mostly in urban households sometimes under abusive and exploitative conditions. In the informal sector, children assist their parents in unregulated piecework manufacturing. Children are engaged in labor in the areas of mining, domestic service, fishing, commercial agriculture and prostitution.

Several government ministries, including the Ministry of Labor and Youth Development, the Bureau of Statistics, and the Department of Information Services, have special child labor units. The Government is working with NGO's to establish a specific prohibition against child labor. In 1999 the Government drafted a National Child Labor Elimination policy designed to bring national law into compliance with international conventions, and in December 1999 the Government invited labor organizations and NGO's to comment on the draft law. The Government has worked with the ILO's International Program on the Elimination of Child Labor to develop a national plan of action to address the issue, and in April implemented a program for the elimination of child labor. The Government had not ratified the ILO Convention 182 on the worst forms of child labor by year's end.

The Constitution does not specifically prohibit forced or bonded child labor, and there were reports of children forced into prostitution by their parents or their guardians; there also were unconfirmed reports in previous years that children were trafficked to work in mines and other businesses (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work.—There is a legal minimum wage for employment in the formal sector. The legal minimum wage is approximately $38 (30,000 shillings) per month. Even when supplemented with various benefits such as housing, transport allowances, and food subsidies, the minimum rate is not always sufficient to provide a decent standard of living for a worker and family, and workers must depend on their extended family or on a second or third job. Despite the minimum wage, many workers, especially in the small but growing informal sector, are paid less.

There is no standard legal workweek; however, a 5-day, 40-hour workweek is in effect for government workers. Most private employers retain a 6-day, 44- to 48-hour workweek. In general, women may not be employed between 10 p.m. and 6 a.m. Several laws regulate safety in the workplace. An Occupational Health and Safety Factory Inspection System, set up with the assistance of the ILO, is managed by the Ministry of Labor and Social Welfare and Youth Development; however, its effectiveness is limited. Labor standards are not enforced in the informal sector.

The Employment Services Promotion Act of 1999 provides for the creation of a facility to promote employment by creating selfemployment opportunities, allows the Government to collect reliable data and information on vacancies for the unemployed, and facilitates employment with other agencies and the private sector. However, the new facility was not funded by year's end.

Union officials have claimed that enforcement of labor standards is effective in the formal sector, but no verification studies have been performed. Workers may sue an employer through their union if their working conditions do not comply with the Ministry of Labor's health and environmental standards. Workers who have lodged and won such complaints have not faced retribution; however, workers do not have the right to remove themselves from dangerous situations without jeopardizing their employment.

f. Trafficking in Persons.—The law does not prohibit trafficking, and in previous years there were unconfirmed reports that children were trafficked away from their families to work in mines and other business entities; however, there were no such reports during the year. In 1998 there were unconfirmed reports that senior government officials were involved in the practice; the ILO and a visiting foreign delegation were unable to confirm the reports.

TOGO

Togo is a republic dominated by President General Gnassingbe Eyadema, who has ruled since 1967, when he came to power in a military coup. Although opposition political parties were legalized following widespread protests in 1991, Eyadema and his Rally of the Togolese People (RPT), strongly backed by the armed forces, have continued to dominate the exercise of political power. Eyadema used his entrenched position to repress genuine opposition and to secure another 5-year term in an election held in June 1998, which, like previous multiparty elections, was marred by systematic fraud. Serious irregularities in the Government's conduct of the election strongly favored the incumbent and appear to have affected the outcome materially. Despite the Government's professed intention to move from authoritarian rule to democracy, institutions established ostensibly to accomplish this transition did not do so in practice. However, on April 5, the President promulgated a new Electoral Code, which was drafted by the RPT-controlled Government in consultation with opposition parties. The Electoral Code establishes an Independent Electoral Commission (CENI), composed of 20 members, 10 from the President's RPT party and 10 drawn from opposition parties. The CENI is intended to monitor, collect, tally, and announce the results of the next legislative elections. In the March 1999 legislative elections, which were boycotted by the opposition, the RPT won 79 of the 81 seats in the National Assembly, and the elections were marred by procedural problems and significant fraud, particularly the misrepresentation of voter turnout. In July 1999, President Eyadema promised new legislative elections in March; however, such elections were not held by year's end. Eyadema and his supporters maintain firm control over all facets and levels of the country's highly centralized Government and have perpetuated the dominance of northern ethnic groups, including Eyadema's Kabye ethnic minority, throughout the public sector, especially the military. The executive branch continues to influence the judiciary.

The security forces consist of the army (including the elite Presidential Guard), navy, air force, the Surete Nationale (including the national police), and the Gendarmerie. Approximately 90 percent of the army's officers and 70 percent of its soldiers are from the Kabye ethnic minority. Although the Minister of the Interior is in

charge of the national police, and the Defense Minister has authority over most other security forces, all security forces effectively are controlled by President Eyadema. Members of the security forces continued to commit serious human rights abuses.

Approximately 80 percent of the country's estimated population of 5 million is engaged in subsistence agriculture, but there is also an active commercial sector. The main exports are phosphates, cotton, and cocoa, which are the leading sources of foreign exchange. Per capita gross domestic product remains less than $400 a year. Economic growth continues to lag behind population growth. The economy is impeded by a large and inefficient state-owned sector, high (although drastically reduced) spending on the security forces, widespread corruption, and lack of Government budget and fiscal discipline. Most major bilateral donors have suspended their aid due to the Government's weak democratization efforts and poor human rights record. Several international financial institutions also halted budgetary assistance to the Government.

The Government's human rights record remained poor; although there were a few improvements in a few areas, serious problems remain. Citizens" right to change their government is restricted. Unlike previous years, there were no confirmed reports of extrajudicial killings. Security forces committed beatings. The Government did not, in general, investigate or punish effectively those who committed abuses, nor did it prosecute openly those persons responsible for extrajudicial killings and disappearances in previous years. Prison conditions remained very harsh. Arbitrary arrest and detention was a problem, and prolonged pretrial detention was common, with prisoners often detained 6 to 7 months without being charged. The Government continued to influence the judiciary, which is understaffed and overburdened, and did not ensure defendants' rights to fair and expeditious trials. Security forces often infringed on citizens' privacy rights. The Government and the security forces restricted freedom of speech and of the press, often using investigative detention and criminal libel prosecutions to harass journalists and political opponents. Laws were passed in January allowing for an extended imprisonment of journalists who write articles critical of the Government and its officers. The Government restricted academic freedom. The Government restricted freedom of assembly, association, and movement. The National Commission for Human Rights (CNDH) continued to be dominated by supporters of the President, and the Government restricted and impeded the work of independent human rights groups. Violence and societal discrimination against women remained a problem. Female genital mutilation (FGM) among some ethnic groups persisted; although there is a 1998 law that prohibits FGM, the Government enforced it rarely. Discrimination against ethnic minorities remained a problem. The Government limits workers' rights to collective bargaining. Trafficking in women for the purpose of forced prostitution and trafficking in children for forced labor remained problems.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Unlike previous years, there were no confirmed reports of extrajudicial killings.

On March 27, an agitator reportedly paid by the Government was killed on the University of Benin campus in Lome during a confrontation between demonstrating students and a group of false student demonstrators paid by the Government to disrupt the demonstration (see Section 2.a.).

There were no developments in the October 1999 killing of a missionary in Lome. One soldier and one assailant were killed in an exchange of gunfire between police, military personnel, and the assailants.

There were no developments or arrests in the January 1999 case in which gendarmes raided the Akodessewa-Kpota shantytown neighborhood in Lome and set fires that reportedly killed two children.

An Amnesty International (AI) report issued in May 1999 stated that hundreds of bodies—presumably members of the opposition—were thrown into the sea around the time of the June 1998 presidential election (see Sections 1.b. and 4). The Government denied the charges and called for an international inquiry. In September the Government accepted a joint U.N./OAU commission to investigate allegations of hundreds of extrajudicial killings around the time of the 1998 presidential election. The U.N./OAU commission of inquiry visited the country in November to investigate these charges; the three-person commission met with the President and members of his cabinet, as well as with fishermen and farmers in the country and in Benin. Under the terms of the inquiry, the Government pledged not to retaliate against the

witnesses. The commission is scheduled to release the results of its investigation in early 2001 (see Section 4).

There was no development in the August 1998 killing of Liman Doumongue, Deputy Secretary General of the National Association of Independent Unions of Togo (UNSIT), a pro-opposition labor federation. In May 1999, UNSIT wrote a letter to President Eyadema requesting an independent investigation into the killing; however, the Government did not respond. The September 1998 killing of Koffi Mathieu Kegbe, a local activist in the opposition Action for Renewal Committee (CAR) party, was still under investigation at year's end. There were no developments in the 1998 killings of the Togolese Human Rights League founding member Dr. Tona Pierre Adigo and businessman Malou Borozi. There has been no public investigation into the June 1998 killing of the child, Ayele Akakpo. The Government claims that the August 1998 attack on Union of Forces for Change (UFC) Secretary-General Fabre's residence was carried out by coup plotters from Ghana.

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

An AI report issued in May 1999 reported that hundreds of bodies—presumably those of opposition members—were thrown into the sea around the time of the June 1998 presidential election (see Sections 1.a. and 4). According to AI, the corpses were found and buried by Beninese fishermen. The Government strongly denied the accusations and initiated legal proceedings against AI in 1999; however, it has not pursued the charges. The independent Benin Human Rights League reported that bodies were dropped along the coastal waters by military aircraft, although other official sources in Benin denied that this event happened. In September a U.N./OAU commission arrived to investigate those charges and other alleged disappearances.

AI also reported that on August 20, 1998, two young men, Komlan Edoh and Kodjo Kouni, were beaten and arrested by security forces in a northwest suburb of Lome, then taken to a nearby military camp, after which they disappeared. There were no further developments in the case during the year.

There was no investigation into the mass burials of 1997 and 1998 reportedly in the vicinity of Lome.

There were no developments in the 1994 disappearance of David Bruce, a high-level Foreign Ministry employee sympathetic to the opposition, which remained under investigation by the Government.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and physical abuse of prisoners and detainees; however, security forces often beat detainees immediately after arresting them. Some suspects have claimed credibly to have been beaten, burned, or denied access to food and medical attention.

Security forces harassed, intimidated, and beat journalists (see Section 2.a.).

Security forces used tear gas and batons to disperse demonstrators forcibly (see Section 2.b.). On January 12, police forcibly dispersed opposition party demonstrators using tear gas and truncheons, inflicting minor injuries (cuts and bruises) on the demonstrators (see Section 2.b.). On July 6, security forces forcibly dispersed a UFC rally and beat several demonstrators (see Section 2.b.). Although several protestors were detained briefly, the Government did not press charges; no action was taken against the security forces.

On February 17, students demonstrated in protest of the selection of the president of an independent student organization; government security forces dispersed the demonstrators with truncheons and tear gas; some students suffered cuts and bruises (see Section 2.a.).

Impunity remains a problem, and the Government did not publicly prosecute any officials for these abuses.

An Angolan diplomat accredited to Benin and Togo was arrested and allegedly tortured in November 1999 for allegedly attempting to kidnap one of Jonas Savimbi's children. The diplomat was released quickly and deported immediately; the Government took no action on the allegations of torture.

There was neither investigation into nor action taken on the 1999 case in which security forces reportedly tortured a human rights monitor. There was no investigation into nor action taken in the August 1999 case in which five young men, who traveled from Lome to Kara to hold discussions on the Lome Framework Agreement, said that they were detained and beaten on two occasions by police, gendarmes, and military personnel in Kara. Authorities maintained that their wounds resulted when they resisted arrest. There was no investigation into nor action taken in the May 1999 case in which security forces allegedly beat and tortured Ameen Ayodele, a member of the Nigerian section of AI (see Section 4). There was no investigation into nor action taken in the March 1999 case in which security forces in Lome beat

university student Gerard Amedjro and a female friend, allegedly after the latter refused to undress for them.

Prison conditions reportedly remained very harsh, with serious overcrowding, poor sanitation, and unhealthy food. Lome's central prison, built for 350 prisoners, reportedly housed 1,500 inmates or more during the year. Medical facilities are inadequate, and disease and drug abuse are widespread. Despite these problems, for the fourth consecutive year there were no reported deaths of prisoners due to disease or inadequate medical facilities. Prison guards in the overcrowded civil prison of Lome charge prisoners a small fee to shower, use the toilet, or have a place to sleep. Prisoners reportedly have to pay $2.50 (CFA 1,500) to guards before being allowed to visit the infirmary if sick. The children of convicted adults often are incarcerated with the female inmates, who are housed separately from the male prisoners. Juvenile prisoners are held separately from adults.

In September a local NGO, the African Center for Democracy, Human Rights, and Protection of Detainees (CADEPROD), began to conduct a census of civilian prisons funded by a foreign Government. The study was proceeding at year's end.

Although some international and local private organizations have access to prisons for monitoring purposes, the International Committee of the Red Cross did not request a visit during the year. Following an October seminar on torture sponsored by the Togolese Human Rights League and attended by gendarmes, prison guards, and magistrates, the Justice Minister agreed to authorize a prison visit by the league's president accompanied by the prison director. However, after the prison tour on December 21, there was no change in the treatment of the prisoners.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention remain problems. The law allows authorities to hold arrested persons incommunicado without charge for 48 hours, with an additional 48-hour extension in cases deemed serious or complex. In practice detainees can be, and often are, held without bail for lengthy periods with or without the approval of a judge. Family members and attorneys officially have access to a detainee after an initial 48- or 96-hour detention period; however, authorities often delay, and sometimes deny, access.

Judges or senior police officials issue warrants. Although detainees have the right to be informed of the charges against them, police sometimes ignore this right. The law stipulates that a special judge conduct a pretrial investigation to examine the adequacy of evidence and decide on bail. However, a shortage of judges and other qualified personnel, plus official inaction, have resulted in lengthy pretrial detention—in some cases several years—and confinement of prisoners for periods exceeding the time they would have had to serve if they had been tried and convicted. For example, Kokou Alowou and Dela Atidepe were arrested in 1993, charged with armed robbery and manslaughter, and were still awaiting trial at year's end. An estimated 50 percent of the prison population is pretrial detainees.

The Government continued to use brief investigative detentions of less than 48 hours to harass and intimidate opposition activists and journalists for alleged defamation of Government officials (see Section 2.a.). On February 24, security forces arrested seven members of the opposition UFC party, the day after a confrontation between UFC and RPT party members; no RPT members were arrested. After many delays during which time some of the UFC members remained in detention, they were tried in August; two were acquitted and five others were convicted of disturbing the peace and destroying public property. They received jail sentences of 2 to 6 months and were ordered to pay a $700 (CFA 500,000) fine. On July 31 and August 1, Kofi Messa Devotsu of the LTDH was questioned and threatened with arrest by the Minister of the Interior after the LTDH published a report on July 20 that was critical of human rights in the country (see Section 4). A number of independent journalists also were questioned at the same time for publishing articles on the LTDH report. The Government at times has resorted to false charges of common crimes to arrest, detain, and intimidate opponents.

Members of the security forces arrested and detained journalists without charging them with any offense (see Section 2.a.).

Members of the security forces detained human rights monitors and activists (see Sections 2.b. and 4).

On December 23, 1999, authorities arrested Roland Comlan Kpagli, publisher of L'Aurore newspaper on charges of reporting false information (see Section 2.a.). In response to international pressure, he was not tried, was never charged officially, and was finally released on February 4. On January 28, authorities arrested Norbert Gbikpi-Benissan of the UNSIT teachers' union and Allagua Odegui, Secretary General of the FETRAN/UNSIT, for allegedly providing false information to Kpagli for the article that prompted his arrest. International pressure resulted in their release within a month.

In November 1999, security forces arrested and allegedly tortured an Angolan diplomat for allegedly attempting to kidnap one of Jonas Savimbis" children (see Section 1.c.). He was released subsequently and immediately deported.

The status of UFC activist Abevi Abbey, detained by security forces in April 1999 for distributing leaflets that urged the public to participate in UFC-sponsored Independence Day demonstrations, remains unknown. A domestic NGO believed that he had been released.

The Constitution prohibits exile, and the Government respects this prohibition; however, several opposition and human rights workers remain in self-imposed exile because they fear arrest.

For example, on March 8, several student opposition leaders were sentenced to 18-month jail terms for inciting riots on the campus of the University of Benin. Some students fled into self-imposed exile in Ghana before they could be arrested.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the executive branch continued to exert control over the judiciary. A majority of the members of the Supreme Council for the Magistrature are supporters of President Eyadema. Judges who belong to the pro-Eyadema Professional Association of Togo Magistrates (APMT) reportedly receive the most prestigious assignments, while judges who advocate an independent judiciary and belong to the National Association of Magistrates (ANM) are marginalized.

The Constitutional Court stands at the apex of the court system. The civil judiciary system includes the Supreme Court, Sessions (Court of Assizes), and Appeals Courts. A military tribunal exists for crimes committed by security forces, but its proceedings are closed. In June 1999, when President Eyadema named a new cabinet, he appointed former Interior Minister General Seyi Memene to replace a civilian Justice Minister.

The court system remained overburdened and understaffed (see Section 1.d.). Magistrates, like most government employees, are not always paid on time. The judicial system employs both traditional law as well as the Napoleonic Code in trying criminal and civil cases. Trials are open to the public, and judicial procedures generally are respected. Defendants have the right to counsel and to appeal. The Bar Association provides attorneys for the indigent. Defendants may confront witnesses, present evidence, and enjoy a presumption of innocence. In rural areas, the village chief or council of elders may try minor criminal and civil cases. Those who reject the traditional ruling may take their cases to the regular court system, which is the starting point for cases in urban areas.

Impunity for those who commit abuses, particularly those close to Eyadema, remains a problem.

There were no reports of political prisoners. On March 11, 1999, the three remaining members of the opposition group MO5, arrested in 1994 and sentenced in 1996 to 5 to 7 years in prison, were freed. Although their crime appeared to have been politically motivated, the state prosecutor did not apply the December 1994 general amnesty law to this case and they remained in prison until their release in March 1999.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the sanctity of residences, the secrecy of correspondence and telecommunications, and prohibits searches and seizures not prescribed by law; however, security forces often infringed on these rights. In criminal cases, a judge or senior police official may authorize searches of private residences. In political and national security cases, the security forces need no prior authorization. Police conducted searches without warrants, searching for arms caches as well as for criminals, often under the guise of searching for identity cards. Armed security checkpoints exist throughout the country, and security forces regularly search vehicles, baggage, and individuals in the name of security (see Section 2.d.).

In May the Government stationed security guards around the home of former human rights Minister Harry Olympio and restricted his movements, ostensibly for his own protection following an attempt to kill him.

Citizens believe that the Government monitors telephones and correspondence, although this surveillance has not been confirmed. The police and Gendarmerie perform domestic intelligence functions. The Government maintains a system of informers on the university campus (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government restricts these rights in practice. The Government repeatedly harassed and intimidated print media journalists through threats, detentions, and criminal libel prosecutions. Police and gendarmes occasionally harassed newspaper vendors and confiscated issues of some opposition news-

papers. Advertisers reportedly often were intimidated as well. Few opposition newspapers are distributed outside the Lome area, particularly in areas not known to be ruling party strongholds.

On January 4, the National Assembly adopted an amendment to the 1998 Press and Communication Code. Article 1 of the 1998 code declares that the media are free; most of the remaining 108 articles restrict media freedom. Article 62 makes the intentional publication of false information a criminal offense, punishable by fines of $900 to $1,800 (CFA 500,000 to 1 million). Articles 90 to 98 make defamation of state institutions or any member of certain classes of persons, including government officials, a crime punishable by imprisonment for up to 3 months and fines of up to $4,000 (CFA 2 million). Article 89 makes it a crime, punishable by up to 3 months in prison for a second offense, to "offend the honor, dignity or esteem" of the President and other government leaders. The law also provides that editors and publishers, including legislators with parliamentary immunity, are liable for crimes committed through the press. The January amendment revised Article 89 to provide for 3- to 6-month jail terms for first offenders, who previously were subject only to 3-month suspended sentences. In practice first-time offenders were imprisoned in spite of the former article, which was changed to conform to practice.

On August 10, the National Assembly passed a law further regulating journalism, which included a provision requiring that all journalists must have a journalism degree; however, there are no journalism programs offered in the country. Although a grandfather clause applies to those already active in journalism, observers believe that this law could be used to prevent persons seen as unsympathetic to the Government from becoming journalists. Although it is not necessary to be an accredited journalist to publish an editorial or opinion article, the Government may take reprisals if offended by published material, such as arresting or detaining the writer, or firing a civil servant.

Despite Government interference, there is a lively press, most of which is heavily politicized and some of which is often highly critical of President Eyadema. About 16 privately owned newspapers publish with some regularity. The only daily newspaper, Togo-Presse, is government-owned and controlled. A private Lome-based newspaper, Crocodile, publishes on a biweekly schedule.

There is no prepublication censorship of print media in law or practice; however, security forces frequently threatened or detained print media journalists and interfered with the distribution of newspapers.

On April 6, security forces seized copies of opposition newspaper Crocodile without explanation. Authorities seized the April 13 edition of L'Exile and detained editor Hippolyte Agboh after the newspaper published an article alleging the death of Eyadema's daughter in a late-night car accident. Agboh was released on June 16, just prior to the OAU summit in Lome; he was never charged and no further action was taken in the case. On June 5, security forces seized copies of the weekly newspaper Le Combat du Peuple. The newspaper's publisher, Lucien Messan, was charged with libel and fined more than $900 (CFA 600,000). By year's end, no journalists remained in prison.

On July 31 and August 1, the Minister of the Interior questioned and threatened with arrest Kofi Messa Devotsu of the Togolese Human Rights League (LTDH) after the LTDH published a report on July 20 that was critical of human rights in the country (see Section 4). A number of independent journalists also were questioned at the same time for publishing articles on the LTDH report.

On December 23, 1999, Roland Comlan Kpagli, editor of L'Aurore, was arrested for publishing false news regarding the death of a schoolgirl during a police response to a student demonstration. Kpagli was released on February 4 without being charged.

At year's end, no further action had been taken in the case of Ame Kpeto, an army warrant officer who made critical statements about Government officials at a military assembly in 1998. In 1999 Kpeto was charged with slandering the honor of the army and transferred to the civil prison of Lome to await a civil trial.

Since newspapers and television are relatively expensive, radio is the most important medium of mass communication. In addition to two Government-owned stations including Radio Lome, there are more than 20 private radio stations in the country. Two of these, Radio Avenir and Galaxy FM, are associated with the ruling party.

Prior to the adoption of the 1998 Press Code, the Government did not permit private radio stations to broadcast news programming. Some private radio stations began in 1999 to broadcast some domestic news, but they offered little of the political commentary and criticism of the Government that is widespread in the print media. However, Radio France International is heard 24 hours a day through an FM repeater and Africa Numero-1 also has an FM repeater in Lome. In 1999 a pri-

vate station, Kanal FM, became a foreign affiliate and carries several hours of news, music, and commentary daily.

The government-owned and controlled Television Togo is the only television station in Lome and in most of the country. In 1999 a small private television station began local broadcasts in Aneho with limited programming.

The Constitution mandates equal access to state media; however, the official media heavily slanted their content in favor of the President and the Government. The High Authority for Audio-Visual and Communications (HAAC) is charged with providing equal access to state media as mandated by the Constitution. Although it is nominally independent, in practice it operates as an arm of the Government. It is dominated by Eyadema supporters and has not increased opposition access to the Government-controlled media. An NGO, the Togolese Media Observatory (OTM), was established in November 1999 with the purpose to protect press freedom and to improve the professionalism of journalists. OTM's board and membership include both government and private journalists. During the year, it met regularly to discuss journalistic ethics and professional standards.

There were no reports that the Government restricted access to the Internet. There are about 15 Internet service providers in the country. Most Internet users are businesses rather than households. Access to the Internet and fax machines also is possible through many small stores and cafes in Lome and other cities.

At the country's sole university, academic freedom is constrained by concern among professors about potential harassment by the Government or antiopposition militants and the lack of a faculty-elected rector. Teachers' salaries and students' stipends rarely are paid on time. University faculty remained on strike over this issue until January, forcing classes to begin late and almost causing the cancellation of the school year. Opposition student groups reportedly are intimidated by an informer system that has led in the past to Government persecution. The only officially tolerated student groups, Haut Conseil des Movements Etudiants and Union General des Etudiants et Stagiares du Togo, are pro-Eyadema. An independent student organization (CEUB) has had longstanding unofficial recognition, and its elected representatives have participated on university committees. However, in February students complained that board members bribed by the Government selected the newly elected CEUB president. On February 17, in response students demonstrated in protest of the selection of the president; government security forces dispersed the demonstrators with truncheons and tear gas; some students suffered cuts and bruises. There were credible reports that the Government used paid agitators to disrupt student demonstrations and provide a pretext for security forces to disperse demonstrators and arrest students. One Government agitator was killed on the university campus in March during a demonstration (see Section 1.a.), and CEUB leader Lorempo Lamboni went into hiding after being charged by the Government with responsibility for the events leading to this death; Lamboni remained in hiding at year's end. On March 8, several student opposition leaders were sentenced to 18-month jail terms for inciting riots on the campus of the University of Benin. During the year, some students fled into self-imposed exile in Ghana before they could be arrested.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides that citizens are free to assemble; however, the Government restricts this right in practice. Although opposition political parties sometimes were able to hold public meetings in Lome, authorities systematically interfered with the freedom of political opponents attempting to assemble in the central and northern regions. Government officials prohibited, and security forces forcibly dispersed, some public demonstrations critical of the Government.

On January 12, security forces using tear gas and truncheons forcibly dispersed a UFC march held in Lome to protest the January 13 Liberation Day holiday. There were credible reports that the Government used paid agitators to disrupt student demonstrations and provide a pretext for security forces to disperse demonstrators and arrest students. For example, on March 27, a student demonstration on the university campus was dispersed and a demonstrator was killed (see Sections 1.a. and 2.a.). On June 20, the Government banned all demonstrations prior to the OAU summit in early July. On July 6, immediately prior to the opening of the OAU ministerial meeting in Lome, security forces forcibly dispersed a UFC rally of approximately 200 persons that violated the government ban on demonstrations during this period; security forces beat several demonstrators. The demonstrators were seeking release of seven UFC members arrested in February (see Section 1.d.).

In December 1999, police arrested student union leaders and detained them for several days following a riot allegedly caused when security forces dispersed a student gathering at a Lome high school. Officials told the arrested students that they would be held responsible and rearrested for any demonstrations that occurred sub-

sequently in Lome. They were released within a few days of their arrests and given 18-month suspended sentences.

In late August 1999, in Kara authorization was denied to organizers of an information meeting on the July 29 Framework Agreement on Democratic Transition in Togo; the organizers were arrested (see Section 1.c.); however, they were not charged and were released within a few days.

Under the Constitution, citizens have the right to organize associations and political parties; however, the Government restricted this right in practice. While political parties are able to elect officers and register, few opposition party offices and no pro-opposition newspapers operate in most towns in the central and northern regions.

There are many nongovernmental organizations (NGO's); they are required to register with the Government.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

New religious organizations are required to register with the Ministry of Interior, and scores of applications await adjudication; however, these groups appear to practice their faiths without hindrance. In the early 1990's, a number of new religious groups began to seek recognition. Cases of individuals who used religion as a cover for other activities also increased. At the same time, advocates for religious freedom demanded more tolerance and protection for persons of all faiths. At the urging of the Togolese Association for the Defense of Religious Liberty (ATDLR), which was founded in 1991, the Government adopted a more liberal approach to religious freedom; however, the Government concluded that the rise of cults and dubious religious associations was a problem. In 1995, the last year for which statistics are available, the Government recognized only 71 of the 198 groups that applied for official recognition during that year. It is believed that the others continued to operate in a clandestine fashion. These unregistered groups are mostly little known groups within the major religions.

The Constitution prohibits the establishment of political parties based on religion and states explicitly that "no political party should identify itself with a region, an ethnic group, or a religion," and this occurs in practice.

In January, for the second year in a row, the Catholic Church declined an invitation to participate in a "Day of National Liberation" service organized by the Government. The Catholic Church stated that it is inappropriate to hold a worship service in a government building. In 1999 the Government criticized the church for "not contributing to national reconciliation" but took no further action. In addition, under the leadership of the Archbishop of Lome, the Catholic Church continued to refrain from delivering political sermons praising President Eyadema.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government restricts these rights in practice. Armed security checkpoints and arbitrary searches of vehicles and individuals are common, and government security forces searched cars throughout the country. The lack of discipline of some soldiers manning roadblocks and their actions, such as frequent demands for bribes before allowing citizens to pass, impeded free movement within the country. In June the Government also declared that no old-model cars would be allowed on the roads during the July OAU summit. Downtown areas of Lome were blocked to all but official vehicles during the week of the Summit.

The Government eased its strict documentation requirements for citizens who apply for a new passport or a renewal. In the previous year, applicants were asked to provide an airline ticket, business documents, an invitation letter, a parental authorization letter (even for adults), proof of study grant for students, and a husband's permission for a married woman (see Section 5) in addition to normal identity papers. In 1997 the Government transferred the Passport Office from the police to the Gendarmerie, which falls under the Defense Ministry. The Government maintains that its intent was to take passport issuance away from corrupt police officials. Strict passport application requirements and a shortage of blank passports prevented or significantly hindered some citizens' travel abroad. However, in January a new machine-readable passport was introduced; delays for passports are a result of 2 years' deferred demand and the centralization of the passport-issuing authority. A national identity card can also be used for travel to other member countries of the Economic Community of West African States.

There is no law that provides for granting refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

The Government provides first asylum. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian

organizations in assisting refugees and routinely accepts the decision of the UNHCR office located in Lome in determining refugee status. The UNHCR estimated at year's end that the country hosts 11,208 refugees from Ghana. Another 11,000 Ghanaian refugees live in villages in the northern part of the country and are not assisted by UNHCR. The UNHCR also estimated that 1,058 Togolese refugees still remained outside the country at year's end.

There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides for the right of citizens to change their Government peacefully; however, the Government restricts this right in practice. In the June 1998 presidential election, as in virtually all previous elections since Eyadema seized power in 1967, the Government prevented citizens from exercising this right effectively. The Interior Ministry declared Eyadema the winner with 52 percent of the vote in the 1998 election; however, serious irregularities in the Government's conduct of the election strongly favored the incumbent and appear to have affected the outcome materially.

Although the Government did not obstruct the functioning of political opponents openly, the President used the strength of the military and his government allies to intimidate and harass citizens and opposition groups. The Government and the State remained highly centralized. President Eyadema's national Government appointed the officials and controlled the budgets of all subnational government entities including prefectures and municipalities, and influenced the selection of traditional chiefs.

The second multiparty legislative elections of Eyadema's 33-year rule were held on March 21, 1999. However, the opposition boycotted the election, in which the ruling party won 79 of the 81 seats in the National Assembly. The two remaining seats went to candidates from little-known independent parties. The legislative elections were marred by procedural problems and significant fraud, particularly misrepresentation of voter turnout.

The opposition set several conditions before it would take part in the 1999 legislative elections. Chief among them was a settlement of the dispute over the seriously flawed June 1998 presidential election in which the vote count was stopped and President Eyadema declared the winner by the Interior Minister. Under international pressure, the Government began preliminary discussions with the opposition which, according to an agreement reached in December 1998, were to be followed by formal negotiations, in the presence of international facilitators. When the parties disagreed over UFC insistence that formal negotiations occur outside of the country, the Government scheduled a first round of legislative elections on March 7, 1999 and a runoff on March 21, 1999. The Government argued that the mandate of the outgoing legislature expired in March 1999 and that elections had to be held to avoid a constitutional vacuum. When the opposition did not register candidates, the Government proposed a 2-week postponement; however, the opposition parties maintained their position in favor of a boycott. The elections proceeded and virtually the only candidates to run were those from the RPT.

In February 1999, the Council of Ministers passed a decree requiring security forces to vote 3 days before the general population, and some 15,000 military, gendarmes, police, customs officials, and firemen voted on March 18, 1999. Opposition party members of the National Electoral Commission stated that the special voting procedures for security forces violated the Electoral Code because they occurred before the end of campaigning, and that the vote count occurred 72 hours after the vote instead of immediately afterwards. According to the Government, about 65 percent of the population participated in the legislative elections while the opposition stated that the figure could not be more than 10 percent. The progovernment National Electoral Commission, absent the commission's opposition party members (who also boycotted the process), reported that turnout reached about 37 percent in the opposition stronghold of Ave, and as much as 95 percent in Kozah prefecture in the north, where the ruling party has greater support. The opposition took no part in the revision of voter rolls, the distribution of voter cards, the monitoring of the vote, and the counting of the ballots. National election observer organizations did not participate, and international observation was sporadic.

The Government invited a few international observers to comment on the organization and management of the election; however, there were no independent observers present when the military voted on March 18, 1999. Even though RPT candidates ran unopposed in most districts, there were reports of intimidation and evidence of fraud to boost statistics on voter participation in what were essentially one-

party elections. For example, in Tchaoudjo, where voting started at 6 a.m., polling place officials did not allow delegates of an independent party to participate in the supervision work until 9 a.m.; these delegates watched ballot boxes being stuffed. In Agou independent party delegates claimed that they saw individuals voting more than 10 times. Foreign diplomats observed voting at close to 200 polling stations, mainly in and around Lome, but also in Yoto prefecture. Turnout was below the levels reflected in official results for most of these locations.

On April 9, 1999, the Constitutional Court confirmed that of the 2,412,027 registered voters, 1,592,661 voted, for a turnout of 66 percent. The court rejected a dozen complaints and annulled the results in two districts; however, new elections were never held in these districts and the districts remained unrepresented at year's end.

The National Assembly has little authority or influence on President Eyadema and has limited influence on the Government. Aside from controlling its own programs and activities and its ability to request amendments, the National Assembly largely endorses the proposals of the President and the Government.

After the 1999 legislative election, the Government announced that it would continue to pursue dialog with the opposition. In May 1999, 2 months after the election, President Eyadema nominated a new Prime Minister, Eugene Koffi Adoboli, a former U.N. official who was not a member of the ruling party. In August the National Assembly unanimously passed a no-confidence vote against Adoboli and his 14-month-old Government; he resigned 2 days later. On August 29, the President appointed the former president of the National Assembly, Agbeyome Kodjo, a former Interior Minister and RPT supporter as the new prime minister. In September the National Assembly, in a secret ballot with just one candidate running, voted to elect former National Assembly first Vice President Fambare Natchaba to replace Kodjo as president of the National Assembly. The vote was close, 51-23, but most observers agreed that this was due more to a dislike of Natchaba than to a rebuke of the President's apparent choice for the job since the President's party controls all but two seats in the National Assembly.

In June 1999, the RPT and opposition parties met in Paris, in the presence of facilitators representing France, Germany, the European Union, and La Francophonie, to agree on security measures for formal negotiations in Lome. In July 1999, the Government and the opposition began a dialog, and on July 29, 1999, all sides signed an accord called the "Lome Framework Agreement," which included a pledge by President Eyadema that he would respect the Constitution and not seek another term as president after his current one expires in 2003. The accord also called for the negotiation of a legal status for opposition leaders, as well as for former heads of state (such as their immunity from prosecution for acts in office), although at year's end only the former had been considered. In addition the accord addressed the rights and duties of political parties and the media, the safe return of refugees, and the security of all citizens. The accord also contained a provision for compensating victims of political violence. The President also agreed to dissolve the National Assembly in March and hold new legislative elections, which would be supervised by an independent national election commission and which would use the single-ballot method to protect against some of the abuses of past elections. However, the March date passed without presidential action, and new legislative elections had yet to be held at year's end.

As called for in the Lome Framework Agreement, a Joint Implementation Committee (JIC) began meeting on August 10, 1999 to implement the agreement's provisions. In December 1999, the JIC sent new Electoral Code legislation to the Government establishing the new CENI. On April 5, the President signed into law a new Electoral Code that established the Independent Electoral Commission (CENI), which is composed of 10 members of the President's RPT party and 10 members of the opposition. Most opposition parties accepted the new Electoral Code. On July 22, the CENI selected Artheme Ahoomey-Zunu, a member of the opposition Pan-African Patriotic Convergence Party CPP (CCC PPP) to be its president. At year's end, the CENI was working with the Government to develop a budget and then to seek funding from the donor community for new legislative elections, tentatively projected for 2001.

In 1998 the National Assembly voted on a decentralization plan, but the plan's implementation has been slow. Administratively, the prefect, nominated by the Interior Minister, is the primary representative of the central government in each of the 30 prefecture. Some Government agencies have representatives in the five regions.

There are no legal restrictions on the participation of women in politics or government; however, women were underrepresented in government and politics. Although many women are members of political parties, there were only 2 female ministers in the Government and 5 female members in the 81-member National Assembly.

There are no legal restrictions on the participation of members of ethnic minorities in the government; however, members of southern ethnic groups were underrepresented in government and politics. However, no ethnic group, including the President's, was overrepresented conspicuously in the Cabinet.

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

There are several domestic private human rights groups, including the Togolese Human Rights League (LTDH), the Center of Observation and Promotion of the Rule of Law (COPED), the African Center for Democracy, Human Rights, and Protection of Detainees (CADEPROD), and the Togolese Association for the Defense and Protection of Human Rights (ATDPDH). In general the Government allows groups to investigate alleged violations of human rights; however, the Government occasionally threatened or hindered the activities of human rights activists, and was inconsistent in following up on investigations of abuses. Years of government threats and intimidation of human rights leaders, combined with a lack of results from human rights initiatives, have led some human rights monitors to end their public activities. A Minister for the Promotion of Democracy and Rule of Law was appointed in 1998. In 1999 he promoted initiatives to establish a human rights resource center and develop a civic education curriculum for schools; however, in August the separate ministry was abolished, and human rights issues were transferred to the Ministry of Justice. At year's end, there was no further action on these problems.

In November a joint U.N./OAU commission visited the country and Benin to investigate allegations that there were hundreds of extrajudicial killings during the period of the 1998 presidential elections. Many of the allegations were made in a May 1999 AI report. The Government vigorously disputed the report's findings and threatened to sue AI. In criticizing AI, the Government also noted that no journalist or foreign observer who monitored the June 1998 election reported bodies washing ashore; however, the newspaper L'Aurore in its August 13, 1998 edition, mentioned some bodies washing up on the Togolese and Beninese shores. The Government stated that the UFC and CDPA opposition parties directed the AI report, a charge denied by those groups and by AI. At the time, the Government also alleged that the ATDPDH collaborated with AI. The three-person U.N./OAU commission of inquiry met with the President and members of his cabinet, as well as with fishermen and farmers in the country and in Benin. Under the terms of the inquiry, the Government pledged not to retaliate against the witnesses. The commission is scheduled to release the results of its investigation in early 2001(see Section 1.a.).

AI/Togo regained its official status with the Government during the year and operates within the country.

In April 1999, the Ministry for the Promotion of Democracy and the Rule of Law, headed by Harry Octavianus Olympio, opened an information and documentation center on human rights. However, in June the President fired Olympio and accused him of staging his own attempted killing. He was not replaced and, at year's end, the position of Minister for the Promotion of Democracy and the Rule of Law was absorbed into the Ministry of Justice.

On July 31 and August 1, Kofi Messa Devotsu of the LTDH was questioned and threatened with arrest by the Minister of the Interior after the LTDH published a report on July 20 critical of human rights in the country (see Section 2.a.).

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of ethnic group, regional or family origin, sex, religion, social or economic status, or personal, political, or other convictions; however, the Government does not provide effective redress for discrimination complaints. Discrimination against women and ethnic minorities remained a problem. Members of President Eyadema's Kabye ethnic group and other northern ethnic groups dominate much of the public sector, especially the military.

Women.—Violence against women continues to be a problem. Although mechanisms for redress exist within both the traditional extended family and formal judicial structures, the police rarely intervene in domestic violence cases. Wife beating has been estimated to affect approximately 10 percent of married women.

Despite a constitutional declaration of equality under the law, women continue to experience discrimination, especially in education, pension benefits, and inheritance as a consequence of traditional law. A husband legally may restrict his wife's freedom to work or control her earnings. The Government requires that a married woman have her husband's permission to apply for a passport (see Section 2.d.). In urban areas, women and girls dominate market activities and commerce. However,

harsh economic conditions in rural areas, where most of the population lives, leave women with little time for activities other than domestic and agricultural fieldwork. Under traditional law, which applies to the vast majority of women, a wife has no maintenance rights in the event of divorce or separation and no inheritance rights upon the death of her husband. Polygyny is practiced.

There is a Ministry of Feminine Promotion and Social Protection, which, along with independent women's groups and related NGO's, campaigns actively to inform women of their rights.

There is some trafficking in young women for the purpose of forced prostitution or for forced labor as domestic servants (see Sections 6.c. and 6.f.), but the Government reportedly exercised more vigilance at border crossings to counter such trafficking.

Children.—Although the Constitution and family code laws provide for the protection of children's rights, in practice government programs often suffer from a lack of money, materials, and enforcement. Although the law protects children, there are many practices that demonstrate a pattern of discrimination against children, especially girls. The Government provides free education in state schools. School attendance is compulsory for both boys and girls until the age of 15. Approximately 61 percent of children aged 6 to 15 years attend school, mostly boys. In the age group of 6 to 15 years, approximately 89 percent of boys and 66 percent of girls start primary school; however, only approximately 39 percent of boys and 13 percent of girls reach secondary school. Approximately 3 percent of boys and 0.6 percent of girls reach the university level. Literacy rates are 57 percent for adult men and 31 percent for adult women. About one-third of the national budget is spent on education.

Orphans and other needy children receive some aid from extended families or private organizations but less from the State. There are social programs to provide free health care for poor children. There are few juvenile courts, and children are jailed with adults (see Section 1.c.). In rural areas, traditionally the best food is reserved for adults, principally the father.

Female genital mutilation which is widely condemned by international health experts as damaging to both physical and psychological health, continues to be practiced. The most commonly practiced form of FGM is excision, which usually is performed on girls a few months after birth. A 1995 survey concluded that approximately 12 percent of all girls and women have undergone FGM; it is practiced by Christians and practitioners of traditional indigenous religions, and it is prevalent in Muslim communities. Most of the larger ethnic groups do not practice FGM. However, among the practicing groups rates range from 40 to 98 percent.

In theory women and girls are protected from FGM by the Constitution, and in 1998 the Government enacted a law prohibiting the practice with penalties for practitioners ranging from 2 months to 5 years imprisonment and substantial fines. There was one arrest, the first under the law, in 1998. Both the father of the victim and the practitioner were found guilty on June 28, sentenced to a year in prison, and fined $175 (CFA 100,000). Both were released after serving 2 months in jail. However, the law rarely is prosecuted because most FGM cases occur in rural areas where neither the victims nor police know the law. Traditional customs often supersede the legal systems among certain ethnic groups.

The Government continued to sponsor seminars to educate and campaign against FGM. Several NGO's, with international assistance, organized educational campaigns to inform women of their rights and to care for the victims of FGM.

There are confirmed reports of trafficking in children, particularly girls, for the purpose of forced labor, which amounts at times to slavery (see Sections (6.c. and 6.f.).

People with Disabilities.—The Government does not mandate accessibility to public or private facilities for the disabled. Although the Constitution nominally obliges the Government to aid disabled persons and shelter them from social injustice, the Government provides only limited assistance in practice. There is no overt state discrimination against disabled persons and some hold Government positions. However, the disabled have no meaningful recourse against private sector or societal discrimination, and there is discrimination against the disabled in practice.

National/Racial/Ethnic Minorities.—The country's population of more than 4 million includes members of some 40 ethnic groups that generally speak distinct primary languages and are concentrated regionally in rural areas. Major ethnic groups include the Ewe (between 20 and 25 percent of the population), the Kabye (between 10 and 15 percent), the Kotokoli (between 10 and 15 percent), the Moba (between 10 to 15 percent), and the Mina (about 5 percent). The Ewe and Mina are the largest ethnic groups in the southern region, where abundant rainfall and access to the sea have been conducive to farming and trade; the Kabye are the largest group in the drier, landlocked, less populous, and less prosperous northern region.

Although prohibited by law, societal discrimination on the basis of ethnicity is practiced routinely by members of all ethnic groups. In particular discrimination against southerners by northerners and against northerners by southerners is evident in private sector hiring and buying patterns, in patterns of de facto ethnic segregation in urban neighborhoods, and in the relative paucity of marriages across the north-south ethnic divide. There are no effective impediments to the extension of such discrimination into the public sector, where the centralization of the State allows little scope for regional or ethnic autonomy, except through the circumscribed authority of traditional rulers and dispute resolution systems.

The relative predominance in private sector commerce and professions by members of southern ethnic groups, and the relative predominance of the public sector and especially the security forces by members of President Eyadema's Kabye group and other northern groups, are sources of political tension. Political parties tend to have readily identifiable ethnic and regional bases: The RPT party is more represented among northern ethnic groups than among southern groups, while the reverse is true of the UFC and CAR opposition parties.

In previous years, north-south tensions repeatedly have erupted into violence of a clearly interethnic character, although there were no reports of such violence during the year. Majority ethnic group members in each region have harassed and attacked members of ethnic groups originating from the other region, forcing them back to their home region. In addition due to the congruence of political divisions and ethnic and regional divisions, human rights abuses motivated by politics at times carried ethnic and regional overtones (see Section 3).

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides most workers with the right to join unions and the right to strike; however, security forces, including firemen and policemen, do not have these rights; government health care workers may join unions but may not strike. The Constitution also prohibits discrimination against workers for reasons of sex, origin, beliefs, or opinions. The work force in the formal sector is small, involving approximately 20 percent of the total work force of whom from 60 to 70 percent are union members or supporters.

There are several major trade union federations. These include the National Confederation of Togolese Workers (CNTT)—which is closely associated with the Government, the Labor Federation of Togolese Workers (CSTT), the National Union of Independent Syndicates (UNSIT), and the Union of Free Trade Unions.

There is no specific law prohibiting retribution against strikers.

On January 28, the Government arrested two trade union officials, Gbikpi Benissan, Secretary-General of the National Union of Independent Trade Unions of Togo (UNSIT) and Allagah-Kodegui, Secretary-General of the Democratic Organization of African Workers" Trade Union (ODSTA). On January 29, an arrest warrant was issued for Beliki Akouete, Secretary-General of the Workers" Trade Union Confederation of Togo (CSTT) and Deputy Secretary-General of the Democratic Organization of African Workers" Trade Union (ODSTA). The Government arrested the two high-ranking trade union officials for "spreading false information and libel," both of which are penalized specifically under the Code of Press and Communications, and not for any trade union activities. On February 4, the Government released the two trade union officials and withdrew the arrest warrant against Akouete; the judicial proceedings against the three persons were dropped.

Teachers' salaries and students' stipends rarely are paid on time. University faculty remained on strike over this issue until January (see Section 2.a.).

Federations and unions are free to associate with international labor groups. The CNTT and the UNSIT are affiliates of the International Confederation of Free Trade Unions. The CSTT is an affiliate of the World Confederation of Labor.

b. The Right to Organize and Bargain Collectively.—The Labor Code nominally provides workers with the right to organize and bargain collectively; however, the Government limits collective bargaining to producing a single nationwide agreement that must be negotiated and endorsed by representatives of the Government as well as of labor unions and employers. All formal sector employees are covered by a collective bargaining agreement. This agreement sets nationwide wage standards for all formal sector employees. The Government participates in this process both as a labor-management mediator and as the largest employer in the formal sector, managing numerous state-owned firms that monopolize many sectors of the formal economy. Individual groups in the formal sector can attempt through sector-specific or firm-specific collective bargaining to negotiate agreements more favorable to labor, but this option rarely is used.

The Labor Code prohibits antiunion discrimination. The Ministry of Labor is charged with resolving labor-related complaints, but it does not always do so effectively.

A 1989 law allows the establishment of export processing zones (EPZ's). Many companies have EPZ status, and more than 30 are in operation. The EPZ law provides exemptions from some provisions of the Labor Code, notably the regulations on hiring and firing. Employees of EPZ firms do not enjoy the same protection against antiunion discrimination as do other workers. In practice unions do not have free access to EPZ's or freedom to organize workers. During the year, the Government did not change the 1974 Labor Code to end the prohibition against foreign nationals performing administrative or management functions in trade unions.

c. Prohibition of Forced or Compulsory Labor.—The law does not specifically prohibit forced or bonded labor, including that performed by children, and children sometimes are subjected to forced labor, primarily as domestic servants. The Government acknowledged that there is international trafficking in children, particularly girls, who are sold into various forms of indentured and exploitative servitude, which amounts at times to slavery (see Section 6.d. and 6.f.). There also is some trafficking in young women for the purpose of forced prostitution or for forced labor as domestic servants (see Sections (6.d. and 6.f.).

In rural areas, parents sometimes put young children into domestic work in other households in exchange for sums as low as the equivalent of $25 to $35 (CFA 15,000 to 20,000).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code prohibits the employment of children under the age of 14 in any enterprise. Some types of industrial and technical employment require a minimum age of 18. Inspectors from the Ministry of Labor enforce these age requirements but only in the formal sector in urban areas. In both urban and rural areas, particularly in farming and petty trading, very young children traditionally assist in their families' work. Under the Constitution, school is mandatory for both sexes until the age of 15, but this requirement is not enforced strictly (see Section 5). The law does not prohibit forced and bonded labor by children, and children are trafficked for forced labor (see Section 6.c. and 6.f.). On September 19, the Government ratified ILO Convention 182 on the worst forms of child labor. Although the Government ratified the convention, few resources were allotted for implementation and, at year's end, enforcement was weak. The Ministry of Social Affairs, Promotion of Women, and Protection of Children was assigned responsibility for implementation.

e. Acceptable Conditions of Work.—The Government sets minimum wages for different categories, ranging from unskilled labor through professional positions. Less than the official minimum wage often is paid in practice, mostly to less-skilled workers. Official monthly minimum wages range from approximately $20 to $33 (CFA 14,700 to 23,100) per month. Many workers cannot maintain a decent standard of living for themselves and their families at the official minimum wages, and many must supplement their incomes through second jobs or subsistence farming. The Ministry of Labor is ostensibly responsible for enforcement of the minimum wage system but does not enforce the law in practice. The Labor Code, which regulates labor practices, requires equal pay for equal work, regardless of sex; however, this provision generally is observed only in the formal sector.

Working hours of all employees in any enterprise, except for those in the agricultural sector, normally must not exceed 72 hours per week; at least one 24-hour rest period per week is compulsory, and workers must receive 30 days of paid leave each year. The law requires overtime compensation, and there are restrictions on excessive overtime work. However, the Ministry of Labor's enforcement is weak, and employers often ignore these provisions.

A technical consulting committee in the Ministry of Labor sets workplace health and safety standards. It may levy penalties on employers who do not meet the standards, and employees ostensibly have the right to complain to labor inspectors of unhealthy or unsafe conditions without penalty. In practice the Ministry's enforcement of the various provisions of the Labor Code is limited. Large enterprises are obliged by law to provide medical services for their employees and usually attempt to respect occupational health and safety rules, but smaller firms often do not.

Workers have the legal right to remove themselves from unsafe conditions without fear of losing their jobs; however, in practice some reportedly cannot do so.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and trafficking is a problem. The country remained a source and transit point for trafficking in persons. There were 425 victims returned to the country during the year; NGO's provide some support for victims. One woman, who returned from Gabon after 5 years as a victim of trafficking, filed a suit during the year against a Gabo-

nese schoolteacher living in Togo, who she accused of trafficking in children to work in Gabon; however, by year's end, there was no progress in the case.

Trafficking in women for the purpose of forced prostitution or nonconsensual labor as domestic servants exists.

Children are trafficked to indentured and exploitative servitude, which amounts at times to slavery. Children often are trafficked to other West and Central African countries, especially Gabon and Nigeria, to the Middle East, or to Asia. In countries such as Cote d'Ivoire or Gabon, these children are extensively exploited. They are fed poorly, crudely clothed, and inadequately cared for, and are neither educated nor permitted to learn a trade. Children sometimes are trafficked abroad by parents misled into allowing them to depart under false pretenses. In 1999 authorities intercepted 750 children and arrested 21 traffickers at the borders. During the year, the Government intercepted 425 children. A local NGO focusing on trafficking issues estimated that 85 percent of traffickers in the country are women. For example, in 1999 two Ghanaian women took six children, ages 6 to 14, from the town of Tsevie to Cote d'Ivoire where they were to be resold for $350 to $530 (CFA 225,000 to 350,000) to work on plantations or as house servants. In 1999 police caught Beninese traffickers who were taking 39 children, including some as young as 2 years of age, from Benin to Cote d'Ivoire overland through the country.

During the year, the Government conducted public awareness campaigns, with the help of the U.N. Children's Fund and NGO's such as WAO-Afrique. WAO-Afrique obtained additional funding from a foreign private company to support its awareness campaigns against child trafficking and forced labor.

The country is a source and transit point for child traffickers. There are credible reports of Nigerian women and children trafficked through the country to Europe (particularly Italy and the Netherlands) to work in forced prostitution. Since the law regarding trafficking is vague and imprecise, persons arrested or detained by government security forces for alleged trafficking ultimately are released for lack of evidence. The Government does not provide assistance for victims; however, an NGO (Terre des Hommes) assisted recovered children until their parents or next-of-kin could be notified. There is also a government funded Social Center for Abandoned Children.

UGANDA

President Yoweri Museveni, elected to a 5-year term in 1996 under the 1995 Constitution, continued to dominate the Government. He has ruled since 1986 through the National Resistance Movement, legislatively reorganized and renamed as "The Movement" in 1995. The Constitution provides for a 281-member unicameral parliament and an autonomous, independently elected president. The 1996 presidential and parliamentary elections were peaceful and orderly, but election conditions, including restrictions on political party activities, led to a flawed election process. The Constitution formally extended the one-party movement form of government for 5 years and severely restricted political activities. In June a national referendum on the role of political parties resulted in the indefinite extension of the Movement form of government. The referendum process was flawed by restrictions on political party activities and unequal funding. The Parliament acted with continued independence and assertiveness during the year, although Movement supporters remained in control of the legislative branch. Parliamentarians were elected to 5-year terms in 1996. The judiciary generally is independent, but is understaffed and weak; the President has extensive legal powers.

The Uganda People's Defense Force (UPDF) is the key security force. The Constitution provides for civilian control of the UPDF, with the President designated as commander in chief. The UPDF remained active due to the continued instability in the north and west and because of the country's involvement in the conflict in the neighboring Democratic Republic of the Congo (DRC). UPDF soldiers and members of local defense units (LDU's) assist the police in rural areas, although the LDU's continued to operate without a legal mandate; LDU's operate under the authority of the Ministry of Internal Affairs. The Internal Security Organization (ISO) remained under the direct authority of the President. Although the ISO primarily is an intelligence-gathering body, its operatives occasionally detained civilians. The Directorate of Military Intelligence (DMI), under UPDF control, also detained civilians suspected of rebel and terrorist activity. The police are organized as a national force under the authority of the Ministry of Internal Affairs. The UPDF, police, LDU's, and the DMI all committed serious human rights abuses.

The economy grew at a rate of approximately 5 percent during the year. Annual gross domestic product (GDP) remained at $330 per capita. Foreign economic assistance provides approximately 50 percent of government revenues. The agriculturally based economy continued to rely on coffee as its chief export. Foreign investment remained at approximately 4 percent of GDP amid chronic corruption, a troubled macroeconomic reform process, and continuing concerns about regional security in the wake of the country's intervention in the DRC. The pace of the privatization process increased due to the Government's privatization of the telecommunications system and a major parastatal, the Kakira Sugar Works; the Government began preparations to privatize all remaining parastatals. The financial sector strengthened due to improved lending practices and more stringent supervision by the central bank.

The Government's human rights record was poor, and, although there were improvements in several areas, there continued to be numerous, serious problems. Movement domination of the political process limited the right of citizens to change their government. Security forces used excessive force, at times resulting in death, and committed or failed to prevent some extrajudicial killings of suspected rebels and civilians. Police, LDU, and DMI forces regularly beat and sometimes tortured suspects and other persons, often to force confessions. A highly publicized 1999 inquiry into police corruption uncovered numerous serious abuses committed by senior officers and resulted in the arrest of several officers on charges of extortion. There were a number of cases in which the Government detained and charged UPDF and LDU members for human rights abuses. Prison conditions remained harsh and life-threatening. Members of the security forces sometimes arbitrarily arrested and detained civilians. Authorities used incommunicado detention. Despite measures to improve the discipline and training of security forces, and despite the punishment of some security force officials guilty of abuses, abuses by the security forces at times resulted in deaths and remained a problem throughout the country. Prolonged pretrial detention remained a problem. Poor judicial administration, lack of resources, a large case backlog, and lengthy trial delays circumscribed due process and the right to a fair trial. The UPDF at times infringed on citizens' privacy rights. The Government generally respected freedom of speech and of the press; however, there were some instances in which restrictions continued. The Government restricted freedom of assembly and association, and the constitutional restrictions on political activity effectively continued to limit these rights further; however, political parties operated with fewer restrictions than in previous years. There were some limits on freedom of movement. The Movement Secretariat, supported with government funds, oversaw internal organizational activity, strategy, and mobilization, and following the June referendum, the Government continued its Movement political education courses. Domestic violence against women, rape, and abuse of children remained serious problems. Discrimination against women and the disabled persisted. The Government worked with nongovernmental organizations (NGO's) to combat the practice of female genital mutilation (FGM), which occurred on a limited basis. Violence against ethnic minorities was a problem. There were some limits on worker rights. Forced labor, including by children, occurred, and child labor was common, mostly in the informal sector. There were reports of trafficking in persons. Vigilante justice also was a problem.

Insurgent forces committed numerous serious abuses. The Allied Democratic Forces (ADF), a rebel group active in the west, killed, tortured, maimed, and abducted many persons, including children. The Lord's Resistance Army (LRA), led by Joseph Kony and supported by the Government of Sudan, operated in the north from bases in southern Sudan. LRA attacks increased during the year, and the LRA continued to kill and abduct civilians, including children.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no confirmed reports of politically motivated killings by government forces; however, members of the security forces and the police committed extrajudicial killings. In the course of official operations, police, UPDF, LDU, and DMI personnel sometimes used excessive force, resulting in deaths (see Section 1.g.). On January 19, UDPF soldiers killed two LRA rebels wounded in an unsuccessful attack on the Paloga trading center, Gulu district. By year's end, there were no reports that any actions were taken against the officer who ordered the killings. On January 28, UPDF and police in the Kampala suburb of Kabalagala killed six persons after they allegedly robbed bus passengers of money and property and shot the driver. At year's end, there were no reports that any actions were taken against the UPDF and police officers involved.

Unlike in the previous year, there were no reports that security officials mistreated Muslims or that Muslims suspected of being ADF rebel collaborators or involved in terrorist activities died as a result of torture by DMI officials.

There were allegations of human rights violations during fighting between UPDF and Rwandan army troops in Kisangani, DRC, in May and June, which resulted in hundreds of civilian deaths, over 1,700 persons injured (see Section 1.c.), and 60,000 displaced persons (see Section 2.d.). The most severe of these clashes occurred from June 5 to 11, during which time both forces shelled the city with artillery and mortar fire, destroying homes and much of the city's infrastructure. Credible sources from the DRC claim that Rwandan and Ugandan troops raped many women and shot persons during extensive fighting in the city. Humanitarian organizations reported that at least 400 Congolese civilians were killed during the fighting. Many persons died from injuries because they were unable to get medical attention; transportation to hospitals often was unavailable during the fighting. Many displaced persons remained at a camp outside of the city for several months because they feared to return to their homes. There was widespread reporting throughout the year of killings and other human rights abuses by both pro-DRC and anti-DRC government forces, including the UPDF, in the conflict in the DRC. There were reports that both Ugandan and Rwandan forces used landmines during the fighting in Kisangani; however, there were no reports of any deaths or injuries as a result of such landmines.

Verification of these reports was extremely difficult, particularly those emanating from remote areas and those affected by active combat, primarily in eastern DRC. Independent observers often found access difficult due to hazardous security conditions and frequent impediments imposed by authorities. Both pro- and anti-DRC Government forces used propaganda disseminated via local media extensively, including accusations of abuse by opposing forces, further complicating efforts to obtain accurate information regarding such events.

On November 8, there were reports from the DRC that UPDF soldiers allegedly shot and killed nine persons at a wedding party in the village of Kikere, near Butembo, North Kivu Province, DRC; the soldiers believed the village to be sympathetic to the Mai Mai. The attack reportedly followed violent clashes between UPDF and Mai Mai forces in the surrounding area. The soldiers also allegedly set fire to houses in the village; 11 persons burned to death within the houses.

Throughout the year in the Ituri district in Orientale Province of the DRC, an area dominated by UPDF and UPDF-supported forces, fighting continued between members of the Lendu and Hema tribes, which reportedly killed thousands of persons and displaced tens of thousands of others. This fighting reportedly arose from a dispute about land use and also reportedly was manipulated by UPDF troops who charged the tribes fees in order to provide protection to their members. The Government arrested and detained two senior commanders for their actions during this conflict.

On May 19, an independent judicial commission of inquiry into corruption in the police force that began operating in 1999 submitted its report to the Minister of Internal Affairs. During the course of the investigation, the commission uncovered incidents of killings, brutality, theft, and robbery by police in general, and by the Criminal Investigations Department (CID) in particular. The commission's proceedings were open to the public and received extensive press coverage. The report was not made public officially by year's end, although several newspapers carried stories about the report.

Harsh conditions, some intentional mistreatment, and lack of adequate medical treatment caused many deaths in prison (see Section 1.c.).

Government cases against two UPDF soldiers accused of killing five youths in Fort Portal, Kabarole district, in 1999, still were pending at year's end. The 2 soldiers were on remand in Katojo prison facing murder charges; the 12 other soldiers involved in the incident were investigated and cleared of wrongdoing. At year's end, there was no action taken in a May 1999 case in which a police officer shot and killed an unarmed youth. A UPDF inquiry into an August 1999 case in which UPDF soldiers killed two rebel suspects in Lira was ongoing at year's end. There was no investigation nor action taken in a September 1999 case in which UPDF troops opened fire on members of two Karamojong clans that were engaged in a gun battle which resulted in the deaths of hundreds of Karamojong warriors. There was no investigation into or action taken into two cases in July and October 1999 in which police beat to death prisoners in their custody.

Police continued investigations into the January 1998 death in police custody of a 25-year-old suspected thief and the August 1998 incident in which a prison official in Masaka beat to death a suspect on remand for defaulting on tax payments; however, it appeared unlikely that the cases will be closed. In February 1999, the Ugan-

da Human Rights Commission (UHRC) referred for prosecution the case of three police officers accused of killing four robbery suspects in 1998; however, the Directorate for Public Prosecution's investigation was ongoing, and there were no prosecutions in connection with this incident by year's end. The LDU commander arrested in 1999 for the August 1998 death while in custody of two civilians in Kyankwanzi remained in detention awaiting trial at year's end. One police officer was committed to trial before the High Court for the June 1998 incident in which police fired on students at the Kabalega secondary school, killing one student. The case also was pending before the UHRC; however, the UHRC was scheduled to take up the case against after it is reviewed by the High Court.

Investigations into the 1997 deaths by torture of Paul Kollo and Stephan Baryakaijika were completed, and the governmentsponsored UHRC heard the cases. In February the UHRC handed the cases over to the courts for prosecution; however, no action had taken place by year's end (see Section 1.c.). It was discovered during the year that the suspect arrested for the 1997 killing of Modesta Kabaranga, a leading organizer for the Democratic Party, was released in 1997; no additional action has taken place.

Vigilante justice was a problem (see Sections 1.c. and 5). Authorities rarely prosecuted persons engaged in mob violence, which frequently resulted in death. Most mob attacks resulted from petty crimes. There were numerous instances in which mobs beat to death or doused with petrol and then burned to death petty theft suspects.

Ritual murders of children remained a problem during the year (see Section 5).

Between February and July, raids by Karamojong warriors on neighboring districts in the northeast resulted in approximately 100 deaths. The raids were precipitated by drought during the year; however, the raids may have exacerbated ethnic tensions in the northeast (see Section 5).

The rebel ADF committed at least 210 extrajudicial killings, including killings of children (see Section 1.g.). LRA attacks increased during the year, and the LRA was responsible for the killing of approximately 175 civilians, including children (see Section 1.g.). On June 12, LRA rebels shot Kitgum Resident District Commissioner J.B. Ochaya while he was traveling near Gulu; he died on July 5. The rebels reportedly killed seven other persons in separate incidents at the same site. On October 1, LRA rebels shot and killed Father Raffale Di Bari of the Comboni Missionary Fathers outside of Kitgum. A nun and several children who were traveling with Di Bari were injured.

There were no credible reports that UNRF-II, USF/A, the Citizens Army for Multiparty Politics (CAMP), or Rwandan Hutu rebels were responsible for the death of civilians during the year (see Section 1.g.).

Unlike in previous years, there were no urban bombings in Kampala and other cities during the year; however, on October 11, 9 persons were killed and more than 40 were wounded in separate grenade attacks on 2 discos in Gulu. In October in a suburb of Kampala, there was a drive-by grenade attack. It was unknown whether there was a motive or if there were any injuries or deaths. It was unknown who was responsible for any of the attacks.

The LRA and the ADF reportedly used landmines. There were several incidents during the year in which civilians were killed by landmines placed by rebels. For example, on January 21, a landmine explosion killed a man at Opidi, Koch, west of Gulu Town; the LRA allegedly planted the landmine. Several children also were killed or injured after stepping on landmines.

b. Disappearance.—There were no confirmed reports of politically motivated disappearances due to action by government forces. A number of Muslims, believed to be missing in 1999, were released (see Section 1.d.).

ADF and LRA rebels abducted civilians. Both the ADF and the LRA abducted civilians for training as guerrillas; most victims were children and young adults. NGO's estimated that the ADF abducted over 441 persons, including children. The LRA abducted approximately 700 persons, including young girls abducted as sex and labor slaves (see Sections 5, 6.c., and 6.f.). The ADF allegedly abducted approximately 30 Ugandan children during the year, in addition to an unknown number of Congolese children. An estimated 8,000 to 10,000 persons have been abducted by the ADF since 1986 and the LRA since 1987 (see Sections 5 and 6.c.). While some later escaped or were rescued, UNICEF estimated that 5,106 children abducted by the LRA since 1987 remain missing, an estimated 100 to 200 children abducted by the LRA during the year remained unaccounted for, and approximately 30 children abducted by the ADF remained missing at year's end (see Section 1.g.). NGO's estimated that since 1996 the ADF has abducted approximately 200 Ugandan children, and an unknown number of Congolese children, approximately 100 of these children remained unaccounted for at year's end. There have been reports in past years that

Karamojong warriors have abducted children for similar reasons, and observers believe that some of these children still are being held.

Reportedly persons whom rebel, Rwandan, or Ugandan forces allegedly detained sometimes were transferred to Rwanda or Uganda.

There were reports from the DRC that UPDF and Rwandan troops, in addition to RCD rebels, reportedly abducted many young women from the villages they raided. These night raids on villages became so frequent that in many parts of the Kivu Provinces peasants slept in their fields.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits "any form of torture, cruel, inhuman, or degrading treatment or punishment;" however, security forces commonly beat and sometimes tortured criminal suspects, often to force confessions. Although UPDF forces in the north on occasion beat and abused civilians in the previous year, there were no reports of such abuse during the year.

On February 18, a police constable in Kayunga, Mukono district, allegedly tortured two civilians and demanded money in order to release them from jail. In March a police constable was arrested. The case was under investigation by the Mukono district police, and the constable remained in detention at year's end on charges of unlawfully detaining civilians and disobeying orders (see Section 1.d.).

Police at times harassed or beat journalists and opposition activists (see Sections 2.a., 2.b., and 3). On March 31, police and military police used batons, tear gas, rubber bullets, and live ammunition to disperse an unauthorized rally in Mbarara (see Section 2.b.). Although there were reports of injuries, no one was killed. On April 21, police in Mbale beat Ahmed Washaki, an official of the Uganda People's Congress (UPC), and locked him in a toilet for allegedly campaigning against the referendum on political systems (see Section 1.d.). On June 25, police beat and arrested 11 Makerere University students after they disrupted a referendum rally held by the President. They subsequently were charged with misconduct and alarming the President and released on bail. On October 12, the charges of misconduct were dropped; however, their trial for alarming the President was ongoing at year's end (see Section 1.d.). On September 16, police violently dispersed a meeting of the Uganda Young Democrats in Gulu, which resulted in several injuries (see Section 2.b.).

In February businessman Charles Mpunga accused Major Kakooza Mutale, a presidential adviser on political affairs, of detaining and torturing him at Mbuya military barracks in January. In July the UHRC tribunal ruled that there was enough evidence to proceed with a case against Mutale; the UHRC charged and found him guilty of torture and illegal imprisonment. Mutale appealed the ruling to the High Court, claiming that the UHRC lacked jurisdiction. His case still was pending at year's end, and the UHRC was waiting for the High Court's ruling before penalizing Mutale.

On March 18, the UPDF arrested the UPDF reserve force commander for Tororo district for torturing civilians and beating two police officers on March 16. The commander remained in detention pending a courtmartial at year's end. On August 3, the UHRC tribunal summoned the commanding officer of the UPDF presidential protection unit, Major Dick Bugingo, on charges that he tortured Sergeant Godfrey Mubiru in March. Bugingo's case was ongoing at year's end.

Fighting between UPDF and Rwandan army troops in Kisangani, DRC, in May and June resulted in over 400 civilian deaths and over 1,700 wounded (see Section 1.a.). There were reports from the DRC that UPDF and Rwandan soldiers allegedly raped women during extensive fighting in Kisangani in May and June (see Section 1.a.). There were reports that both UPDF and Rwandan forces used landmines during the fighting in Kisangani (see Section 1.a.). There were reports that UPDF officers and soldiers also were involved in the first half of the year in violence between the Hema and Lendu tribes in northeastern DRC that resulted in the deaths of thousands of Congolese civilians (see Section 1.a.). The Government arrested and detained two senior commanders for their actions during this conflict.

Unlike in the previous year, there were no reports that security officials mistreated Muslims or that Muslims suspected of being ADF rebel collaborators or involved in terrorist activities died as a result of torture by DMI officials.

LDU's, which frequently lack training, often mistreat prisoners and detainees. For example, on July 21, police in Arua stopped a mob from lynching an LDU member after the LDU member hit a suspect with a baton.

The Government investigated some cases of abuse, and tried and punished some offenders. In 1999 the Government launched a Judicial Commission of Inquiry into police corruption. The Commission probed a wide range of police abuses, including abuses committed by senior police officials. The inquiry resulted in the arrests of several police officers on charges of abuse, rape, extortion, and robbery, including

a police officer accused of raping a 16yearold girl. The Commission presented its report to the Minister of Internal Affairs on May 19; however, the report had not been made public by year's end (see Section 1.a.). In February 1999, the Foundation for Human Rights Initiative (FHRI), an independent local human rights organization, began an investigation into allegations that two policemen, Moses Lutaya and Ephraim Magala, were tortured by their superiors during the same month for stealing bananas while on duty. In February 1999, FHRI found that the two were tortured under the orders of the Mpigi district police commander. Lutaya and Magala subsequently were compensated by the Mpigi district administration with approximately $750 (1.26 million shillings) and were reinstated in their jobs. The senior officers were transferred; however, no additional action was taken against them.

The police Human Rights Desk, established in 1998, received 630 new complaints, including allegations of excessive force, torture, assault, rape, and murder. Of these cases, 600 were resolved or were referred to the criminal or police disciplinary courts, some resulting in disciplinary actions, including reductions in rank, fines, halted promotions, and dismissals. A total of 30 cases were pending at year's end.

In conjunction with the UHRC, the police force continued a training program for police officials to foster respect for internationally recognized human rights standards. The UHRC and NGO's conducted similar programs with UPDF officials throughout the year.

On June 29, Kandida Lakony was released from Luzira Prison after serving her sentence for giving false information regarding a newspaper photograph (see Section 2.a.). The photograph depicted a naked woman being shaved forcefully by a group of men in military uniform; Lakony had claimed that she was the woman in the photograph and that UPDF soldiers in Gulu were responsible.

There was no investigation nor action taken in the 1999 case in which the badly mutilated body of Patrick Ocan was found after he had been seen in UPDF custody. There was no investigation nor action taken in the October 1999 case in which police beat a man while in custody in Buwenge, Jinja District; the man died after being released the following day.

There were no reported developments nor action taken in the February 1999 case in which two teenaged girls reportedly were raped by two LDU personnel at Kabujogera police post in Fort Portal. The accused were arrested pending a police investigation. There were no reported developments nor action taken in the August 1999 case in which an LDU member shot and wounded a businessman in Kisenyi, a suburb of Fort Portal. The LDU member reportedly was apprehended and detained by the UPDF.

In January the Deputy Chief of Military Intelligence, Noble Mayombo, settled out of court a 1998 case in which Peter Ongodia charged that Mayombo illegally ordered his arrest and torture.

In June the UHRC tribunal ruled that the former Permanent Secretary for Defense, Benjamin Mbonye, and Captain Sulait Mwesigye were responsible for the 1997 arrest and torture of a Corporal Sam Muwonge. The tribunal's assessment of damages was pending at year's end. The investigations into the 1997 deaths by torture of Paul Kollo and Stephan Baryakaijika were completed, and the cases were heard by the UHRC (see Section 1.a.). The investigation into the 1997 torture of Corporal Twasha Kaushera was abandoned by the UHRC after it failed to locate Kaushera.

There were numerous instances in which mobs attacked suspected thieves and other offenders caught in the commission of crimes (see Section 1.a.). Often motivated by widespread distrust of the justice system, these mobs engaged in stonings, beatings, and other forms of mistreatment, such as tying suspects' wrists and ankles together behind their backs, stripping suspects of their clothes and parading them through the streets, or forcing suspects to hop painfully on the sides of their ankles. Vigilantes also have stripped prostitutes who dress "indecently" or "provocatively."

The ADF continued to maim civilians, loot, and burn private homes. The LRA and the ADF reportedly used landmines, which caused some deaths and injuries (see Section 1.a.). The LRA engaged in looting and destruction of private property. The ADF and LRA also abducted children to be guerrillas; and the LRA in particular tortured children by beating them, forcing them to witness atrocities, forcing them to march until they collapsed, and denying them adequate food, water, or shelter (see Section 1.g.).

Unlike in the previous year, there were no urban bombings in Kampala and other cities; however, on October 11, there were 2 grenade attacks on separate discos in Gulu, which resulted in more than 40 injuries (see Section 1.a.).

Prison conditions remained harsh and life threatening. Conditions for the estimated 5,000 inmates in local police cells and in the 162 local prisons particularly were bad. Authority over the local prison system, formerly operated by the Ministry

of Local Government, was scheduled to be transferred in 1998 to the state-funded and operated prison system, run by the Ministry of Internal Affairs. The transfer had not taken place by year's end due to funding problems and lack of enabling legislation. Both civilian and military prisons have high mortality rates from overcrowding, malnutrition, diseases spread by unsanitary conditions, and HIV/AIDS.

No accurate estimates are available on the number of deaths in detention due to the harsh conditions and lack of medical care, although many such deaths have occurred; however, NGO's estimated that the mortality rate in the central prison system improved. The UHRC reported severely inadequate medical services, seriously unhygienic conditions, and a situation of "semi-starvation" among prisoners in many prisons. In March prisoners from Kanungu local administration prison in Rukungiri and suspects from Bushenyi police station were forced to exhume the bodies of persons killed in a massacre committed by a religious cult (see Sections 2.c. and 6.c.). Most prisoners did not have proper protective clothing. In May there were reports that prison authorities in Lira tortured four prisoners. On May 24, an UHRC investigator visited the prison and confirmed the abuse. The investigator also received complaints from female prisoners that they had been tortured by prison authorities. The UHRC tribunal is scheduled to begin hearings on the case in March 2001.

There were no developments in the investigation into the June 1999 death of Matia Kiwanuka Mulama, an inmate of Buikwe prison in the eastern part of the country, who reportedly was found dead after having been tortured by the chief warden.

The harsh conditions largely resulted from the Government's seriously inadequate funding of prison facilities. Most of the prisons grow maize, millet, and vegetables, although the UHRC accused prison farms of overworking inmates. Prisoners received only $.0006 (1 shilling) per day for their labor, a rate established in the early 1960's (see Section 6.c.). Prison conditions come closest to meeting minimum international standards in Kampala, where prisons provide medical care, running water, and sanitation; however, these prisons also are among the most overcrowded. By one estimate, the country's prisons—all of which predate independence in 1962—hold about three times their maximum planned capacity. Although the law provides for access to prisoners by their families, ignorance of this right and fear of prison authorities often limit family visits. The UHRC reported that it had received allegations that officers in charge of police cells sometimes demanded bribes to allow visits.

In May the President signed the Community Service Act, designed to reduce prison congestion by allowing minor offenders to do community service instead of being imprisoned; however, implementation of the act had not begun by year's end due to insufficient funding. On July 13, President Museveni pardoned and released 522 prisoners from Luzira prison on humanitarian grounds.

Women have segregated wings with female staff in most, but not all, prisons. According to human rights advocates, rape generally is not a problem, although female prisoners also suffered from severely substandard conditions. Due to lack of space in juvenile facilities, juveniles often were kept in prisons with adults. The central prison system maintained one juvenile prison and four lower security remand homes. School facilities and health clinics in all 5 institutions are defunct; prisoners as young as age 12 perform manual labor from dawn until dusk. Severe overcrowding also is a problem at juvenile detention facilities and in women's wings. The remand home in Kampala, designed for 45 inmates, holds 120 children.

The central prison system continued to work with NGO's and the donor community to improve prison buildings, water and sanitation systems, food, and uniforms. Progress has been marginal.

Government agencies have sponsored or participated in numerous conferences on the justice system and prison conditions, and worked closely with international and domestic human rights organizations on prison reform efforts. There were reports that mortality rates decreased following these activities.

Media access to prisons remained limited, but the Government permitted full access to prisons by the International Committee of the Red Cross (ICRC) and local NGO's, principally the UHRC, the Foundation for Human Rights Initiative, and the Uganda Prisoners' Aid Foundation. Since 1997 UHRC has carried out numerous prison visits and reported on its findings publicly. Prison authorities required advance notification of visits, a process that often was subject to administrative delays.

d. Arbitrary Arrest, Detention, or Exile.—Members of the security forces at times arrested and detained citizens arbitrarily. According to the Constitution, a suspect must be charged within 48 hours of arrest and be brought to trial or released on bail within 120 days (360 days for a capital offense). If the case has been committed to the court before the expiration of this period, the Constitution does not limit pretrial detention. The Constitution also provides that detainees should be informed

immediately of the reasons for their detention; however, in practice the authorities enforced none of these procedural protections. Some laws conflict with the Constitution, for example, the Public Order and Security Act of 1967 (the Detention Order), which provides for unlimited detention without charge; however, these laws never have been invoked formally by the Government. Legal and human rights groups, including the UHRC, sharply criticized the excessive length of detention without trial—in many cases amounting to several years—for alleged offenses under other laws, which both violated the constitutional rights of the detainees and contributed substantially to prison overcrowding.

Arbitrary arrest is a problem. In March a police constable was arrested after he allegedly tortured two civilians and the case was under investigation at year's end (see Section 1.c.). In July the UHRC tribunal ruled that there was enough evidence to proceed with a case against Major Kakooza Mutale; he was charged with torture and illegal imprisonment after he allegedly detained and tortured a businessman at Mbuya military barracks in January (see Section 1.c.).

Arbitrary mass arrests known as "panda gari" remained a problem. On January 16, over 5,000 persons were arrested and detained for 24 hours during a joint operation conducted by mobile police and the UPDF in Gulu municipality. UPDF deserters were transferred to the military justice system, and 30 youths without identification papers were transferred to the police for prosecution.

Authorities arrested several religious leaders and church members during the year for incidents including killings, defilement, rape, abduction, theft, and unlawful assembly (see Section 2.c.). Their cases were in various stages of prosecution at year's end.

Police at times harassed and detained journalists and opposition activists (see Sections 2.a., 2.b., and 3). On April 21, police in Mbale beat Ahmed Washaki, an official of the Uganda People's Congress (UPC), and locked him in a toilet for allegedly campaigning against the referendum on political systems (see Sections 1.c. and 2.d.). On May 23, two Monitor reporters were briefly detained and questioned by the police after writing stories that speculated about government links to the Kanungu cult massacre (see Section 2.a.). On June 25, police beat and arrested 11 Makerere University students after they disrupted a referendum rally held by the President. They subsequently were charged with misconduct and alarming the President and were released on bail. On October 12, the charges of misconduct were dropped; however, their trial for alarming the President was ongoing at year's end (see Section 1.d.).

The rearrest of Muslim suspects following either their release on bail or acquittal was not a problem during the year. On March 15, authorities released 56 members of the Islamic Tabliq group who were arrested in 1995 on treason charges (see Section 2.c.). In June authorities released 28 members of the Islamic Tabliq group who had been rearrested in 1999 after an acquittal on murder charges. Another 2 suspects were released on November 6; however, the remaining 38 suspects chose to stand trial. They maintained that they were innocent of the charges.

The UPDF detained LRA child soldiers at Gulu military barracks for several months. There were reports that the military used the children to help find LRA landmines and arms caches (see Sections 5 and 6.c.).

Although they have no legal authority to make arrests, LDU's continued to arrest citizens on a regular basis.

Pretrial detainees comprise nearly three-fourths of the prison population. The average time in pretrial detention is between 2 to 3 years. An estimated 14,000 of the approximately 20,000 persons being held in the central prisons and in the local government-run prisons are pretrial detainees. Congestion and delays in the legal system have resulted in an increasing number of detainees each year; however, the number of criminal cases pending before the High Court decreased from 1,500 in 1999 to 143 cases during the year. A census of the central prison population conducted in 1999 indicated that at least onesixth of the inmates were being detained beyond constitutional limits. The UHRC heard several cases during the year brought by prisoners challenging the length of their detention, and it was investigating a complaint from prisoners in Bugungu in Mukono district at year's end. On February 22, the Director of Public Prosecutions released a murder suspect who had spent 15 years on remand in Kumi district after withdrawing the charges against him. In February the Government reached an out-of-court settlement with Rajab Juma Rembe, who was detained in Lubiri barracks for 3 years in the early 1990's; in October Rembe received approximately $5,600 (10 million shillings) as compensation. On May 29, four suspects who had been held in Bushenyi local administration prison for over a year were released for lack of evidence.

In November 1999, more than 400 prisoners held on charges of treason without trial since at least 1997 staged a protest at Luzira prison in Kampala. The prisoners

refused to return to their cells until they received assurances from the director of public prosecutions that their cases would be brought to court; all 400 were released by year's end.

In 1999 the Human Rights and Peace Center Prisons Project reported that 31 Congolese and Sudanese refugees were arrested in March 1997 on suspicion of aiding West Nile Bank Front (WNBF) rebels and detained without charge (see Section 2.d.). There were unconfirmed reports that authorities released the group in 1999.

There were no reported detentions of civilians in military barracks, and following pressure from local NGO's and media, the Government closed all unofficial, unregistered places of remand in 1999. There were reports that the DMI ordered prisoners held incommunicado in police station cells.

The Constitution does not prohibit forced exile; however, the Government does not use exile as a means of political control. In January the President signed an amnesty law covering all current and former rebels; the amnesty was extended for 6 months in July. Some former rebels returned to the country during the year to take advantage of the amnesty. Under the terms of the amnesty act, the Government released some persons convicted of treason and other suspects; however, by year's end the Government made only made limited progress in implementing provisions in the act related to the repatriation and resettlement of former rebels.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the President has extensive legal powers that influence the exercise of this independence. The President nominates, for the approval of Parliament, members of the Judicial Service Commission, which makes recommendations on appointments to the High Court, the Court of Appeal, and the Supreme Court. The lower courts remained understaffed and weak.

The highest court is the Supreme Court, followed by (in descending order) the Court of Appeal (which also functions as the Constitutional Court for cases of first instance involving constitutional issues), the High Court, the Chief Magistrate's Court, and local council (LC) level 3 (subcounty) courts, LC level 2 (parish) courts, and LC level 1 (village) courts. A minimum of six justices may sit on the Supreme Court and the Court of Appeal or Constitutional Court. In addition there are a few specialized courts that deal with industrial and other matters. The Industrial Court (IC), which arbitrates labor disputes, is parallel structurally to the chief magistrate's court. There also is a military court system.

Although once considered a useful innovation, the LC courts often are thought to be sources of injustice due to such factors as bribery and male dominance in rural areas. The LC courts have authority to settle civil disputes, including land ownership and payment of debts, and criminal cases involving children. These courts, often the only ones available to villagers, frequently exceed their authority by hearing criminal cases, including murder and rape. LC court decisions may be appealed to magistrate's courts, but often there are no records made at the village level, and many defendants are not aware of their right to appeal.

The civilian judicial system contains procedural safeguards, including the granting of bail and the right of appeal to higher courts; however, an inadequate system of judicial administration and a lack of resources, resulting in a serious backlog of cases, have circumscribed the right to a fair trial for many years. The courts, like other branches of government, were impaired by a 4-year civil service hiring freeze, which was relaxed only somewhat in 1998. As a result, criminal cases may take 2 or more years to reach the courts. The case backlog in the High Court, which had increased every year since 1993, was eliminated largely by year's end. Attorneys working in the Office of the Public Prosecutor can be assigned several new cases each day. Some courts continued to observe the constitutionally prescribed limits on pretrial detention, but that practice was not widespread. All nonmilitary trials are public.

Many defendants cannot afford legal representation. The Constitution requires that the Government provide an attorney for indigent defendants accused of capital offenses, but there is rarely enough money to retain adequate counsel. The Uganda Law Society operates legal aid clinics in four regional offices, although its services declined due to limited funding. It assists military defendants as well as civilians. The local chapter of Federacion Internacional de Abogadas (FIDA) and the Foundation for Human Rights Initiative also practice public-interest law from offices in Kampala. In 1999 the Law Development Center established a legal aid clinic to address cases involving children and those accused of petty crimes. A public defense service also was established in 1999, but it did not receive any government funding. It relied solely on donor support.

The military court system does not assure the right to a fair trial. Although the accused has the right to retain legal counsel, military defense attorneys often are untrained and may be assigned by the military command, which also appoints the

prosecutor and the adjudicating officer. The sentence passed by a military court, which can include the death penalty, may be appealed to the High Command but not to the High or Supreme Courts. A court-martial appeals process was established in 1997.

The Government continued to arrest and charge persons for treason, especially captured rebel fighters, in numbers greater than the judicial system could manage. In the past, numerous human rights abuses were committed in connection with treason cases, including political detention, detention without charge, detention in unregistered and unofficial places of remand, and mistreatment, including torture. There were reports that at times such abuses continued during the year. At year's end, prison officials put the number of those on remand on the charge of treason at 226, none of whom were children. Detainees included members of the Islamic Tabliq group suspected of supporting ADF rebels. The Government released treason convicts and suspects under the terms of an amnesty act signed by the President in January (see Section 1.d.). In November 1999, more than 400 prisoners held without trial since at least 1997 held a protest at Luzira prison; all 400 were released by year's end (see Section 1.d.).

There is one political prisoner. Bright Gabula Africa, whose death sentence for treason (plotting an armed coup) was upheld by the Supreme Court in 1995, remained imprisoned pending the outcome of his appeal to the Advisory Committee on the Prerogative of Mercy, a largely autonomous constitutional body that recommends whether presidential clemency powers should be exercised in a given case.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the protection of privacy, which the Government generally observes; however, there were some exceptions. The law requires that police have search warrants before entering private homes or offices, and the police generally observed this law in practice. Unlike in the previous year, there were no reports that the UPDF invaded private homes without warrants. LDU's arrested citizens without authority. The police sometimes searched vehicles without prior warrants. Prison officials routinely censored prisoners' mail.

The Government required that employees in the President's office register their political affiliation in writing (see Section 3).

Although fighting between government forces and the LRA continued, there were no reports during the year that government forces used threats to compel citizens to leave their homes because of the conflict.

Hundreds of thousands of persons remain internally displaced as a result of rebel activity and raids by Karamojong warriors (see Sections 1.g. and 2.d.).

Unlike in the previous year, there were no reports that the Sudan People's Liberation Army (SPLA), supported by UPDF forces, forcibly recruited Sudanese refugees in northern Uganda for service in Sudan.

Female members of the police force are required to obtain permission from the police Inspector General before marrying. Male police officers are not subject to the same restriction (see Section 5).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Reports of violations of humanitarian law increased in the north, and remained a problem in the west. While the number of reported violations by the Government decreased during the year, such violations by the LRA increased. In the north, government forces continued their policy of maintaining so-called protected villages with UPDF detachments nearby as a means of protecting civilians and denying support to the LRA. Although substantial NGO and donor community assistance has improved the overall conditions in the villages, conditions still remain poor. The Government failed to provide adequate security to the villages, which were the targets of rebel attacks.

There were reports that civilians were killed and injured during fights between UPDF forces and rebels. On June 6, several persons were killed during a battle between UPDF forces and LRA rebels near Okina and Laguti.

LRA attacks increased during the year, and there were numerous incidents of attacks on villages and displaced camps in which villagers were killed, injured, raped, or abducted (see Section 2.d.). In the north, forces of the LRA, led by Joseph Kony, continued to attack civilian targets, as well as refugee camps. During the year, attacks by the LRA resulted in approximately 175 deaths and numerous injuries and the destruction of homes and property. On March 5, LRA rebels attacked Padibe displaced camp in Kitgum, killing 12 persons, wounding 30, and burning 800 huts. On March 12, LRA rebels attacked Cwero protected village in Gulu and abducted 10 persons. On August 16, LRA rebels again attacked Cwero protected village, abducting one person. No new incidents of mutilation were reported.

The LRA abducted approximately 700 civilians, many of whom later were released. The LRA continued to abduct children and, at clandestine bases, terrorized

them into virtual slavery as guards, concubines, and soldiers (see Sections 6.c. and 6.f.). In addition to being beaten, raped, and forced to march until exhausted, abducted children were forced to participate in the killing of other children who attempted to escape. NGO's estimated the number of abducted children still held captive by the LRA at 1,500; other estimates vary widely (see Sections 1.b. and 6.f.).

In the west and southwest, the ADF continued to attack civilian targets, trading centers, and private homes, resulting in hundreds of deaths, injuries, and abductions. The ADF killed at least 210 persons and abducted an estimated 30 children during the year (see Sections 1.a., 1.b., 1.c., 5, 6.c., and 6.f.). Since 1996 the ADF has abducted approximately 200 children, approximately half of whom remained missing at year's end.

Due to insecurity in northern areas of the country, the UHRC suspended its investigation into a 1998 incident in which UPDF forces, while combating suspected LRA rebels, reportedly killed 30 Acholi children abducted by the LRA in Ogok village, Kitgum district.

In January the President signed a 6-month blanket amnesty for rebel fighters. The amnesty was renewed for 6 months in July; however, by year's end, the Government only had begun to implement provisions in the amnesty act related to the repatriation and resettlement of former rebels.

There were no reports of new attacks by the WNBF, USF/A, CAMP, or Rwandan Hutu rebels (see Section 1.b.).

At year's end, approximately 610,000 citizens remained displaced internally by violence in the north, west, and northeast, according to the U.N. Office of the Coordinator for Humanitarian Affairs (see Section 2.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights; however, there were instances in which the Government infringed on these rights. Police at times harassed journalists by holding them at police stations for several hours of questioning. On May 23, two Monitor reporters were briefly detained and questioned by the police after writing stories that speculated about government links to the Kanungu cult massacre (see Section 1.d.). In December the Government temporarily banned the regular opinion columns of four journalists with the government-owned New Vision newspaper due to past commentary critical of the Government; the columns of three of the journalists were reinstated 3 weeks later. The fourth journalist transferred to another paper.

Three editors of the Monitor newspaper were arrested in 1999 and charged with sedition and publication of false news in connection with a case in which a woman, Kandida Lakony, claimed to have been abused by the UPDF (see Section 1.c.). The editors were released and their case was pending before the courts at year's end.

The New Vision, a government-funded daily newspaper with a daily circulation of 35,000 (and up to 10 readers sharing each copy), and the government-controlled Radio Uganda, continued to play major roles in the media. These news sources were of a fairly high quality and sometimes included reporting critical of the Government.

The media generally are free and outspoken, with widespread availability of privately owned publications. The independent Monitor newspaper, with a daily circulation of 22,000, consistently was critical of the Government. The East African, a Nairobi, Kenya-based weekly publication that provides extensive reporting on the country, continued to circulate without government hindrance.

The Government controls one television station and Radio Uganda, the radio station with the largest audience. At year's end, there were more than 19 radio stations throughout the country. There were five local television stations and more than a dozen private television stations available via satellite. The number of independent media broadcast sources increased during the year. Several independent media outlets broadcast daily political talk shows in several languages, often very critical of the Government and individual officials, including the President. High-ranking officials often participated in these programs and debated issues with political opponents. There was no censorship of these programs.

On February 21, two journalists from the Voice of Toro radio station were arrested and charged with publishing false news stemming from an erroneous report of a rebel attack on February 15. On October 26, the Chief Magistrate's Court in Fort Portal dismissed the case due to lack of evidence.

Newspaper, radio, and television coverage, in particular coverage by state-owned media, of the June referendum favored Movement activities. Activities by opposition parties and efforts to promote the multiparty system received minimal coverage by any media (see Section 3).

The Press and Media Law, which took effect in 1995, requires journalists to be licensed and to meet certain standards, including holding a university degree. The law provides for a Media Council that can suspend newspapers and deny access to state information. Government officials have not enforced the law since its enactment.

Uncensored Internet access is widely available in major cities through three commercial service providers, although the cost for connectivity is prohibitive for all but the most affluent noninstitutional users. There also are over a dozen cyber cafes in Kampala and other cities, and several NGO's offer Internet access.

A considerable degree of academic freedom exists at the two public and six private universities. Students and faculty have sponsored wide-ranging political debates in open forums on campus.

Political education and military science courses known as "Chaka Mchaka" were suspended prior to the June referendum on political systems but resumed in August. These courses are criticized as indoctrination in Movement political philosophy. There continued to be reports that the techniques used in some of the courses included intimidation and physical and mental abuse. There also were reports that some instructors demanded payment for the courses, and unconfirmed reports that persons were coerced to take them, sometimes at gunpoint.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for some degree of freedom of assembly for non-political groups; however, the Government restricts this right in practice. The Constitution bans political parties from holding national conventions, issuing platforms, endorsing candidates, or opening branch offices outside the capital, and on several occasions police disrupted or prevented political demonstrations and other events; although the ban was intended to be replaced following the referendum, new legislation that would regulate political party activities had not been enacted by year's end. The Constitution also forbids other activities that would interfere with the Movement system, an elastic provision that the Government, in the past, has interpreted adversely to the detriment of political groups' interests. Permits are not required; however, groups are required to notify the police prior to public gatherings. Police denied permission to hold public rallies to several non-Movement groups during the year.

In February police in Bushenyi dispersed a seminar organized by the Free Movement, a political pressure group. On March 3, police in Kampala stopped a rally to campaign for a federal political system. On March 31, police and military police forcibly dispersed a rally in Mbarara held by Nasser Sebaggala, a candidate in the next presidential election (see Section 1.c.). On April 1, Sebaggala held another rally without police intervention to protest the referendum and to campaign. In April Sebaggala was banned from holding further rallies in accord with regulations banning all presidential campaign rallies until legislation governing the presidential elections was promulgated, which occurred on December 13 (see Section 3). On April 21, police beat and detained an UPC official for holding an unauthorized rally against the referendum on political systems (see Sections 1.c., 1.d., and 3). On June 3, police in Gulu prevented a meeting of the Uganda Youth Congress, the youth wing of the Uganda People's Congress. On June 25, police beat and arrested 11 Makerere University students after they disrupted a referendum rally held by the President. They subsequently were charged with misconduct and alarming the President and released on bail. Their case was ongoing at year's end (see Section 1.c. and 1.d.). On June 27, police in Tororo stopped a referendum rally organized by advocates for a multiparty system. On July 15, police in Kampala stopped a rally organized by an UPC official. On August 4, police in Kampala dispersed a seminar convened by the youth wing of the National Democrat's Forum. On September 6, police in Kampala stopped a rally organized by the Democratic Party (see Section 1.c.). On September 16, police violently dispersed a meeting of the Uganda Young Democrats in Gulu, which resulted in several injuries (see Section 1.c.).

In the wake of the Movement for the Restoration of the Ten Commandments of God killings, local officials on several occasions dispersed meetings of religious groups (see Section 2.c.).

The Constitution provides for freedom of association; however, the Government restricts this right in practice. NGO's are required to register with the Nongovernmental Organizations Board, which includes representation from the Ministry of Internal Affairs as well as other ministries. The Government generally approved NGO registrations. On May 26, the Government registered the Uganda National NGO Forum, a broad consortium of domestic and international NGO's that had been refused registration for several years.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, the Government forcibly disbanded several religious groups. Unlike in the previous year, there were no

reports that security officials harassed or detained Muslims. There is no state religion. Religious groups, like other nongovernmental organizations, must register with the Government. There were no reports that the Government refused to grant registration to any religious groups. Permits were necessary for the construction of facilities, including religious facilities. There were no reports that the Government refused to grant such permits to any religious organization. Mosques operated freely, Koranic schools were common, and Muslims occupied positions of authority in local and central government. Prisoners were given the opportunity to pray on the day appropriate to their faith. Muslim prisoners usually were released from work duties during the month of Ramadan.

Following the March 16 murders of more than 500 Movement for the Restoration of the Ten Commandments of God followers and the discovery of mass graves of approximately 500 other persons on properties in Kanungu belonging to the group, the Government launched investigations of numerous religious groups. Three groups were disbanded forcibly, and one religious leader was arrested. On March 29, former Rukungiri assistant resident district commissioner (ARDC) Rev. Francis Mutazindwa was arrested for failing to act on information about the activities of the Kanungu cult while he was the ARDC. He was released on bond on April 29, pending further investigation. In December the Government began an investigation into the killings; the investigation is scheduled for completion in June 2001.

In early April, following allegations that the church allowed youths to engage in sexual relationships, the deputy resident district commissioner closed the Revival Pentecostal Church in Nseko village, Kasangati. In mid-April police in Kasese district banned the activities of a church group based in Hima public school, Busongora. On May 19, the Bushenyi resident district commissioner ordered the closure of the Church of the Servants of the Eucharistic Hearts of Jesus and Mary, which allegedly was operating in the guise of a vocational school.

On May 2, five members of the Kisaaba Redeemed Church in Kayunga, Mukono district, were arrested and charged with causing the death of a church member whom they denied medical treatment. Two remained in detention in Njeru prison at year's end; the other members were released. The case still was pending at year's end. On May 30, five members of the Mulungiomu Full Gospel Church in Luweero were arrested after reportedly telling their followers to fast and sell their property, the same message that had preceded the killings in Kanungu. At year's end, the five remained in custody at Luzira prison pending trial. On July 18, Wilson Bushara, leader of the World Last Message Warning Church, and 17 followers were arrested and charged with defilement, rape, abduction, and theft. On November 23, the Director of Public Prosecutions ordered that Bushara and his followers be transferred from the Buganda Magistrates' Court to Luweero where the offenses allegedly were committed. Their cases were pending before the Luweero district Magistrates' Court at year's end. On August 22, Patrick Bitungwabariho, a leader of the Movement for the Restoration of the Ten Commandments of God, appeared before court in Rukungiri district on charges of participating in an unlawful assembly, being idle and disorderly, and child neglect. Bitungwabariho remained in detention, and his case was ongoing at year's end.

In the wake of the Movement for the Restoration of the Ten Commandments of God killings, local officials on several occasions dispersed meetings of religious groups. On March 12, security officials in Mbale dispersed hundreds of persons who had gathered for an evangelistic event organized by the

Seventh-Day Adventist Church. On March 19, police in Kikinzi, Rukungiri district, dispersed a Seventh-Day Adventist Church baptism on the grounds that the church had not sought permission from the authorities to hold the event; however, there are no legal requirements that authorities must approve such church events. On March 28, police in Mukono dispersed a meeting of over 200 adherents of the Universal Apostolic Church for the Restless on the grounds that the church had not sought permission from the authorities to hold the event. On April 1, police dispersed an alleged cult gathering in Kikandwa, Mubende district, on suspicion that Movement for the Restoration of the Ten Commandments of God leader Joseph Kibwetere was hiding within the crowd.

Complaints by Muslim groups of government bias lessened during the year; however, the backlash from the death of over 1,000 citizens at the hands of a religious cult resulted in negative public attitudes towards fringe Christian groups and the Government's forcible disbanding of some groups. In 1998 approximately 100 Muslim men were detained and some were tortured, on suspicion that they supported rebel groups. Many of those detained were released (see Section 1.b.). There was no clear indication that religion was the sole factor in their arrests. The release of 53 Tabliq treason suspects in March and 28 in June resolved the issue of the whereabouts of unaccounted Muslim prisoners (see Section 1.d.).

Some local governments have restricted the hours of operations of religious organizations that are viewed as cults, for example, prohibiting nighttime prayer meetings. The Government largely has ignored calls for these churches to be shut down and their followers returned to mainstream churches.

There were reports from numerous human rights groups in the DRC that Rwandan troops, as well as various rebel factions, targeted Catholic clergy, both to intimidate the local population and in revenge for the Church's perceived role in the 1994 genocide in Rwanda. There also were reports from the DRC that some UPDF troops may have targeted clergy as well.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The constitution provides for these rights, and the Government generally respected them in practice, although there were some limits. Some local officials reportedly demanded payment of fees for permission to change a place of residence. A married woman must obtain her husband's written permission on her passport application if children are traveling on her passport (see Section 5).

Although fighting between government forces and the LRA continued, there were no reports during the year that government forces used threats to compel citizens to leave their homes because of the conflict.

Increased attacks by LRA rebels and Karamojong warriors have caused many Acholis to leave their homes for urban centers, displaced camps, and villages guarded by the UPDF (see Section 1.g.). It was estimated that approximately half of Gulu's population was in displacement camps or protected villages due to such attacks. At year's end, approximately 610,000 citizens remained displaced internally by violence in the north, west, and northeast.

There were no laws that provide for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government does grant such status in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and with other humanitarian organizations in assisting refugees. As it has done repeatedly in past years, the Government continued to provide first asylum as well as land for temporary resettlement to citizens from neighboring countries, extending this practice to approximately 214,000 refugees during the year. Over 90 percent of the refugees in the country are from southern Sudan; there also are small numbers of refugees from the DRC, Rwanda, and Burundi.

The Government failed to maintain adequate security in refugee camps during the year; large-scale attacks by rebel groups on some camps were reported (see Section 1.g.). For example, on July 24, LRA rebels attacked the Mongula refugee camp in Adjumani district killing 1 Sudanese refugee and abducting 30 others. On August 9, LRA rebels attacked Acholi-pii refugee camp in Kitgum killing three Sudanese refugees and abducting two others. On August 16, LRA rebels again attacked Acholi-pii, killing three refugees and abducting a child. On September 3, ADF rebels attacked Kyangwali Sudanese refugee resettlement camp in Buhaguzi county, Hoima district killing a woman and her child.

Unlike the previous year, there were no reports of the forced return of persons to a country where they feared persecution.

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

Movement domination of the Government and the political process, and some restrictive constitutional provisions, limited citizens' effective exercise of the right to change their government. The President dominates the Government, and Movement supporters remained in control of the Parliament, although the legislature continued to conduct business in an independent and assertive manner during the year. The 1996 presidential and parliamentary elections were peaceful and orderly, but election conditions, including restrictions on political party activities, led to a flawed election process. In June a national referendum on the role of political parties resulted in the indefinite extension of the Movement form of government. The referendum process was flawed by restrictions on political party activities and unequal funding.

The Government maintained, at government expense, the Movement Secretariat, an organization that roughly parallels government institutions and is limited to those professing support for the Movement. Political education and military science courses known as Chaka Mchaka were suspended prior to the June referendum on political systems, but they resumed in August (see Section 2.a.). The Government prohibited some non-Movement political gatherings, required that employees in the President's office register their political affiliation in writing (see Section 1.f.), and broke up numerous political meetings not sanctioned by the Movement (see Section

2.b.). The Constitution bans political parties from holding national conventions, issuing platforms, endorsing candidates, or opening offices outside of the capital. A June referendum resulted in the indefinite continuation of these restrictions.

Newspaper, radio, and television coverage, in particular coverage by state-owned media, of the June referendum favored Movement activities. Activities by opposition parties and efforts to promote multiparty system received minimal coverage in any media (see Section 2.d.).

On November 28, the Parliament passed the Presidential Elections Bill, which governs the presidential election process; on December 13, the President signed the law. The law permits election campaigns to commence after the Electoral Commission has approved a candidate's nomination. The nomination review process was scheduled for January 2001.

Authorities at times harassed and arrested opposition politicians (see Sections 1.d. and 2.a.). On April 21, police in Mbale beat and detained a UPC official for holding an unauthorized rally against the referendum on political systems (see Sections 1.c. and 1.d.).

Universal suffrage is accorded to adults 18 years of age and older. The Constitution does not provide the right to vote to prisoners, and prisoners were not permitted to vote in the 1998 local government elections or in the June referendum.

The Constitution reserves 10 seats in Parliament for members of the UPDF, 5 seats for representatives of persons with disabilities, 5 seats for youth representatives, and 3 seats for representatives of organized labor. Individual parliamentarians who claim non-Movement party affiliation participate fully in the legislature.

Women are underrepresented in government and politics; however, they play an influential role in national affairs. The Government used quotas in an aggressive effort to place women in positions of authority. Women continued to make strong contributions in Parliament and inside the Movement. The Vice President is a woman, as are 5 ministers and 12 junior ministers in the President's 60-member Cabinet. In addition 39 of the nation's 45 districts selected a woman to fill a National Assembly seat reserved for women by the provisions of the Constitution. By-elections for female parliamentarians have not yet been held in six districts created in 1997. Women additionally won 6 nonreserved seats for the 281-member Parliament in the 1996 election.

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

Numerous human rights groups are active. Among them are: The Foundation for Human Rights Initiative; a chapter of FIDA; the Prisoners' Aid Foundation, which monitors prison conditions; the National Organization for Civic Education and Election Monitoring, which deals with problems related to civil society and political rights; Human Rights Focus, based in the northern town of Gulu; the National Association of Women's Organizations of Uganda (NAWOU), an umbrella group; the International Federation of Human Rights; and the Human Rights and Peace Center, based at Makerere University. These groups operate without government restriction, investigating and publishing their findings on human rights cases. Hurinet, a human rights network and an umbrella organization for nine human rights organizations active in the country, also continued to be active.

The Uganda National NGO Forum, a broad consortium of domestic and international NGO's that has been refused registration for several years, was registered on May 26 (see Section 2.b.).

The Government allowed visits by international human rights NGO's, including Amnesty International and the ICRC. The Government also cooperated fully with the UNHCR.

Government officials generally were cooperative and responsive to NGO views. They frequently attended conferences and seminars hosted by NGO's on social problems. The Government continued to cooperate with NGO's on legal and prison reforms.

The Constitution established the UHRC as a permanent independent body with quasi-judicial powers. Under the Constitution, the UHRC may subpoena information and order the release of detainees and the payment of compensation for abuses. The UHRC continued to pursue suspected human rights abusers, including high-level officials in the Government and military, and expanded its operations by opening a second branch office in Soroti district in September. The UHRC Human Rights Tribunal continued to function, and the headquarters received 1,108 complaints during the year, including some against senior government leaders and military and police officials; the Soroti office received 123 complaints and the Gulu office received 312. Of the 1,108 complaints received at headquarters, 654 were resolved; 202 were referred to the criminal courts; 344 were referred to other bodies, such as the Inspec-

tor General of Police, the Ministry of Labor, and the Ministry of Public Service; 27 were dismissed because they occurred before 1995; 33 were found not to be human rights violations; and 48 were resolved through mediation and intervention. At year's end, 59 cases remained under investigation, and 395 still were pending review. Of the 123 complaints received at the Soroti office, 16 were resolved, 27 were dismissed, and 80 were under investigation at year's end. The UHRC does not have the power to intervene in cases pending before a court. The UHRC inspected numerous detention facilities and publicly reported on its findings; on March 9, the UHRC released its 1998 report. The report cited abuses by security organs and condemned police corruption and inefficiency; it noted instances of denial of the right to assembly, and criticized involvement in the DRC. The President appoints the UHRC's eight-member board.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on these factors; however, the Government does not enforce the law effectively in matters of locally or culturally accepted discrimination against women, children, people with disabilities, or certain ethnic groups. Race was not a factor in national politics. The continued instability in the north led to violations of the rights of some Acholi, an ethnic group that comprises a significant part of the population. Most violations of Acholi rights resulted from LRA actions.

Women.—Violence against women, including rape, remained common. According to U.N. statistics, 31 percent of women have experienced domestic violence. There were no laws that specifically protect women from battery or spousal rape, although there is a general law concerning assault. Some men of the Karamojong ethnic group in the northeastern section of the country continued their cultural practice of claiming unmarried women as wives by raping them. Between February and July, Karamojong warriors raped approximately 20 women during raids on neighboring districts in the northeast.

The Government continued trying to implement the Children's Statute, which provides extensive protection for families and children; however, implementation proved exceedingly difficult due to manpower and judicial constraints, and in reality, little was done to enforce the statute's provisions. Law enforcement officials, reflecting general public opinion, continued to view wife beating as a husband's prerogative and rarely intervened in cases of domestic violence. Women remained more likely to sue for divorce than to file assault charges against their husbands. These problems continued to receive increasing public attention. Numerous women's rights NGO's sponsored conferences, empowerment sessions, and training programs throughout the country. On September 1, the Court of Appeal upheld the death sentence imposed by the High Court on the husband and brotherinlaw of Renu Joshi, who was murdered in 1997.

Traditional and widespread societal discrimination against women continued, especially in rural areas, despite constitutional provisions to the contrary. Many customary laws discriminate against women in the areas of adoption, marriage, divorce, and inheritance. In most areas, women may not own or inherit property, nor retain custody of their children under local customary law. Divorce law requires women wanting to prove adultery to meet stricter evidentiary standards. Polygyny is legal under both customary and Islamic law, and a wife has no legal status to prevent her husband from marrying another woman. In some ethnic groups, men also may "inherit" the widows of their deceased brothers. Women do most of the agricultural work but own only 7 percent of the agricultural land. There are limits on a married woman's ability to travel abroad with her children (see Section 2.d.).

Unlike their male counterparts, female members of the police force are required to obtain permission from the police Inspector General before marrying (see Section 1.f.).

There are active women's rights groups, including FIDA, Action for Development, the National Association of Women Judges (NAWJ), Akina Mama Wa Afrika, the Forum for Women in Democracy, and NAWOU, which promote greater awareness of the rights of women and children. FIDA is in the final year of a 3year project to draft proposed reforms of outdated and discriminatory laws, and the NAWJ continued to disseminate its guidebook on women's rights and options concerning domestic violence to women throughout the country.

Although prostitution is illegal, it is known to exist; however, there are no credible statistics available on the incidence.

An undetermined number of women were victims of abduction and rape by rebel forces (see Sections 1.c. and 1.g.).

Children.—Although it has devoted only limited funds to children's welfare, the Government demonstrated a commitment to improving children's welfare, particularly through its continuation of the Universal Primary Education (UPE) program. The program provides free education through the seventh grade for a maximum of four children per family, two girls and two boys; however, education is not compulsory. Key components of the UPE program include eliminating compulsory uniform requirements, providing free textbooks, eliminating fees imposed by schools, and the payment of Primary Leaving Examination (PLE) fees by the Government. Although some provisions had not yet been implemented fully by year's end, the UPE had increased funding for education, provided additional skills training for teachers, and reduced the textbook to student ratio. Strained finances, instability in some areas, infrastructure problems, and inadequate teacher training have prevented full implementation. Although the UPE program makes education more accessible financially, parents still must pay for school supplies and some school costs. Approximately 93 percent of primary school-age children are enrolled in school. Since the implementation of UPE, primary school enrollment has increased from 2.9 million in 1996 to 6.5 million in 1999. Girls and boys theoretically have equal access to education, and lower grades are divided almost evenly by sex; however, the proportion of girls in higher school grades remains low since families traditionally have favored boys when making financially related educational decisions. Boys also are more likely to finish primary school and perform better on the PLE. In June the Government launched a national plan to promote the education of girls. Only 51 percent of adult women are literate compared with 75 percent of adult men. Parents' inability to afford schooling has correlated highly with the occurrence of child labor in rural areas (see Section 6.d.).

The Government has not yet implemented effectively the 1996 Children's Statute, which outlines broad protections for children. Government efforts to enforce the statute's provisions were hampered by the large proportion of the population that is below 18, manpower and fiscal constraints on the judiciary, and cultural norms. The law stipulates parents' responsibilities and provides extensive protection for children in a wide variety of areas, including financial support, foster care placement, adoption, determination of parentage, and treatment of children charged with offenses. It also includes concise provisions on the rights of the child, including a provision that a child shall not be made to work or take part in any activity, whether for pay or not, that is likely to injure the child's health, education, or mental, physical, or moral development. However, the Government has been unable to enforce prohibitions on child labor, particularly in the informal sector (see Section 6.d.).

Estimates placed the number of orphaned children (children missing either parent are considered orphans) at up to 1.7 million. This large number of orphans resulted from previous civil wars, the internal displacement of persons, and HIV/AIDS.

Ritual murders of children remained a problem during the year (see Section 5). For example, on August 17, police arrested Peter Ssempugu on suspicion that he beheaded a 15-year-old girl in Busiro County, Mpigi district, on July 20. In December a 13-year-old girl reportedly escaped after she was drugged and abducted for a ritual sacrifice.

Child abuse remained a serious problem, particularly the rape of young girls (known locally as "defilement"). Only a small fraction of these incidents is reported, especially when the perpetrator is a family member, neighbor, or teacher—as is often the case. During the year, there were 4,209 reported cases of defilement, an increase from 2,637 in the previous year; 2,410 of the cases were investigated, and 2,317 arrests resulted from such investigations. Increasing numbers of accusations reached the courts, although neither conviction nor punishment was common. Cases were reported frequently in newspapers, but a payment to the girl's parents often ended the matter. Despite these obstacles, an increasing number of cases were being prosecuted. While defilement carries a maximum sentence of death, that punishment has never been meted out to a convicted rapist. Defilement applies to all cases of sexual contact outside of marriage involving girls younger than 18 years of age, regardless of consent or the age of the perpetrator. The marriage of young girls by parental arrangement is common, especially in rural areas.

Most schools use corporal punishment, although in 1997 the Government banned the beating of secondary school students. There were no developments in the June 1999 case of Peter Masanja, who died after a beating by the Kakungulu Memorial Islamic Institute's director, Hamidulah Llukwago. The Government has not released details of the investigation of a 1996 case in which a teacher in Masaka beat to death a 15-year-old student. It is unknown if the investigation has been completed; however, it is likely that it has been suspended.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is practiced by the Sabiny tribe, located in the highly rural Kapchorwa district in the east, and by the Pokot tribe (also known as the Upe), which spans the remote northeastern border with Kenya. There are approximately 10,000 Sabiny and approximately 20,000 Upe who live in the country. Among the Sabiny, initiation ceremonies involving FGM have been carried out every 2 years. Such a ceremony was held in 1998, and an NGO based in Kapchorwa registered 965 females who were subjected to FGM during that year. In December there were reports that approximately 121 Pokot girls and 621 Sabiny women and girls, a decrease of 223 from 1998, had been circumcised during the biannual ceremony. An international human rights NGO offered cattle, goats, and money for scholarships to Sabiny parents who do not allow their daughters to be circumcised during this year's ceremony. There is no law against the practice, but the Government and women's groups working with the U.N. Population Fund continued to carry out programs to combat the practice through education. These programs have received strong government support and some support from local leaders. The programs emphasize close cooperation with traditional authority figures and peer counseling. Significant press attention to these ongoing efforts brought public attention to the problem throughout the year.

The Children's Statute provides that children with disabilities be treated and given necessary special facilities—a provision hampered in execution by inadequate funding.

The legal recruitment age for military service is 18 years; however, in practice, some recruiters have allowed 17-year-olds to enlist.

The UPDF detained LRA child soldiers at Gulu military barracks for several months. There were reports that the military used the children to help find LRA landmines and arms caches (see Sections 1.d. and 6.c.).

There were reports from the DRC that UPDF and Rwandan troops, in addition to RCD rebels, reportedly abducted many young women from the villages they raided. These night raids on villages became so frequent that in many parts of the Kivu Provinces peasants slept in their fields.

The ADF and LRA abducted many children, using them as guards, laborers, soldiers, and, in the case of the LRA, for forced sex (see Sections 1.g., 6.c., and 6.f.).

People with Disabilities.—The Constitution provides that persons with disabilities have "a right to respect and human dignity" and requires that authorities take appropriate measures "to ensure that they realize their full mental and physical potential;" however, despite this provision, there was no statutory requirement for government services or facilities, such as accessibility of buildings for the disabled. Most buildings have one story, but in larger towns with multistory buildings, there often are no elevators; even where they do exist, they rarely are reliable. Widespread discrimination by society and employers limits job and educational opportunities for those with physical disabilities. In 1998 the Government appointed a Minister of State for Disabled Persons. A Department for Disabled Persons also exists under the Ministry of Gender, Labor, and Social Development; however, these bodies and positions have little funding to undertake or support any initiatives.

Religious Minorities.—There are amicable relations between the various religious communities, and no religious group actively impinges upon the right of others to worship. However, the backlash from the death of over 1,000 citizens at the hands of a religious group resulted in negative public attitudes towards fringe Christian groups. Some officials of "mainstream" Catholic, Protestant, and Muslim religious organizations have called for the closure of Christian churches that are viewed as cults.

National/Racial/Ethnic Minorities.—Civil strife in the north led to the violation of the rights of members of the Acholi tribe, which is largely resident in the northern districts of Gulu and Kitgum. Both government forces and the LRA rebels—who themselves largely are Acholi—committed abuses. LRA fighters in particular were implicated in the killing and kidnaping of Acholi tribe members (see Section 1.g.), while the UPDF record in the north continued to improve markedly. Abuses were inflicted upon members of the Bakonjo tribe in the west at the hands of ADF rebels, including ethnic Bakonjo.

Between February and July, raids by Karamojong warriors on neighboring districts in the northeast resulted in approximately 100 deaths. The raids may have exacerbated ethnic tensions in the northeast (see Section 1.a.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of every person to join workers' associations or trade unions, and the law allows unionization if a majority of the work force supports it; however, in practice the Government re-

spects the right to form unions, although it has not responded yet to a 1997 application for registration by the Uganda Allied Teachers' Union. Since 1993 the right to form unions has extended to civil servants. However, many "essential" government employees are not permitted to form unions; these include police, army, permanent secretaries in the ministries, heads of departments and state-owned enterprises, school principals, and other management-level officials. The Government has failed to enforce the rights of some employees to join unions in newly privatized industries and factories. Organized labor has three reserved parliamentary seats.

The National Organization of Trade Unions (NOTU), the largest labor federation, includes 17 unions and is independent of the Government and political parties. Among its members are medical workers, including doctors, and the civil service union. The NOTU's influence on the overall economy remains small, since about 90 percent of the work force are peasant farmers. Even in areas in which cash crops are significant, unionization has remained practically nonexistent. NOTU membership has declined steadily from some 500,000 in the 1970's to about 100,000.

The Constitution confirms the right to strike; however, government policy requires that labor and management make "every effort" to reconcile labor disputes before resorting to strike action. This directive presents unions with a complicated set of restrictions. If reconciliation does not appear to be possible, labor must submit its grievances and notice to strike to the Minister of Labor, who usually delegates the dispute to the Industrial Court (IC). In previous years, in the absence of verdicts from the IC, the Minister of Labor generally did not permit strikes, on the basis that "every effort" had not been exhausted. Frustrated laborers often went on strike anyway, protesting credibly that they were not paid a wage adequate to live on.

On January 24, 3,000 workers at Century Bottling Company went on strike over nonpayment of salaries and poor working conditions. They returned to work the following day after reaching an agreement with management. On January 25, employees of Ugma Engineering Corporation went on strike over nonpayment of salaries but ended their strike after management agreed to pay them. On February 10, clearing and forwarding agents in Malaba, the main entry point for goods from Kenya, went on strike in protest against corruption on the part of customs officials. They returned to work the following day after senior revenue authority officials promised to address their concerns.

Labor unions freely exercised the right to affiliate with and participate in regional and international labor organizations.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively, specifying that a workplace may be unionized if a majority of the employees supports doing so; however, true collective bargaining takes place only in the small private sector of the modern economy. In the modern sector, the Government is by far the largest employer (civil service and state-owned enterprises), and it dominates the bargaining process. The Government has adopted a tripartite (government-employers-labor) cooperative approach to setting wages and resolving labor disputes. Both the Government and employers may refer disputes to the IC. The law does not prohibit antiunion discrimination by employers; however, there were no reported incidents of government harassment of union officials. Unionization continued to be blocked effectively by some industries, especially in the textile, hotel, and construction sectors. Labor organizers complained that laws requiring a minimum of 1,000 persons in order to form a union hindered their activities. The Government took only limited action on organized labor complaints, but pointed out that the refusal to allow unionization is a constitutional violation. On February 14, 21 workers of the Nytil Picfare textile factory were dismissed in connection with a strike earlier in the month designed to unionize the work force and raise salaries. The Ministry of Labor subsequently entered into negotiations with Nytil Picfare to resolve the issue; however, the company went into receivership and negotiations were suspended.

In 1999 the Uganda Textile, Garments, Leather, and Allied Union filed a complaint against the Government with the International Labor Organization (ILO) for failure to support the attempts of workers in the textile sector to exercise their right to freedom of association. The complaint still was pending at year's end.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or bonded labor, including forced or bonded labor by children; however, a lack of resources prevented the Government from enforcing this prohibition effectively. There was strong evidence that prison officials hired out prisoners to work on private farms and construction sites, where often they were overworked. Throughout the country, prison officials routinely augmented their meager pay with crops grown by prisoners on the prison grounds. Male prisoners performed arduous physical labor while female prisoners produced marketable handicrafts such as woven basketry. Juvenile prisoners

perform manual labor, often 12 hours per day (see Section 1.c.). Compensation, when paid, generally was very low, although the law demands that pretrial detainees must receive back pay for all work that they have performed once they are released (see Section 1.c.).

The UPDF detained LRA child soldiers at Gulu military barracks for several months. There were reports that the military used the children to help find LRA landmines and arms caches (see Sections 1.d. and 5).

Both the ADF and the LRA abducted civilians for training as guerrillas; most victims were children and young adults, whom the ADF and LRA terrorized into virtual slavery as guards, laborers, soldiers, and, in the case of the LRA, as sex slaves (see Sections 1.b., 1.g., and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits employers from hiring workers below the age of 18; however, child labor is common, especially in the informal sector. The Ministry of Gender, Labor, and Social Development is charged with enforcing the law on child labor, but it has limited financial means to do so. Part of the problem is demographic, because half of the population is under 18 years of age. School fees have made it impossible for some parents—particularly poor farmers, the majority of the population—to provide their children with an education in spite of the Government's UPE program (see Section 5). As a result, there is an incentive to leave school and go into agricultural or domestic work in order to help meet expenses or perform the work of absent or infirm parents, a common situation throughout the country. The problem is acute particularly among the large orphan population. Nevertheless, according to the Ministry of Education, 93 percent of primary school age children are enrolled in school.

Most working children are employed in the informal sector, often on the subsistence farms of extended family members or as domestic servants. In urban areas, children peddle small items on the streets, are involved in the commercial sex industry (particularly in border towns and in Kampala), or beg for money. Although adults do most tea harvesting, some children were employed in this sector as well. Some of the country's orphans engage in labor activities.

It is estimated that 60 percent of all land-based trade in the country is informal. Smuggling is one of the larger informal industries, and employs large numbers of child laborers at the borders with Kenya and Tanzania. Children walk back and forth across the unguarded borders, transporting small amounts of fuel, sugar, coffee, or other commodities.

Government efforts to decrease the incidence of child labor were boosted by a $1.5 million grant in 1998 from the ILO's International Program for the Elimination of Child Labor (IPEC). The IPEC program was launched in 1999, and, by the end of the year, it had launched projects to eliminate child labor in the sugar and rice-growing industries as well as a public awareness campaign. Government officials acknowledged that for the IPEC to be implemented, continued judicial and law enforcement reform were needed. The Ministry of Gender, Labor, and Social Development established a National Steering Committee on Child Labor and a Child Labor Unit to develop a national policy to eliminate child labor; however, such a policy was not developed by year's end.

The law does not prohibit the worst forms of child labor, nor does the Government have a mechanism to address this problem. However, several human rights NGO's began programs aimed at removing children from hazardous work. No reports about the efficacy of these efforts were available at year's end. In October consultants working for the Ministry of Gender, Labor, and Social Development reviewed four labor laws and created draft legislation consistent with ILO Convention 182; however, no action had been taken on the legislation by year's end.

The recruitment age for military service is 18 years; however, in practice, some recruiters have allowed 17-year-olds to enlist (see Section 5).

The law prohibits forced and bonded labor by children; however, a lack of resources prevented the Government from enforcing this prohibition effectively (see Section 6.c.). The ADF and LRA abducted children and terrorized them into virtual slavery as guards, laborers, soldiers, and, in the case of the LRA, as sex slaves.

e. Acceptable Conditions of Work.—The minimum legal wage is $3.50 (6,000 shillings) per month, a rate set in the early 1960's. This wage is insufficient to provide a decent standard of living for a worker and family. Wages continued to be determined through negotiation between individuals and their employers, unions, and proprietors, or through negotiation within the boards of directors at state-owned industries. Salaries usually are augmented by other benefits such as housing and transport allowances, which often are equal to base wages. The Ministry of Labor's salary scale for civil servants starts with unskilled labor at $44 (75,000 shillings) per month, up to supervisors at $350 (600,000 shillings) per month, plus modest increases for years worked. All include provisions for paid overtime. The higher end

of this wage scale would provide minimal standards of living for a worker and family, but most civil servants have great difficulty earning enough money to pay their children's school costs. Many civil servants and their dependents work in second jobs, grow their own food, or seek other ways to supplement their incomes. In industries that employ workers on an hourly basis, the normal workweek was 40 hours. Although there was no legal maximum workweek, a time-and-a-half rate was paid for each additional hour worked. Many industries pay workers by piecework, which avoids overtime and circumvents the prohibition on child labor. Many companies employ workers as "casual laborers" or "contract workers" in order to avoid providing benefits.

The condition of employee housing on the tea and sugar plantations at the major state-owned corporations, and within military and police barracks, was substandard. Sanitation and water facilities often are lacking.

Building codes often are not enforced. Some structures have tripled in height above the original foundations, leading local engineers to express reservations about the structural integrity of these workplaces. Factories generally are sound, but machinery almost always lacks safeguards.

Vestiges of occupational health and safety legislation are contained in the outdated Factories Act of 1954 and the Employment Decree of 1975. In September the Government enacted the Workers' Compensation Act, which replaced legislation dating to 1964. The act significantly increased compensation, based on monthly salaries, for workers injured or killed at work. The Ministry of Labor's Department of Occupational Health is responsible for enforcement of occupational safety regulations; however, in practice inspections are rare, due primarily to lack of vehicles and funding for inspection trips. There were fatal accidents at several construction projects at a rate of approximately one per month. The limited occupational safety regulations under the Workers' Compensation Act do not protect workers who refuse to perform dangerous work from being fired, although strong unions in certain dangerous industries protect such workers.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, within, or through the country. There is strong evidence that prison officials hired out prisoners to work on private farms and construction sites, where they often were overworked (see Section 6.c.).

Molo Songolo, a South African child rights organization, reported that children were trafficked from the country to South Africa during the year; however, the credibility of the report is unknown. The children allegedly were abducted or bought from their parents by organized gangs from Nigeria, DRC, and Angola.

Unlike in the previous year, there were no reports that the SPLA, supported by UPDF forces, forcibly recruited Sudanese refugees in northern Uganda for service in Sudan.

Both the ADF and the LRA abducted civilians for training as guerrillas; most victims were children and young adults whom the ADF and LRA terrorized into virtual slavery as guards, laborers, soldiers, and, in the case of the LRA, as sex slaves (see Sections 1.g., 5, and 6.c.). As many as 1,500 Ugandan children abducted by the LRA were held in the southern part of Sudan; the Government of Sudan actively supports the LRA. In past years, the LRA also reportedly sold and traded some children, mostly girls, or provided them as gifts to arms dealers in Sudan.

In December 1999, in Nairobi, Kenya, the Governments of Sudan and Uganda signed an accord agreeing, among other things, to cease supporting rebel groups and to return abductees. The Sudanese Government returned a number of LRA captives who had previously escaped LRA captivity during the year; however, the Sudanese Government did not free any abductees still held captive by the LRA.

The CID is mandated to combat trafficking. The CID did not keep records on the magnitude of the problem, and it was unknown if its efforts have been effective.

ZAMBIA

Zambia is a republic governed by a president and a unicameral national assembly. After two decades of one-party rule, free and fair multiparty elections in November 1991 resulted in the victory of the Movement for Multi-Party Democracy (MMD) and the election of President Frederick J.T. Chiluba, a former trade unionist. In November 1996 elections, President Chiluba was reelected, and his party won 131 of 150 seats in the National Assembly. Constitutional amendments enacted in May 1996 disqualified the former President, Kenneth Kaunda, the main opposition leader, from seeking the presidency, prompting his United National Independence Party (UNIP) to boycott the elections. The MMD's use of government resources, including

the state-owned media, put the fairness of the elections into question, although, despite some voting irregularities, there was no evidence of substantial or widespread vote rigging or vote counting fraud. The Constitution mandates an independent judiciary, and the Government generally respected this provision in practice; however, the judicial system is hampered by lack of resources and inefficiency.

The police, divided into regular and paramilitary units operating under the Ministry of Home Affairs, have primary responsibility for maintaining law and order. Police action was politicized in the delivery of authorizations for public gatherings. The Zambia Intelligence Security Service, under the Office of the President, is responsible for intelligence and internal security. Police continued to commit numerous, and at times serious, human rights abuses.

The Government continued its free market economic reform program including privatization of the large copper parastatal. However, negative economic performance, including stagnation and increasing inflation continued. Balance of payments support by foreign donors has resumed as a result of greater government attention to governance issues and the privatization of the mines. Approximately 80 percent of all citizens live in extreme poverty.

The Government's human rights record was generally poor; although the Government took steps to address some human rights problems, serious abuses continued in several areas. Citizens" right to change their government was restricted in the 1996 national elections, the last time national elections were held. Police committed an extrajudicial killing. Police officers routinely beat and otherwise abused criminal suspects and detainees. The lack of professionalism, investigatory skill, and discipline in the police force remain serious problems, and officers who commit such abuses do so with impunity. Prison conditions are harsh and life threatening. A government commission of inquiry, established in 1998 to investigate the alleged torture during detention of suspects in a 1997 coup attempt, completed its work in June and submitted its report to President Chiluba; however, the results of the investigation were not released to the public by year's end. Arbitrary arrests, prolonged detention, and long delays in trials remain problems. Police infringed on citizens" privacy rights. The Government's record on press freedom was mixed. The Government infringed on freedom of the press and continued to control two of the country's three daily newspapers. The Government restricted freedom of assembly and association and in a few instances limited freedom of movement. Human rights and civic organizations and political parties continued to complain of government harassment. Violence against women remained widespread. Women continued to experience discrimination in both law and fact, including the denial of widows' inheritance rights. Child abuse is a problem. Discrimination against the disabled is a problem. Child labor is a problem in rural subsistence occupations and some urban occupations. There were reports of trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings by government officials during the year; however, police committed an extrajudicial killing. In November, Kelvin Mushabati and Geoffrey Michelo died of suffocation after a police officer threw a tear gas canister into their prison cell. The police officer who was responsible for the killing was charged with murder; he remained in detention pending a trial at year's end.

The conflict in Angola periodically led to armed attacks within the country's territory, which resulted in civilian deaths; at least one of these armed attacks was perpetrated by Angolan government soldiers. On April 25, Angolan government soldiers reportedly killed two civilians during a confrontation with Zambian troops inside Zambian territory.

A large number of prison inmates died due to illness and harsh conditions (see Section 1.c.).

On September 8, a High Court judge sentenced a Mazabuka police officer to three years in prison with hard labor and fined two other officers for the 1999 death of Bernard Chinkuli in police custody.

In March 1999, Khondwani Musukwa died in police custody, apparently as a result of torture. No action was taken against the officers responsible for his death by year's end. In July 1999, Sailas Mabvuto Lungu reportedly was beaten to death by a police constable who suspected him of driving a stolen vehicle. The officer was in detention and awaiting trial at year's end. In August 1999, a pregnant woman died in police custody, reportedly as a result of police abuse. No action was taken against the officers responsible for her death by year's end.

In May 1998, seven police officers of Mindolo police station in Kitwe were arrested in connection with the death in custody of Steward Mwantende. The police officers were arrested, tried, and in April were acquitted.

In August an official inquiry into the 1998 death in detention of Bertha Mungazila was opened. On September 7, the inquiry was completed; a coroner determined that Mungazila died as a result of torture and called on the Inspector General of Police to arrest the officers on duty at the time of her arrest. On September 12, a docket against the three officers was opened, and the three were arraigned on manslaughter charges within 24 hours; the trial began in October and was ongoing at year's end.

On November 3, 1999, four gunmen shot and killed Wezi Kaunda, the son of former President Kenneth Kaunda, during an apparent car-jacking in Lusaka. The Government permitted forensic specialists and a team of advisors from Scotland Yard to participate in an investigation in response to a request from the Kaunda family. Two suspects were arrested. During their trial, one of the suspects claimed that the MMD was responsible for the killing; however, a letter reportedly written by the suspect alleged that several UNIP officials were responsible. The trial was ongoing at year's end.

In August three civilians reportedly were killed by Congolese rebels who had crossed into the country to steal food.

b. Disappearance.—There were no reports of politically motivated disappearances. However, there were reports that UNITA rebels abducted persons, particularly young persons, for forced labor in Angola (see Sections 6.c. and 6.f.)

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, police regularly used excessive force when apprehending, interrogating, and detaining criminal suspects or illegal immigrants. In most instances, detaining officers beat suspects and generally were not disciplined or arrested for such acts.

In January police arrested Shadreck Selemani on suspicion of involvement in the theft of roofing materials. Selemani was held without charge for 2 days, during which time police beat him repeatedly.

In April Hendrix Mbumwai was held without charge by officers at the Los Angeles police station for 6 days, during which time police beat him.

On August 30, police were deployed to the University of Zambia in response to demonstrations on the previous day that resulted in injuries and damage to private property. Police severely beat a number of students and forced them to roll in mud and sewer water and to jump around. At least 13 students were injured; 11 required medical treatment for their injuries. Although a local non-governmental organization (NGO) alleged that police raped five female students during the deployment, no female students claimed sexual abuse by police in the incident. Although only a small portion of the student population participated in the August 29 demonstrations, the police actions were directed against the entire student body. No action was taken against the officers responsible for the abuses by year's end.

In November two detainees died of suffocation when a police officer threw a tear gas canister into their cell (see Section 1.a.).

In September 1999, Dave Wanjeke, a retired soldier, was held without charge and tortured in police custody. In February a judge of the High Court criticized the Government for abusing Wanjeke's rights; however, there was no further action taken on this case by year's end.

In September 1999, officers of the Emmasdale police station beat Benson Mwale repeatedly on the buttocks; subsequently, he required medical attention for severe lacerations. In September 1999, a file on the incident was opened by the Permanent Human Rights Commission (PHRC). A police spokesman stated that it would punish all officers involved in the incident. Later in September 1999, a "docket of complaint against police" was opened to investigate the matter. This docket allows the public to raise complaints against a police officer so that legal procedures can be initiated. The investigation was ongoing at year's end.

There was no further action on the case of Cedrick Phiri, who was beaten by police while he was detained overnight in June 1999.

There was no further action on the case of the young man who was detained and beaten in police custody at the Woodlands Police Station in Lusaka in March 1999.

In response to pressure from the PHRC, foreign governments, NGO's, and other human rights organizations, in May 1998, the Government agreed to initiate an independent inquiry into the torture claims of seven persons detained during the October 1997 coup attempt. (Early in 1998, one of the alleged torturers had been promoted.) In August 1998, the Government established a commission of inquiry made up of treason trial judge Japhet Banda and Lusaka principal resident magistrate Gertrude Chawatama. The torture inquiry began after the treason trial con-

cluded on September 17, 1999. The commission completed its work and submitted a report to President Chiluba on June 21. By year's end the report had not been publicly released, and the President had not responded to the report.

In 1999 the Government promised to institute measures to monitor and reform police operations to ensure that civil liberties are protected. It further directed the police, prisons, and immigration departments to intensify human rights training among their officers, which has been part of their basic training since 1997. Although the training of new recruits continued during the year, there was greater training within the police force. The Government took no action on its statements in 1998 that it would amend the Police Act to provide for the establishment of a police authority to which members of the public could channel complaints pertaining to police harassment and abuse.

The lawsuit filed in 1999 by Dean Mung'omba claiming torture during detention in 1997 was ongoing at year's end.

Police corruption is also a problem. There were a handful of unconfirmed reports that police would release prisoners in exchange for bribes of between $65 and $95 (200,000 to 300,000 kwacha). Citizens in private debt disputes often are detained by police in exchange for a portion of the payment owed (see Section 1.d.). Police sometimes committed extortion at roadblocks (see Section 2.d.) or required document processing "fees" or gas money in order to commence investigations. In July the Inspector General of Police instructed police throughout the country to reduce roadblocks by half in an effort to reduce the opportunity for corruption, and there was a reduction in the number of roadblocks by year's end. Police action was politicized in the delivery of authorizations for public meetings (see Section 2.b.).

The police investigate instances of police use of excessive force and have disciplined officers found to have committed human rights abuses. Such investigations generally are prolonged, and outcomes are not readily apparent. Middle ranking and senior officers are enrolled in human rights training seminars at the police academy. A number of police officers are the subject of internal investigations and prosecutions. Authorities arrested some police officers on such criminal charges as murder and robbery. For example, in November one police officer was arrested and charged with killing two persons (see Section 1.a.). Senior government officials acknowledge the problem of police abuse and have requested foreign donor assistance in the form of training for the police. In May the Government announced its intention to create a national forensic laboratory to provide the police with resources for professional investigations. In 1999 the High Court issued a decision banning corporal punishment in the country. The court system undertook efforts to ensure that this ban was upheld during the year. In April the Chief Administrator of the High Court publicly reminded magistrates of their obligation to uphold the ban on corporal punishment and held a meeting with prison officials to reinforce the ban. During the year, one magistrate attempted to sentence a defendant to corporal punishment, but the chief administrator of the High Court prevented the implementation of the sentence.

Groups of National Union for the Total Independence of Angola (UNITA) deserters have entered the country and seized food and goods by force from villages. On at least two occasions, they have forced young men and women to accompany them back to Angola (see Section 6.f.).

Prison conditions are harsh and life-threatening. According to official statistics, prisons designed to hold 6,000 prisoners held over 12,000. This severe overcrowding, combined with poor sanitation, inadequate medical facilities, meager food supplies, and lack of potable water resulted in serious outbreaks of dysentery and other diseases, including tuberculosis. In a report submitted to Parliament in 1996, the Commissioner of Prisons said that 975 prisoners had died in prison between January 1991 and December 1995 due to illness and harsh conditions. The death rate of prison inmates remained about the same during the year. The Commissioner of Prisons has submitted no further such reports since 1996. In March 1999, the Commissioner of Prisons attributed the serious overcrowding in prisons to the slow pace at which the courts dispose of cases. The commissioner noted that some cases have been pending since 1991.

In March 1999, the Magistrates and Judges" Association of Zambia expressed its intention to undertake efforts to release all eligible detainees on bail in order to reduce prison congestion. According to the Association, Kamwala Remand Prison in Lusaka contained 636 inmates, although it had been designed to hold only 200.

In July 1999, the PHRC announced that it would employ prison inspectors to ensure that inmates are kept in habitable environments. The PHRC submitted a request to the Ministry of Finance for funds to support the creation of prison inspector positions, but did not receive funding by year's end.

The Government generally permits prison visits by both domestic and international monitors and by resident foreign diplomats. Provincial human rights committees periodically inspect prison conditions. A number of foreign diplomats conducted prison visits during the year; however, there were no visits by international monitors at year's end.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are problems. Criminal suspects often are arrested on the basis of flimsy evidence or uncorroborated accusations. Unlike in previous years, there were no reports that family members or associates of criminal suspects were detained, interrogated, and physically abused by the authorities in attempts to identify or locate suspects during the year. In criminal cases, the law requires that a detainee be charged and brought before a magistrate within 24 hours. Attorneys and family members are allowed access to pretrial detainees. In practice the authorities hold most detainees for more than 1 month from commission of an offense to first appearance before a magistrate. In many cases, an additional period of 6 months elapses before a magistrate commits the defendant to the High Court for trial. Following committal, preparation of the magistrate court record for transmittal to the High Court takes months, or in some cases as long as a year. Once a case reaches the High Court for trial, court proceedings last an average of 6 months. Part of the reason for this delay is a shortage in the number of professional magistrates: out of 72 potential positions, only 22 are filled.

Pretrial detention often is prolonged. Approximately 2,000 of 12,000 detainees were awaiting trial on criminal charges in 1999. Approximately 1,288 of 2,251 detainees were awaiting trial in the Lusaka region by year's end. In some cases defendants have been awaiting trial for as long as 4 years. There was some progress in holding trials; in past years, some defendants had waited as long as 10 years for their trials. These long delays were a result of inadequate resources, inefficiency, lack of trained personnel, and broad rules of procedure that give wide latitude to prosecutors and defense attorneys to request adjournments. The High Court Commissioner can release detainees if police fail to bring the case to trial, although that did not occur in any case during the year.

Although there is a functioning bail system, overcrowded prisons reflect in part the large number of detainees charged with serious offenses for which bail is not granted. These include treason, murder, aggravated robbery, and violations of narcotics laws. There were no cases of constitutional bail. Indigent detainees and defendants rarely have the means to post bail. The Government's legal aid office is responsible for providing legal aid representation for indigent detainees and defendants in criminal or civil cases. In practice few receive assistance. The office had 9 attorneys and a budget of $183,000 (576,000,000 kwacha) during the year to cover the entire country.

Police stations frequently become "debt collection centers," where police officers acting upon unofficial complaints detain debtors without charge, indefinitely, until they pay the complainants. In return the police receive a percentage of the payments (see Section 1.c.). A police constable was convicted and sentenced to 3 years" imprisonment with hard labor for abuse of office in one such case. The conviction, handed down in January, was in response to events that occurred in 1996.

A prominent elections NGO reported that four opposition cadres were arrested in January for shouting anti-MMD slogans during an election campaign. The arrests reportedly were ordered by a deputy minister. The four were held for a few hours and charged with conduct likely to cause a breach of the peace. The case was still pending at year's end.

In January presidential candidate Anderson Mazoka was arrested and detained on charges of holding an illegal meeting after he obtained a permit to convene an informal dinner (see Section 2.b.).

On July 15, a Member of Parliament (M.P.) was arrested for unlawful assembly relating to a meeting held with constituents in his home a month earlier; he was released without charge (see Section 2.b.).

On August 30, police detained approximately 300 students at a stadium following a demonstration the previous day (see Section 1.c.). The students were released after 24 hours in detention.

In February Alfred Zulu, a prominent human rights activist was detained and charged with financial fraud. Some observers alleged that Zulu was targeted because of his human rights activities; however, there was no evidence to support these allegations (see Section 4).

May 1999, Donald Phiri was taken into police custody during an unauthorized police search for weapons at his father's home. The search allegedly was intended to locate arms. Phiri's father complained that he was unable to determine his son's

whereabouts for several days after he was taken into custody. Phiri was charged with murder in September 1999; the case was ongoing at year's end.

In August 1999, Imasiku Mutangelwa, the leader of a small organization known as the Barotse Patriotic Front (BPF), was sought by police for questioning after he made statements supporting a separatist rebellion in Namibia. Later the same month, Mutangelwa sought asylum in the residence of the South African High Commissioner, but his request was denied. Mutangelwa subsequently was arrested and charged with belonging to an unlawful society. The case against him was referred by the Magistrate's Court to the High Court, but had not yet been heard by year's end.

The authorities held in detention pending deportation approximately 300 illegal immigrants, principally from neighboring countries. Because the immigration authorities lack funds for deportation, illegal immigrants sometimes are kept in prison for extended periods, sometimes for more than 5 years. There were 199 illegal immigrants being held in detention in Lusaka by year's end.

The 1996 case involving the indefinite incarceration of three newspaper reporters on charges of contempt of the House remains pending. Although the High Court quashed the sentences, the Government has appealed the case, seeking to reinstate the detention of the reporters. The appeal still is pending, although two of the three reporters have died (See Section 2.a.).

The Government does not use exile for political purposes; however, it has used deportation and the threat of deportation for political purposes against persons whose claims to citizenship it has refused to recognize. In January the Government deported Majid Ticklay after he wrote a letter that was published in the Post publicly urging the Asian community to unite behind one political party (see Section 3).

During the year, a number of citizens remained in self-imposed political exile in foreign countries, including: Liberal Progressive Front President Dr. Roger Chongwe, in Australia; Zambia Democratic Congress General Secretary Azwell Banda, in South Africa; former editor of the defunct newspaper, Confidential, Reverend Steward Mwila, in South Africa; and former President Kaunda's daughter, Catherine Mwanza, in South Africa.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judicial system is hampered by lack of resources and inefficiency. The President nominates and the National Assembly confirms the Chief Justice and other members of the Supreme Court.

The Supreme Court has appellate jurisdiction for all legal and constitutional disputes. The High Court, which holds regular sessions in all nine provincial capitals, has authority to hear criminal and civil cases and appeals from lower courts. Magistrate courts have original jurisdiction in some criminal and civil cases, while local, or customary, courts handle most civil and petty criminal cases in rural areas.

Local courts employ the principles of customary law, which vary widely throughout the country. Lawyers are barred from participating, and there are few formal rules of procedure. Presiding judges, who are usually prominent local citizens, have great power to invoke customary law, render judgments regarding marriages, divorces, inheritances, other civil proceedings, and rule on minor criminal matters. Judgments often are not in accordance with the Penal Code. For example, they tend to discriminate against women in matters of inheritance (see Section 5).

Trials in magistrate courts are public, and defendants have the opportunity to confront their accusers and present witnesses. However, many defendants are too poor to retain a lawyer, and the poor state of the Government's legal aid department means that many citizens entitled to legal aid find that it is unavailable. Courts are congested and there are long delays in trials while the accused are in custody. The Magistrates and Judges" Association made an effort to expedite the process of court appearances during the year by setting up a fast-track court that could quickly hear minor, uncomplicated cases.

Courts continued to act independently and at times made statements critical of the State. In February a judge of the High Court criticized the Government for abusing the rights of retired soldier Dave Wanjeke. Wanjeke was held without charge and tortured in police custody in September 1999 (see Section 1.c.).

In August the National Assembly passed a bill that amends the State Proceedings Act. The act currently provides that once leave to apply for a judicial review has been granted, there is a stay on any decisions by State or public officers relating to the matter. The amendment would not allow the start of any judicial review process to act as a stay on the Government's decision. Opposition parties, NGO's, civil society, and some members of government have expressed concern that the amend-

ment would remove citizens' legal recourse in the event of abuse by the Government. President Chiluba did not sign the bill, which lapsed at year's end.

Appeals in the cases of 59 military personnel detained during a 1997-98 state of emergency and later sentenced to death for involvement in an attempted coup were ongoing at year's end.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for respect for privacy and the inviolability of the home; however, the authorities did not always respect these rights in practice. The law requires a warrant before police may enter a home, unless a state of emergency is in place. Police routinely ignored this requirement and often arrested alleged criminals at their homes without first having obtained an arrest warrant. The Constitution grants the Drug Enforcement Commission and the Zambian Intelligence Security Service authority to wiretap telephones for probable cause. In 1996 the Inspector General of Police admitted in open court that he had ordered the illegal wiretaps of the telephones at the offices of the Post, an independent daily newspaper. The case still was pending at year's end. There were no confirmed reports of wiretaps during the year; however, the opposition alleged that the Government wiretapped their telephones.

In March Oswald Mutapa, a retired Assistant Commissioner of Police, was evicted from his house in March on orders from the Inspector General of Police. The eviction took place in spite of a court order barring eviction until a legal dispute between Mutapa and the Government was resolved. In June Mutapa won the court case and returned to his house.

Unlike in the previous year, there were no reports that police detained and abused relatives and associates of suspects during the year.

In May 1999, police raided the home of the president of the World Baptist Evangelical Association, Reverend Bwanali Phiri, without a warrant (see Section 1.d.). The police took Phiri's son and two tenants into custody. Phiri's tenants were released, but Phiri was detained for 4 months without charge, then charged with murder. The case still is pending (see Section 1.d.).

Roundups of suspected illegal aliens in the home or workplace continued. According to the Government's Commissioner for Refugees, immigration officials are empowered under the law to conduct these roundups without a warrant.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—While the Constitution provides for freedom of expression and of the press, the Penal Code lists various prohibited activities that may be interpreted broadly to restrict these freedoms, and the Government infringed on press freedom. Overall, the Government's record on press freedom was mixed during the year. Over the past several years, in response to headlines and stories of alleged corrupt practices on the part of government officials, the Government, accused officials, and other individuals have brought numerous libel actions against the Post newspaper. There are currently more than 80 cases filed over the course of the last 5 years waiting to be adjudicated. The number of pending libel cases did not increase during the year, because the journalists involved in most of them have left the Post.

The law includes provisions for investigative tribunals to call as witnesses journalists and media managers who print allegations of parliamentary misconduct. Failure to cooperate with a tribunal may result in charges of contempt punishable by up to 6 months in jail. This has been criticized by the media as a clear infringement on press freedom and a means for parliamentarians to bypass the clogged court system in dealing with libel suits against the media.

In April a correspondent for the privately owned weekly newspaper Monitor received a series of anonymous, threatening telephone calls after he published a story that stated Intelligence Chief Xavier Chungu had been named in a U.N. report on UNITA sanctions violations.

There were reports of warnings by the Minister of Information against the media throughout the year. The press reported in February that the Minister warned of "drastic action" against the Zambian Independent Media Association (ZIMA) and the Inter-African Network for Human Rights and Development (AFRONET), and in May warned of action against radio stations labeled as "political" (see Section 4).

In August a Radio Phoenix reporter was detained and beaten by members of the Movement for Multi-Party Democracy (MMD) while investigating reports of extortion by MMD cadres at the central market. Police conducted an investigation and arrested those suspected of assaulting the reporter. In response to pressure from MMD officials, the suspects were released in August, and the case was not resumed by year's end.

In September espionage charges against 12 members of the editorial staff of the Independent Post newspaper were dropped. The editor still was required to appear in court in connection with a 1999 story pointing out deficiencies in the country's military preparedness in relation to Angola; the High Court acquitted him on December 21 (see Section 1.e.).

A government appeal of a National Assembly case initiated against three journalists in 1996 remains pending (see Section 1.d.).

A number of privately owned newspapers question government actions and policies, and these circulate without government interference. For the last 4 years, the leading private daily, the Post, has had an Internet home page that has attracted over 15,000 readers per month. The government-controlled Times of Zambia and Zambia Daily Mail, two of the most widely circulated newspapers, also have home pages established in April 1996.

The Government owns the sole television station, the Zambia National Broadcasting Corporation (ZNBC). In addition to the government-controlled radio station, there are three church-related stations and one private commercial station. In February a UNESCO-funded community radio station began operations in the town of Mazabuka.

The Government exercised considerable influence over the government-owned media, which continued to follow the government line on important issues. On January 24, a radio talk show on the privately owned Radio Phoenix was cancelled under government pressure. The talk show resumed in February, with no reports of interference.

The only commercial radio station rebroadcasts Voice of America (VOA), British Broadcasting Corporation (BBC), and South African Broadcasting Corporation items. Multichoice, based in South Africa, provides satellite and analog wireless subscribers with television services. These services provide broadcasts of Cable News Network, BBC World Sky Television, and South African Broadcasting Corporation Africa News. They also provide three BBC, one Radio France International, and VOA radio news broadcasts. Neither of the services provides local news coverage. A second wireless service, CASAT, began operations in December 1997. In 1998 Trinity Broadcasting Network, a foreign-based church-related television network, began 24-hour transmission from a rented studio at the ZNBC complex.

Contrary to its 1991 campaign promises to privatize government-owned mass media, the Government has declined to privatize the state-owned and government-controlled Times of Zambia, the Zambia Daily Mail, and the ZNBC radio and television stations. Opposition political parties complain that government control of these media bodies effectively limits their access to such means of mass communication.

Academic freedom is respected. University professors are permitted to lecture freely, conduct research, and publish their work. Late in 1999, the Government passed the University Act, which gave greater power to the Minister of Education to supervise universities. An injunction against the act which was issued by the High Court in October was dissolved at the end of 1999, and the President signed the act into effect. Although the act gives the university council a mandate to address faculty concerns, the Minister of Education makes appointments to the council; some academics have criticized this provision.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, the Government restricted this right in practice. The law requires rally organizers to notify the police 7 days in advance of a rally. The police may advise the organizers that the time or venue is inopportune. In practice the police did not interfere with most peaceful rallies whose leaders followed the prior notification rule and that could be described as politically neutral or favorable to the Government or MMD; however, authorities sometimes denied permission to proceed with or cancelled rallies planned by the political opposition, particularly during by-election campaigns. For example, UNIP was issued a permit to carry out a demonstration in support of striking doctors in January. The permit later was cancelled by police. No reason was given for the cancellation.

The Public Order Act frequently was used to prevent activities by opposition political parties. In June the UPND was denied permission to hold rallies in three areas because a deputy minister would be touring those areas during the same period. The Government also denied the UPND a series of permits during the Sesheke by-election in July, again because several highlevel government officials, including the President, would be in the area at the same time.

Government officials publicly warned of potential "drastic action" against two NGO's, AFRONET and the Zambia Independent Monitoring Team (ZIMT) after those two organizations criticized the Government's handling of the health sector and an ongoing doctors' strike (see Sections 4 and 6.a.). In January authorities ar-

rested and detained a United Party for National Development (UPND) presidential candidate, Anderson Mazoka, on charges of holding an illegal meeting. Mazoka had obtained a permit to convene an informal dinner for 200 persons but police were instructed to arrest Mazoka when he addressed the attendees.

On July 15, the UPND M.P. for Mazabuka was arrested for unlawful assembly; the arrest related to a meeting held with constituents in his home a month earlier. The M.P. was subsequently released without charge.

On August 30, police were deployed to the University of Zambia one day after a student demonstration that resulted in injuries and property damage; police abused and detained students, including many who were not involved in the demonstration (see Section 1.c.).

The Constitution provides for freedom of association; however, at times the Government restricted this right. All organizations must apply formally for registration to the Registrar of Societies. In most cases, authorities routinely approved these applications. In 1999 the Government denied the application of a group of former servicemen who wanted to form an association. The Government argued that an organization for former servicemen already existed and did not permit the servicemen to register. There are currently 36 political parties and dozens of NGO's registered. The Government threatened to take action against those organizations that did not submit annual reports to the registrar of societies. In June 1999, the Ministry of Home Affairs deregistered more than 20 NGO's that did not comply with the reporting requirement. The NGO's that complied with the requirement, including those that frequently criticized the Government, were permitted to register.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. Although a 1996 amendment to the Constitution declared the country a Christian nation, the Government respects the right of all faiths to worship freely in practice. There are governmental controls that require the registration of religious groups. The Government approves all applications for registration from religious groups without discrimination. There were no reports that the Government rejected any religious groups that attempted to register or obtain licenses.

Unlike in previous years, there were no reports of complaints by the Muslim community of discrimination based on the Constitution's "Christian nation" provision during the year.

In December 1996, the Government established an office for religious affairs at the level of deputy minister in the President's Office at State House. The office is responsible for dealing with issues that pertain to religion and worship, and to the promotion of state-church understanding and interfaith dialog.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides citizens with the right to move freely throughout the country, to reside in any part of the country, and to depart and return to the country without restriction; however, there were instances in which authorities limited freedom of movement. Police roadblocks to control criminal activity continued, and police sometimes extorted money and goods from motorists (see Section 1.c.). However, in July the Inspector General of Police instructed police throughout the country to reduce roadblocks by half to facilitate travel within the country and reduce opportunities for corruption. The number of roadblocks throughout the country was reduced during the year; however, police continued to extort money from motorists.

Resident doctors engaged in a strike over working conditions and the general state of health care in the country reportedly were barred from leaving the country in February. Some doctors subsequently were able to seek employment outside the country (see Section 6.a.).

The conflict in Angola resulted in large numbers of internally displaced persons (IDP's) in March, mainly consisting of inhabitants from the Chavuma District, which borders Angola; however, most of the IDP's returned to their residences within 2 months.

The law does not contain provisions for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in practice the Government complies with the provisions of these documents. The U.N. High Commissioner for Refugees (UNHCR) estimated that there were approximately 250,000 refugees, mainly Angolans, in the country at year's end. On December 4, approximately 300 Zimbabwean and 3,000 Congolese soldiers entered the country to escape fighting in the Democratic Republic of the Congo (DRC). Most of the Congolese soldiers returned to the DRC; however, 117 refused to return to the DRC and were seeking asylum in the country at year's end. The Government cooperated with the UNHCR in processing applications for refugee status.

The Government provided first asylum to approximately 35,000 new refugees from Angola during the year, including former UNITA soldiers and their families. On December 1, the Government and the UNHCR began transferring approximately 265 Angolan former combatants and their families to the Eastern Province, which is farther from the Angolan border. In September approximately 3,000 refugees left the Mwange refugee camp for the DRC; however, the majority of them returned to Zambia by year's end. In November and December, approximately 25,000 Congolese refugees entered the country. The authorities held in detention pending deportation approximately 300 illegal immigrants, principally from neighboring countries. Because the immigration authorities lack funds for deportation, illegal immigrants sometimes are kept in prison for extended periods, sometimes for more than 5 years. In December the Government disarmed and repatriated more than 3,000 soldiers from the DRC who had entered the country. In December the International Criminal Tribunal for Rwanda (ICTR) requested that the Government provide access to the detained soldiers; however, the Government did not grant access to the ICTR before the majority of the refugees had returned to the DRC.

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

Citizens voted in national multiparty elections in November 1996; however, constitutional amendments barred the best known opposition candidate, former president and UNIP leader, Kenneth Kaunda, and his deputy, senior chief Inyambo Yeta, from running for the presidency, thereby restricting the right of citizens to change their government. The amendments enacted in 1996 require both parents of presidential candidates to be citizens by birth and disqualify tribal chiefs from running for the presidency unless they resign their chieftainship.

UNIP boycotted the 1996 elections and destroyed many party members' voter registration cards. Eleven political parties contested the presidential and National Assembly elections in 1996. The Government deregistered 14 opposition splinter parties for noncompliance with registration procedures. Approximately 50 percent of eligible voters registered. Of this total, almost 70 percent cast ballots. Although the MMD's use of government resources during campaigns, including the state-owned media, probably did not affect the final outcome, the elections' fairness nevertheless called into question. The Government's failure to implement a transparent voter registration process raised doubts among opposition parties about the Government's willingness to have an open electoral process. The next presidential election is scheduled for late 2001.

A series of parliamentary by-elections held during the year were viewed by local election observers as generally representative of the will of the electorate; however, there were some irregularities. Opposition parties won a number of these by-elections. However, during parliamentary by-election campaigns, the MMD frequently was accused of using government resources to support MMD candidates. For example, in July the MMD used a police vehicle to transport party members during a campaign.

Under the Constitution, the President wields broad authority. The National Assembly ratifies major appointments and theoretically has broad powers, but the overwhelming majority held by the MMD effectively precludes independent action by the legislature and limits its ability to provide a check on executive authority. In July the MMD expelled Minister of Environment and Natural Resources Ben Mwila for gross insubordination when he began campaigning for the presidency before the President himself had designated a successor. Mwila subsequently formed a new political party, the Republican Party. During the year, Parliament took steps to strengthen itself and to improve responsiveness to citizen concerns, although an initial attempt at a structured parliamentary reform program failed to garner adequate support from members of Parliament.

The number of women in politics and government is increasing but remains small, and women are underrepresented in government. In October the PHRC chairperson stated that less than 10 percent of women are involved in the political and decision-making process. There are 14 female members in the 150-seat Parliament; 2 of these are ministers, and 3 are deputy ministers. In August former ambassador Gwendoline Konie established a political party and announced her candidacy for president, making her the first woman to run for that office.

Minorities are underrepresented in government and politics. There are three ethnic Asians (one is a minister) and one mixed race (African-European) minister.

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

Human rights and civic rights organizations generally operated without serious government hindrance; however, in previous years the ZIMT, ZIMA, AFRONET, and the Foundation for Electoral Process claimed that official harassment, including blocking their bank accounts, occurred. There were reports in February that the Minister of Information warned of "drastic action" against the ZIMA and AFRONET, accusing the organizations of being agents of foreign sponsors (see Section 2.a.). It also was reported in February that a senior member of the MMD had threatened AFRONET and the ZIMA, and the MMD chairperson for information and publicly warned that the Government would withdraw recognition of NGO's that it deemed "reckless and irresponsible."

In February Alfred Zulu, a prominent human rights activist, was detained and charged with financial fraud. Some observers alleged that Zulu was targeted because of his human rights activities; however, there was no evidence to support these allegations (see Section 1.d.).

The Government continued to be receptive to criticism from human rights and civic organizations in general, but on occasion, government officials criticized efforts by human rights monitors to have international balance of payments support conditioned on positive human rights developments in the country and accused monitors of trying to undermine Government activities.

Some police and immigration officers complained that the local NGO Legal Resources Foundation protects criminals because of its work defending accused persons.

Some domestic human rights organizations, including the Law Association of Zambia, Women for Change, the Catholic Commission for Justice and Peace, and the Zambia Civic Education Association have continued to press for a transparent democratic electoral system. Human rights, development and election NGO's monitored the by-elections throughout the year and organized civic education activities focused on improving voter participation and information.

The Government generally did not interfere with inquiries or visits by international human rights organizations. For example, in July Human Rights Watch visited the country to observe the meeting of a consultative group of international donors.

In May 1997, the Government established an autonomous Permanent Human Rights Commission, the PHRC. A Supreme Court justice chairs the Commission; other members are drawn from throughout society and include the former head of the Foundation for Democratic Processes and a University of Zambia lecturer on human rights. The Commission interceded on behalf of persons whose rights it believed were denied by the Government. The Commission oversees human rights committees in all provincial capitals. The Commission spoke out on behalf of other detainees and prisoners, and the Government responded by releasing seriously ill prisoners in 1997 and 1998 at the Commission's request. The PHRC requested but did not receive funding to hire prison inspectors; until it obtains funding, its provincial committees are conducting periodic prison inspections. The Government further responded to the Commission's recommendation by establishing in 1998 an inquiry to investigate torture claims by detainees. The inquiry was completed in June with a report submitted to President Chiluba; the report was not released publicly by year's end (see Section 1.c.).

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, tribe, sex, place of origin, marital status, political opinion, color, or creed. Constitutional amendments barring native-born citizens of partial or full foreign ancestry from the presidency appear to violate the prohibition on discrimination based on place of origin. These amendments also prohibit traditional chiefs, who are accorded authority and privileges as chiefs, from running for political office unless they resign their chieftainships. A legal challenge to these amendments in 1996 was unsuccessful.

Women.—Violence against women remained a serious problem. Wife beating and rape were widespread. According to official statistics, over 4,700 rape cases were reported to the police between 1991 and 1998. Of these, approximately 30 percent resulted in conviction and 5 percent in acquittal. The remainder either were dismissed or remain unresolved. The courts normally sentence defendants convicted of rape to hard labor. Since many rape cases were not reported to the police, the actual number is considered to be much higher. Domestic assault is a criminal offense. Although the police established a Victim Support Unit (VSU) in 1997 to attend to the problem of domestic assault, in practice police often are reluctant to pursue reports

of wife beating, preferring instead to broker a reconciliation. The Government and NGO's expressed continued concern about violence against women, and the media devoted considerable publicity to it during the year. The VSU handles problems of wife beating, mistreatment of widows by the deceased husband's relatives, and "property grabbing."

In two separate incidents in January and February, young women reportedly were abducted by UNITA soldiers for forced labor in Angola (see Sections 6.c. and 6.f.).

Both the Constitution and the law entitle women to equality with men in most areas; however, in practice, women are disadvantaged severely in formal employment and education compared with men. Married women who are employed often suffer from discriminatory conditions of service. Women have little independent access to credit facilities; in most cases, they remain dependent on their husbands who are required to co-sign for loans. As a result, few women own their own homes. However, some small financial institutions reportedly now allow women to sign independently for loans.

Customary law and practice also place women in a subordinate status with respect to property, inheritance, and marriage, despite constitutional and legislative protections. Polygyny is permitted if the wife first agrees to it at the time of her wedding. Under the traditional customs prevalent in most ethnic groups, all rights to inherit property rest with the deceased man's family. The 1989 Intestate Succession Act was designed to provide women with a share of the joint estate. Under the act, the children of the deceased man equally share 50 percent; the widow receives 20 percent; the parents receive 20 percent; and other relatives receive 10 percent. A 1996 "reform" of the act places the widow's share at 20 percent, to be divided equally with any other women who can prove a marital relationship with the deceased man, thus granting inheritance rights to other wives, mistresses, and concubines.

In practice, "property grabbing" by the relatives of the deceased man remains rampant, particularly when local customary courts have jurisdiction. These courts often use a different law, the Local Courts Act, to distribute inheritances without reference to the percentages mandated by the Intestate Succession Act. Ignorance of the law on the part of victims is also a problem. As a result, many widows receive little or nothing from the estate. The fines that the Intestate Succession Act mandates for property grabbing are extremely low. An M.P. participating in an April workshop on the Intestate Succession Act noted that the act has failed to address increased cases of property grabbing and therefore needs to be reviewed. In November the President strongly criticized the practice during a public ceremony.

In March a Lusaka magistrate's court convicted and remanded to custody the administrator of a deceased man's estate who evicted the decedent's widow and her baby 2 days after the decedent's burial.

Children.—The Government seeks to improve the welfare of children, but scarce resources and ineffective implementation of social programs continue to affect the welfare of children adversely. The Ministry of Sport, Youth and Child Development, Ministry of Education, Ministry of Labor, and Ministry of Community Development and Social Services have responsibilities for improving child welfare. Education is neither compulsory nor free. The number of children enrolled in public schools at the primary levels reportedly has declined over the past few years. Lack of adequate educational facilities and scarcity of educational materials are problems. Some areas have established community schools that are free but have fewer resources than public schools and require contributions from parents. The number of girls and boys in primary school is approximately equal; however, fewer girls attend secondary school. Due to poverty, both rural and urban children often work in the informal sector to help families make ends meet (see Section 6.d.). The number of street children in Lusaka increased from 35,000 in 1991 to 90,000 in 1998, partly because of the growing number of parents who have died from AIDS. Approximately 75 percent of all households are caring for at least one orphan and, as a result, these children face greater risks of child abuse, sexual abuse, and child labor; 7 percent of households are headed by children due to the death of both parents. The Government instituted programs to increase public awareness of HIV/AIDS and was attempting to address the problem of child labor by establishing a child labor unit with awareness programs during the year. Child abuse was believed to be fairly common, but no statistics were available.

The Labor Ministry and the Ministry of Development are cooperating in the establishment of a child labor office to address the problem of street children; in May the Government established the Child Labor Working Group. There are laws that criminalize child prostitution, pornography, and sexual exploitation of children under the age of 21. Laws against child prostitution are not effectively enforced;

however, cases of child pornography and sexual exploitation are generally effectively enforced.

People with Disabilities.—Persons with disabilities face significant societal discrimination in employment and education. The Government has taken steps to ameliorate their hardships, including establishing a national trust fund to provide loans to the disabled to help them start businesses, but its efforts are limited by scarce resources. The Government has not legislated or otherwise mandated accessibility to public buildings and services for the disabled.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of citizens to form trade unions, and approximately 60 percent of the 300,000 formal sector workers are unionized. Eighteen of the country's 19 large national unions, organized by industry or profession, are affiliated with the Zambia Congress of Trade Unions (ZCTU). The ZCTU is operated democratically and, like its constituent unions, is independent of any political party and the Government. The Mineworker's Union of Zambia and four other unions broke away from the ZCTU and established a rival umbrella organization in 1994. Four of them, including the Mineworkers' Union of Zambia, since have rejoined the ZCTU, leaving only the Zambia Union of Financial and Allied Workers and the Primary Teachers Union of Zambia outside the Congress.

The 1993 Industrial and Labor Relations Act (ILRA) reestablished the "one union, one industry" principle. A 1997 amendment to the act allows for multiplicity of trade unions as well as federations of trade unions. The Bankers Union of Zambia, although registered with the Government in 1993, has been unable to operate because the employers recognize the existing Zambia Union of Financial and Allied Workers. In 1993 the Ndola High Court ordered the Government to register the Secondary School Teachers Union of Zambia (SSTUZ). The Government continues to argue that the Zambia National Teachers Union (ZNUT) represents secondary school teachers and has delayed recognition of the new secondary school teachers union administratively. The SSTUZ sued the Government over its nonregistration, prompting the Government to register it in 1997. However, most teachers still belong to the ZNUT. ZNUT lost some bargaining power when some members switched to separate unions for primary and secondary school teachers; however, these unions experienced difficulty gaining attention from the Government. Unions reportedly have experienced increasing fragmentation due to a shrinking formal sector and 1993 changes in labor laws that have decreased unions" leverage. Only 11 percent of the eligible workforce was employed in the formal sector during the year.

All workers have the right to strike, except those engaged in essential services. In addition to the Zambia Defense Force, the judiciary, the police, the prison service, and the Intelligence Security Service, the ILRA defines as essential services power, medical, water, sewerage, fire fighting, and certain mining occupations essential to safety. It permits strikes only after all other legal recourse has been exhausted. The result is that there has not been a legal strike since 1993. The ILRA prohibits employers from retribution against employees engaged in legal union activities. Workers engaged in illegal strikes do not enjoy this protection.

In December 1999, 250 resident doctors stopped work, citing extremely poor working conditions and poor conditions of service. The Government initially suspended the striking doctors, but later decided to retire those who had not yet returned to work voluntarily. Over the course of several months, the majority decided to return to work or sought work outside the country.

By a majority vote of its members, a union may decide on affiliation with the ZCTU or with trade unions or organizations outside the country. The ZCTU is a member of the International Confederation of Tree Trade Unions, and a Zambian citizen currently holds the presidency of that body. Labor leaders travel without restrictions to international conferences and to visit counterparts abroad.

b. The Right to Organize and Bargain Collectively.—Employers and unions in each industry negotiate collective bargaining agreements through joint councils in which there is no government involvement. Civil servants and teachers, as public officials, negotiate directly with the Government. Collective disputes are referred first to conciliation. If conciliation fails to resolve the dispute, the parties may refer the case to the Industrial Relations Court, or, in the case of employees, vote to strike. In practice the industry joint councils function effectively as collective bargaining units.

The ILRA prohibits discrimination by employers against union members and organizers. An employee who believes that he has been penalized for union activities may, after exhausting any existing administrative channels for relief, file a complaint with the Industrial Relations Court. This court has the power to order appro-

priate redress for the aggrieved worker. The complainant may appeal a judgment of the Industrial Relations Court to the Supreme Court. In practice the Court often orders employers to reinstate workers found to have been victims of discrimination. This Court, like other courts, has inadequate resources to address all of the cases before it in a timely manner.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits slavery and involuntary servitude; however, it authorizes the Government to call upon citizens to perform labor in specific instances, for example, during national emergencies or disasters. Moreover, the Government can require citizens to perform labor that is associated with traditional civil or communal obligations, as when all members of a village are called upon to assist in preparing for a visit by a traditional leader or other dignitary.

Forced or bonded labor by children is not permitted, and in practice the labor authorities generally enforce the legal proscriptions when cases violating the law are brought to their attention (see Section 6.d.). However, there were reports that UNITA rebels abducted persons, particularly young persons, for forced labor in Angola (see Section 6.f.)

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment of children is 16 years. The Labor Commissioner effectively enforces this law in the industrial relations sector although, because of high adult unemployment, there is no demand for child labor in the formal sector. Child labor is most concentrated in the hotel and catering industries, construction, farming, transportation, prostitution, and household work. The law is not enforced for those who work in subsistence agriculture, domestic service, and informal sectors, where children under the age of 16 often are employed. In urban areas, children commonly engage in street vending. The ILO estimated that 564,000 children were in the work force during the year. Approximately 85 percent of those children are engaged in the worst forms of child labor, including street begging and prostitution. The Government has not ratified ILO Convention 182 on the worst forms of child labor; the Government had formulated but not approved an action plan by year's end. At present, acute family poverty levels and economic factors result in child labor. The problem has been compounded by the HIV/AIDs epidemic which has produced a growing number of orphans.

In May the Government established an interministerial working group, the National Steering Committee of the National Country Program on Child Labor, to coordinate efforts at addressing the root causes of child labor.

Forced or bonded labor by children is not permitted, and the authorities enforce legal proscriptions if violations are brought to their attention; however, while in general forced or bonded labor is not a problem, there were reports that UNITA rebels abducted young persons for labor in Angola (see Section 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The minimum wage for nonunionized workers is set at $0.02 (70.30 kwacha) per hour. Based on a 48-hour workweek, the legal maximum for nonunionized workers, a worker earning the minimum wage would receive $28 (90,000 kwacha) per month. The minimum wage covers nonunionized workers in categories such as general workers, cleaners, office orderlies, and watchmen. The minimum wage is insufficient to provide a worker and family with a decent standard of living, and most minimum wage earners supplement their incomes through second jobs, subsistence farming, or reliance on the extended family.

With respect to unionized workers, wage scales and maximum workweek limits are established through collective bargaining. In practice almost all unionized workers receive salaries considerably higher than the nonunionized minimum wage. The minimum workweek for full-time employment is 40 hours and is, in practice, the normal workweek. The law requires 2 days of annual leave per month of service.

The law also regulates minimum health standards in industry, and the Department of Mines is responsible for enforcement. Factory safety is handled by the Inspector of Factories under the Minister of Labor, but staffing problems chronically limit enforcement effectiveness. There are no legislative provisions to protect a worker who refuses to work on grounds of inadequate safety.

f. Trafficking in Persons.—The Constitution prohibits trafficking of children under the age of 18, but there are no other laws prohibiting trafficking in persons; however, trafficking in persons is not a significant problem in the country, although there have been some reports of trafficking. In 1999 a foreign citizen was arrested for allegedly trying to take four young women out of the country to work as prostitutes. The foreign citizen was charged, but acquitted. UNITA deserters have abducted citizens and forced them to accompany them back to Angola. Two such incidents were reported in January and February in Western Province. Upon return to

Angola, UNITA rebels forced young men to herd cattle which were stolen in cross border raids, and forced young women into labor or prostitution.

ZIMBABWE

Zimbabwe is a republic in which President Robert Mugabe and his Zimbabwe African National Union-Patriotic Front (ZANU-PF) have dominated the executive and legislative branches of the Government and have restricted political choice since independence in 1980. Although the Constitution allows for multiple parties, opposition parties have been subject both to financial restrictions, which were relaxed only partially in 1998, and to significant intimidation and violence by the ruling party and government security forces. Parliamentary elections were held in June and were preceded by a government-sanctioned campaign of violence directed towards supporters and potential supporters of the opposition. Although most election observers agreed that the voting process itself generally was peaceful, there were irregularities, and an estimated 15 percent of voters were turned away at the polls for various technical reasons. During the year, the country's first viable opposition party emerged, the Movement for Democratic Change (MDC), and won 57 out of 120 seats in the June parliamentary elections. The judiciary is generally independent, but the Government often refuses to abide by court decisions, frequently questions the authority of sitting judges, and threatens their removal.

The Zimbabwe Republic Police (ZRP) are responsible for maintaining law and order. The Zimbabwe National Army and Air Force under the Defense Ministry are responsible for external security. The Central Intelligence Organization (CIO) under the Minister of State for National Security in the President's Office is responsible for internal and external security but does not have powers of arrest. Members of the security forces committed serious human rights abuses.

Of a population of approximately 12 million, nearly half live by subsistence agriculture and about 75 percent rely directly or indirectly on agriculture for their livelihood; however, there are also substantial mining, manufacturing, and service sectors. The country has abundant arable land, minerals, good infrastructure, an educated and disciplined work force, and a strong ecotourism sector. Its chief sources of hard currency are exports of tobacco, gold, ferroalloys, nickel, tourism, and remittances from citizens working in other countries. The nonfarm economy continued to be dominated by state-owned monopolies and suffered from mismanagement and poor governance, including government corruption, and from large fiscal deficits exacerbated by the Government's military operations since 1998 in the Democratic Republic of the Congo (DRC). These conditions continued to contribute to accelerating price inflation, rapid currency depreciation, high real interest rates, and high unemployment. The formal sector unemployment rate exceeds 60 percent. During the year, per capita gross domestic product fell to $392, and according to government estimates, 70 percent of the population lives in poverty. The Government continued to face growing pressure from urban labor groups and rural low-income groups as the standard of living dropped. Widespread strikes and opposition from private businesses as well as labor largely frustrated government efforts to impose new taxes. International experts estimated that HIV/AIDS infects one-fourth of the adult population, killed at least 150,000 persons in the past year, and has created an estimated 900,000 orphans since the late 1980's.

The Government's poor human rights record worsened significantly during the year, and it committed serious abuses. The Government provided logistical and material support to ZANU-PF members, who orchestrated a campaign of political violence and intimidation that claimed the lives of more than 31 persons. Government supporters and war veterans, with material support from the Government, occupied commercial farms, and in some cases killed, tortured, beat, abused, and threatened farm owners and other persons believed to be sympathetic to the opposition. Security forces tortured, beat, and otherwise abused persons. There were unconfirmed reports of politically motivated disappearances. Prison conditions remained harsh, and life threatening. Arbitrary arrest and detention and lengthy pretrial detention remained problems. The judiciary is generally independent, but the Government often refuses to abide by court decisions, and frequently questions the authority of sitting judges, and threatens their removal. Infringements on citizens" privacy continued. The Government embarked on a farreaching "fast-track" resettlement program whereby privately owned farms, which are mostly white-owned, were threatened with seizure without fair compensation. The Government continued to restrict press freedom, enforce restrictive laws against, and intimidate journalists, and monopolize radio broadcasting. In September the Supreme Court ruled that the Gov-

ernment's monopoly on broadcasting was unconstitutional. Journalists also practiced self-censorship, and the Government continued to restrict academic freedom. The Government restricted freedom of assembly. Security forces repeatedly used force to disperse nonviolent public meetings and demonstrations. Although the Government generally respected religious freedom, its retention of the colonial-era Witchcraft Suppression Law reportedly was viewed as restrictive by some practitioners of traditional indigenous religions. The Government at times restricted freedom of movement, including erecting roadblocks around communal farming areas. The political process remained heavily tilted in favor of the ruling party, and widespread irregularities, fraud, and intimidation marred the June parliamentary elections. The Government criticized nongovernmental organizations (NGO's) of launching opposition political activity. Domestic violence against women remained widespread, and discrimination against women and the disabled remained problems. Abuse of children, including incidents of female genital mutilation (FGM), remained a problem. There were continuing reports of ritual murders associated with traditional religious practices. The President and his Government exacerbated widespread resentment of the economically prominent white minority. The Government violated worker rights. Child labor is a problem, and the traditional practice of offering young girls as compensatory payment in interfamily disputes persisted. There were reports that persons were trafficked from the country to South Africa for forced prostitution and forced labor.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no confirmed reports that security forces committed extrajudicial killings; however, in some cases army and police units provided transportation and other logistical support to perpetrators of political violence and knowingly permitted their activities.

On July 9, at a soccer match in Harare, 12 persons were trampled to death after police fired tear gas into stands where opposition supporters were waving MDC banners and chanting antigovernment slogans. Five others were critically injured, one of whom later died from injuries. By year's end, human rights organizations were supporting individual legal cases against the ZRP for using excessive force in the incident; however, the cases had not been tried by year's end.

In September 1999, Notice Zhakata reportedly died at Norton Hospital of injuries inflicted on him by police at the Kadoma police station, where he was detained following an arrest. According to press reports, police initially denied responsibility for the death, and the Government had not taken any action in the case by year's end.

In late 1999, allegations surfaced that members of the armed forces were training Burundian Hutu militias in the DRC to conduct attacks on Burundian and Congolese civilians in addition to military targets. The Ministry of Defense denied these reports, and no credible information has been found to verify them.

There were no new developments in the late 1998 case of a police officer who fired into a crowd of persons protesting fuel price increases in Mutare, killing one woman. There also were no developments in the February 1998 gasoline bombing case in which ZANU-PF supporters attacked independent Member of Parliament (M.P.) Margaret Dongo with a gasoline bomb at a by-election in Chitungwiza.

Police killed eight persons during January 1998 food riots. The Government conducted investigations into these cases, and private legal actions were instituted against the police. At year's end, those cases still were proceeding through the courts, and police investigations were ongoing at year's end. In March 1999, a magistrate court issued an opinion in the case of a 12-year-old girl, Kudzi Ndlovu, who was shot in Gweru during the riot on January 20, 1998. The judge concluded that her death resulted from a collapse in police command and inadequate riot control procedures by the officers on the scene; however, due to the confusing and conflicting evidence about the police response in this case, the judge was unable to find any individual officer liable for this death. The magistrate court recommended that further "private investigations" be undertaken to assist the Attorney General in determining liability in the case. At year's end, there were no further developments in the case.

The Attorney General continued to decline to prosecute the mayor of Chitungwiza, Joseph Macheka, for shooting to death one man and injuring two others who allegedly attempted to rob Macheka's liquor store during the January 1998 food riots. The Attorney General determined that Macheka was acting in self-defense and therefore, that prosecution was not in the public interest; the case was dropped in 1999. Legal and human rights critics accused the Attorney General of being influenced by political pressure.

In July 1999, the ZRP's Criminal Investigation Division reportedly identified an unnamed official of both the ZANU-PF and the Government as the subject of an investigation into three ritual killings committed in 1997 (see Section 5). There was no further information available on the case at year's end.

By year's end, the Government still had not responded formally to a 1999 report by the Legal Resources Foundation (LRF) and the Catholic Commission for Justice and Peace (CCJP) on atrocities committed during the 1982-87 Matabeleland crisis, despite the March 1999 release of a shortened version that was made available in local languages and mounting pressure from civic groups, political parties, and churches. The LRF and Zimbabwe Lawyers for Human Rights subsequently subpoenaed the Government in January to release the findings of two commissions that investigated the Matabeleland massacres; however, the AttorneyGeneral claimed that the documents were missing. In July the LRF petitioned the Supreme Court to force the Government to release the findings; the Court ruled that the President could be sued in court but had not heard the merits of the case by year's end. An estimated 10,000-20,000 persons died in the Matabeleland uprising and subsequent Government pacification campaign.

In the five-month period before the June parliamentary elections, 31 deaths were reported officially as a result of political violence, perpetrated mainly by supporters of the ruling party. On April 15, in Buhera district, a group of men in a ZANU-PF vehicle pulled in front of a vehicle driven by MDC leader Morgan Tsvangirai's campaign manager and eight other passengers, and forced the vehicle to stop. The men beat the driver and passengers with rifle butts and then set the car on fire. The driver and one passenger died in the attack, and two other passengers were reportedly hospitalized. Police later arrested two persons implicated in the attack, but they were released after a brief detention without explanation. There were no other arrests or court action in the case.

There were reports that in March ZANU-PF supporters killed persons during a campaign of violence in Mberengwa district (see Section 1.c.).

On April 17, a group of war veterans abducted MDC organizer and commercial farmer David Stevens from his farm and took him to their base in Murewa, where they beat him badly, and then shot and killed him. On September 22, after receiving an anonymous tip, police arrested a Marondera war veteran and charged him with murder. The suspect was released on bail pending a court hearing; however, the Attorney-General later withdrew the charges due to a lack of evidence, even though the suspect had been apprehended with the murder weapon and had been identified by a number of witnesses.

In late April in Kariba, residents of the town observed persons believed to be ZANU-PF supporters throwing the bodies of Luckson Kanyurira and another MDC supporter out of their vehicle onto the main street of the town. The incident followed several days of clashes between opposing political party members. No one was arrested or charged in the case by year's end.

On May 13, in Chipinge district, five persons beat to death Alex Chisasa, an army sergeant in civilian clothing. The killing occurred after Chisasa reportedly criticized publicly ZANU-PF's political strategy.

On May 17 in Mudzi district, youths allegedly supporting ZANU-PF beat to death Mationa Mashaya and his son, who were local supporters of the United Parties opposition group. The suspects beat to death the senior Mashaya in the presence of his wife, and then entered the home of Mashaya's eldest son, Onias, dragged him outside, and severely beat him, breaking both his hands. Onias died the following day from his injuries. No arrests were made in the case by year's end.

In June Mandishona Mutyanda, MDC ward chairman for the Kwekwe district, died of severe head injuries after being assaulted in a suburb of Kwekwe by suspected ZANU-PF supporters. No one had been arrested or charged in the case by year's end.

In March 1999, police instituted a system of roadblocks to apprehend suspected criminals, known as "Operation Hokoyo," that continued to be implemented periodically during the year.

Groups composed of war veterans tortured MDC members throughout the June election campaign. One person died from such torture (see Section 1.c.).

Six white commercial farmers were killed during the year in violence arising from land seizures (see Section 1.f.). For example, on December 13, three men armed with rifles killed white farmer Henry Elsworth and seriously injured his son in an ambush attack outside his farm gate. Press reports indicated that robbery did not appear to be the motive for the killing and that Elsworth had received numerous death threats during the year.

During the year at least five farm workers were killed in political violence; however, exact figures were not known. Three of the five were found hanged, and the police recorded their causes of death as suicides.

Harsh prison conditions and a high incidence of HIV/AIDS are widely acknowledged to have contributed to a large number of deaths in prison; the Zimbabwe Prison Service documented that 1,051 prisoners died of HIV/AIDS-related causes during the past 3 years (see Section 1.c.).

There were continuing reports of ritual murders and killings of children for body parts which were associated with traditional religious practices. In July 1999, Faber Chidarikire, a ZANU-PF official and mayor, was charged with the murder of a girl in 1987 (see Section 5).

b. Disappearance.—There were unconfirmed reports of numerous politically motivated disappearances perpetuated by ZANU-PF supporters during the year, especially in the rural areas where most organized groups are loyal to the Government and there are few opposition organizations. Domestic human rights organizations believe that there were disappearances in rural areas that were not reported due to fear of retribution by pro-government factions.

On June 19, Patrick Nabanyama, a local MDC official and polling agent for Bulawayo South M.P. David Coltart, was abducted by suspected ZANU-PF supporters from his home. On October 10, ten war veterans, including the chairman of the National Liberation War Veterans Association in Bulawayo, reportedly were detained for the kidnaping and remained in detention pending a trial at year's end. By year's end, Nabanyama had not been found.

In June war veterans beat and abducted a journalist for The Independent newpaper, a foreign journalist, and her cameraman, in Mutoko district. The police rescued the kidnaped journalists within a few hours of the abduction; no charges had been filed or arrests made in the case by year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, and cruel and inhuman treatment; however, security forces tortured, beat, and otherwise abused persons.

The ZRP showed poor training in criminal apprehension and interrogation, and there were unconfirmed reports of human rights abuses by the CIO.

There continued to be reports of police using excessive force in apprehending and detaining criminal suspects.

Security forces were involved in incidents of political violence, including instances of soldiers beating civilians in areas where persons voted for the opposition, such as Harare suburbs and Kwekwe. Two cases arising from beatings by soldiers following the Government's referendum defeat in February went to court. On June 28, army soldiers reportedly beat an MDC M.P. and MDC members at a political rally that had been authorized by police authorities (see Section 2.b.). Reportedly the victims were beaten with rifle butts and five were hospitalized for injuries. There were also reports that police fired tear gas into homes during the suppression of riots in October.

There were at least 8 politically motivated rapes reportedly perpetrated during the year.

On July 9 at a soccer match in Harare, five persons were injured and 12 persons were killed, after police fired tear gas into the stands during a soccer match (see Section 1.a.).

On October 9, police reportedly used tear gas on MDC supporters who were gathered at an airport for the arrival of MDC leader Morgan Tsvangirai.

Security forces repeatedly used force to disperse nonviolent demonstrations (see Section 2.b.). On October 12, police reportedly beat students with batons and used tear gas to break up a peaceful student rally (see Section 2.b.). On October 16, during food riots, security forces and police used excessive force to disperse demonstrators. Police officers, supported by army units, fired tear gas into crowds, and the army used helicopters to drop tear gas canisters over neighborhoods. Security forces reportedly beat an opposition M.P. and four journalists. There also were reports that journalists were whipped and beaten by security forces (see Sections 1.d., 1.f., 2.a., and 2.b.).

There were reports during the year that Government forces allegedly used landmines in the DRC; there was no further information available on the extent of injuries resulting from these landmines.

The Government generally has not pursued actively past allegations of torture and has not prosecuted CIO or ZRP officers for such abuses.

In September 1999, Notice Zhakata reportedly died at Norton Hospital of physical abuse inflicted by police at the Kadoma police station while he was detained there (see Section 1.a.).

In March 1999, the Chitungwiza police arrested, detained for 6 months and allegedly tortured a married couple, Joyce and Shupikai Karimazondo, and another person, John Mita, in response to allegations by a neighbor that they had killed their young domestic worker for ritual purposes (see Sections 2.c. and 5). In September, the Karimazondos and Mita were released, and the murder charge was dropped after the domestic worker was located alive and unharmed. The Magistrate Court declined the Karimazondos" defense counsel's application to have the State prosecute the investigating officers for misconduct and unlawful detention. Mita stated that he was suing the Government for unlawful detention. A local organization that treats torture victims, the Amani Trust, began investigating these allegations. At year's end, these investigations and legal challenges still were proceeding. No further information on the case was available at year's end.

In January 1999, in Harare, three men, one of whom later was identified as a police officer, reportedly assaulted Isodore Zindoga, deputy secretary general of the Zimbabwe Confederation of Trade Unions (ZCTU). There was no further information available on the case at year's end.

In January 1999, the military police detained and subsequently tortured and beat two journalists, Mark Chavunduka and Ray Choto (see Section 2.a.). The journalists" suit for their alleged mistreatment still was pending at year's end.

In June 1999, CIO officer Richard Mutswiri Mutiti reportedly filed a suit with the High Court alleging that four other CIO officials had beaten and kicked him, doused him with a flammable petroleum distillate, and threatened to burn him, while detaining him without warrant at the Harare Central Police Station in June 1998. A CIO disciplinary committee reportedly recommended the firing of the four officials in 1998, and one reportedly resigned soon thereafter; the High Court was scheduled to hear the cases of the remaining three officers in January 2001.

A consortium of human rights lawyers and NGO's pursued legal actions in 40 cases on behalf of persons who alleged that they had been injured by state officials during the 1998 food riots (see Section 1.d.). Twenty of those cases were resolved in favor of the claimants, and in one case, the army paid compensation to the victim. In the other 20 cases, the ZRP stated that it did not have the funds to pay damages. In six cases, the court ruled in favor of the police. Three other cases were withdrawn due to a lack of evidence, and three plaintiffs died before their cases could be heard. At year's end, six cases still were pending; of those cases, two claimants reportedly had left the country, and the remaining four could not be located.

Government supporters beat suspected opposition members, commercial farmers, and farm laborers; on June 5, an international team of medical experts on a fact-finding mission found evidence of systematic physical and psychological torture by government supporters. Human rights groups have reported that war veterans and other ruling party supporters set up torture chambers in government-funded offices to brutalize opposition supporters. The names of MDC M.P. David Coltart and other MDC members and supporters were reportedly included on a death list that was circulated among ZANU-PF supporters.

Persons perceived as supporting the opposition, including teachers, civil servants, health workers, and laborers in the manufacturing sector, were singled out for assault or intimidation. In most cases the national police did not halt acts of political intimidation or violence, arrest the perpetrators, or vigorously investigate political crimes. On April 15, a group of men driving a ZANU-PF vehicle stopped another vehicle with MDC members and beat the driver and passengers, killing two persons (see Section 1.a.). On April 17, a group of war veterans beat a commercial farmer, who was also a MDC organizer, and subsequently shot him to death (see Section 1.a.). On May 13, a gang beat to death an army sergeant after he reportedly criticized the ZANU-PF party (see Section 1.a.). The Zimbabwe Election Support Network, a grouping of human rights organizations, reported that on May 16, in Manicaland, Eomonn Oliver, the production manager of Border Timbers International, was grabbed by a group wearing ZANU-PF shirts when he arrived at work. They beat him and forced him to sit in a pool of mud in front of his workers and chant ZANU-PF slogans. On May 17, a group of youths who allegedly were ZANU-PF supporters beat to death a supporter of an opposition group and his son (see Section 1.a.). In June an MDC ward chairman died of injuries after he was beaten by suspected ZANU-PF supporters (see Section 1.a.).

In a number of rural areas, war veterans and other ZANU-PF supporters conducted "pungwes," or forced nightly political gatherings. Hundreds of villagers were rounded up, driven to remote areas, and forced to chant ZANU-PF slogans or denounce the opposition until the next morning.

There were confirmed reports that in Budirio, a suburb of Harare, war veteran groups frequently used a medical clinic belonging to National Liberation War Veterans Association leader and M.P., Dr. Chenjerai Hunzvi, to torture members of the

MDC. At least one person, Chipunza, died from injuries sustained during torture there, and another six testified to a human rights group that they were tortured at this clinic. Authorities arrested 46 war veterans, but they were released on bail, and they are unlikely to be tried due to President Mugabe's decree pardoning perpetrators of political violence between January and July (see Sections 1.e. and 3).

Government supporters raped suspected opposition supporters. The attacks targeted female farm workers and health workers (see Section 5).

In March a group of ZANU-PF supporters allegedly tortured MDC members in Bulawayo before a rally addressed by President Mugabe. In August police arrested two war veterans suspected of participating in the torture; however, charges against them were dropped as a result of a presidential amnesty (see Section 1.e.).

The Zimbabwe Human Rights NGO Forum, a coalition of the nine largest human rights organizations in the country, reported that in March ZANU-PF supporters in Mberengwa district abducted a local nurse and a teacher at night and forced them to a remote camp where other opposition members were being held. The two were stripped and forced to climb trees and jump from a height of three meters. They were beaten with electrical cords and sticks and threatened with firearms. Authorities arrested four suspects and held them on charges of malicious damage to property, public violence, kidnaping, and murder. As a result of a presidential amnesty, charges against three of the suspects were dropped, but the fourth suspect remained in custody for murder at year's end (see Section 1.e.).

On April 1, there were violent clashes between MDC and ruling party supporters that resulted in at least 12 injuries. ZANU-PF supporters reportedly beat passers-by. Police used tear gas to disperse the groups (see Section 2.b.). War veterans threw stones at unarmed opposition members and bystanders and injured several persons. Police did not intervene immediately, allowing war veterans to severely beat bystanders.

In June there were at least 200 reported attacks on schools by ruling party supporters. Teachers were dragged from classrooms, beaten, and stripped naked in front of their students. Health care workers also were targeted for assault, and nurses were raped.

In June war veterans beat and abducted a journalist for The Independent newpaper, a foreign journalist, and her cameraman, in Mutoko district. The police rescued the kidnaped journalists within a few hours of the abduction; no charges had been filed or arrests made in the case by year's end.

On July 16, war veterans beat Standard journalist Cengetayi Zvanya at a news conference at ZANU-PF headquarters; the war veterans detained Zvanya for two hours and then released him.

In July the National Constitutional Assembly (NCA), an umbrella organization of approximately 100 NGO's, called for an inquiry into the political violence, and a number of other human rights organizations released reports on the political violence associated with the June parliamentary elections during the year.

In August it was reported that war veterans abducted and sexually abused 10 schoolchildren (see Section 5).

On October 6, President Mugabe issued a presidential decree granting a general amnesty for politically motivated crimes that occurred between January 1 and July 31 (see Section 1.e.). The amnesty protects nearly all the agents of the political violence campaign and effectively prevents any criminal prosecutions against them.

Prison conditions remained harsh. Extreme overcrowding, shortages of clothing, and poor sanitary conditions persist. Overcrowding and poor sanitation aggravated outbreaks of cholera, diarrhea, and HIV/AIDS-related illnesses among the 21,133 prisoners in the country during the year. Government prison service authorities reviewed overcrowding in prisons during a 1998 workshop and concluded that exposure to HIV/AIDS was a major cause of a large number of deaths in detention, and prison authorities called for more research to address this growing problem; some authorities argued for the early release of such terminally ill prisoners. There has been a significant increase in the number of women incarcerated, primarily due to harsh economic conditions. Female prisoners are held in separate cellblocks from male prisoners. There are an estimated 2,000 women in prison, increasingly for crimes of prostitution, embezzlement, fraud, petty theft, and abandonment of infants. Many incarcerated women are obliged to raise their very young children in prison if they have no one to care for them while they are detained. The Government established a successful community service sentencing program to try to alleviate prison overcrowding. The Legal Resource Foundation, in cooperation with the prison service, has established a human rights training program for prison officials. Officials who mistreat prisoners are punished routinely. Juveniles generally are held separately from adults; however, a local NGO reported that occasionally

juveniles, particularly juveniles between the ages of 16 and 18 years, are held with adult prisoners for brief periods of time.

The Government permits international human rights monitors to visit prisons; however, government procedures and requirements make it very difficult to do so. Permission is required from the Commissioner of Prisons and the Minister of Justice, which sometimes can take a month or longer to obtain or may not be granted. A local NGO that deals with prisoners" issues was granted access on a number of occasions during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, some laws effectively weaken this prohibition and security forces arbitrarily arrested and detained persons repeatedly.

The law requires that police inform an arrested person of the charges against him before he is taken into custody. Warrants of arrest issued by the courts are required except in cases of serious crimes or where there is the risk of evidence disappearing. The Ministry of Home Affairs paid $400,000 (Z$4.5 million) in damages for wrongful arrest cases in 1996, the last year for which statistics were available.

Although a preliminary hearing before a magistrate is required within 48 hours of an arrest (or 96 hours over a weekend), the law often is disregarded if a person does not have legal representation. A 1992 amendment to the Criminal Procedures and Evidence Act substantially reduced the power of magistrates to grant bail without the consent of the Attorney General or his agents. However, in practice, a circular issued by the Attorney General giving a general authority to grant bail has lessened the negative impact of the rule. High Court judges grant bail independently.

Two laws dating from the British colonial era, the Official Secrets Act and the Law and Order Maintenance Act (LOMA), grant the Government a wide range of legal powers. LOMA gives extensive powers to the police, the Minister of Home Affairs, and the President to prosecute persons for political and security crimes that are not clearly defined.

In 1997 the Government proposed new legislation called the Public Order and Security Bill (POSB) to replace the LOMA. The original POSB was less restrictive than the LOMA only in some respects. During the following 2 years, the Parliament significantly amended the POSB to reflect the concerns of human rights and legal organizations, which had protested the Government's original draft as insufficiently liberal. Although the amended version that the Parliament sent to President Mugabe for his signature was similar to the LOMA in including vague definitions of political and security crimes, harsh penalties for failure to report the acts of others, and restrictions on freedom of assembly, speech, and association, President Mugabe declined to sign it, and returned it to the Parliament in early June 1999 for further consultation and possible amendment. There was no further action on the POSB in Parliament during the year (see Section 2.a.).

On April 26, police detained an Associated Press photographer for 4 days without charge in connection with the April 22 bombing of the offices of the independent Daily News (see Section 2.a.).

On May 21, police arrested 20 MDC supporters who were preparing for a political rally (see Section 2.b.).

On October 8, police detained three parliamentarians from the opposition MDC for allegedly inflammatory statements made at a political rally. The M.P.'s were detained for two nights and released when the Attorney-General declined to prosecute them (see Sections 1.e., 2.a., and 2.b.). On October 9, police dispersed a demonstration protesting the arrest of the three parliamentarians (see Section 2.b.).

During food riots on October 16, police detained at least 70 persons (see Section 1.c.).

In January 1999, military and civilian police detained and physically abused two journalists from The Standard and charged them with violating Section 50 of the LOMA (see Sections 1.c. and 2.a.).

In a landmark decision in April, the Supreme Court ruled that the section of the LOMA under which the journalists were arrested was unconstitutional. However, at year's end the journalists" suit for their alleged mistreatment had not been concluded (see Section 2.a.).

At the end of 1999, the Government reportedly was holding about 80 foreigners in Harare Remand Prison who had been there for between 2 months and 1 year without having been charged formally. Many of these detainees reportedly were persons from the DRC claiming to fear persecution by the Government of the DRC, which the Government of Zimbabwe was supporting militarily against insurgent forces.

In June 1999, a CIO officer filed a suit alleging that other CIO officials had detained him without warrant in June 1998 (see Section 1.c.).

On July 2, 1999, the Zimbabwe Human Rights NGO Forum released a follow-up report to its 1998 report on the January 1998 food riots. The report noted that the police claimed that a total of 3,000 persons were arrested during the 3 days of rioting and 2 days of clean-up. The overwhelming majority of those arrested were released within a 2-week period; the Rights Forum concluded that 70 percent of those arrested could not be convicted because of lack of credible charges or flawed arrests by the police and army. Its report also claimed that some persons were victims of uneven justice. For example, those arrested first received harsh sentences or were in remand without trial. Those arrested later were released quickly, because the system was overwhelmed.

There were no developments in the case of the Reverend Ndabaningi Sithole, a former opposition M.P. and longtime rival of President Mugabe, who was convicted and sentenced in December 1997 to 2 years" imprisonment under the LOMA for conspiring to assassinate President Mugabe in 1995. In January 1998, Sithole filed an appeal, and the sentencing judge called for a pardon. Sithole died in December while receiving medical treatment outside of the country.

Prolonged pretrial detention remained a problem. Detainees spend an average of 6 months incarcerated before their trials because of a critical shortage of magistrates and court interpreters.

The Constitution prohibits forced exile, and the Government does not use forced exile; however, a number of persons left the country to escape repression and remained in self-imposed exile at year's end.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and in practice the judiciary remained largely independent; however, the Government increasingly refused to abide by judicial decisions. In addition numerous government officials, including the Justice Minister and the Minister for Information and Publicity, repeatedly called for the resignation of Supreme Court justices.

The Customary Law and Local Courts Act of 1990 created a unitary court system, consisting of headmen's courts, chiefs' courts, magistrates' courts, the High Court, and the Supreme Court. With this restructuring, civil and customary law cases may be heard at all levels of the judiciary, including the Supreme Court.

Judges are appointed for life, and the Constitution provides that they can be removed from the bench only for gross misconduct, and that they cannot be discharged or transferred for political reasons; however, judges were threatened with removal at times by the Government. Magistrates, who are part of the civil service rather than the judiciary, hear the vast majority of cases and sometimes are subject to political pressure. Military courts deal with disciplinary or courtmartial proceedings. Police courts, which can sentence a police officer to confinement in a camp or demotion, handle disciplinary and misconduct cases. Trials in both these latter courts meet internationally accepted standards for fair trials; defendants in these courts have the right to appeal to the Supreme Court. All levels of the judiciary often make rulings disliked by the Government.

The Constitution provides for the right to a fair trial, and the judiciary rigorously enforces this right. Every defendant has the right to a lawyer of his choosing. However, well over 90 percent of defendants in magistrates' courts do not have legal representation. In criminal cases, an indigent defendant may apply to have the Government provide an attorney, but this is rarely done and rarely granted. However, in capital cases the Government provides an attorney for all defendants unable to afford one. Litigants in civil cases can request legal assistance from the NGO Legal Resources Foundation. The government-established Citizens Advice Bureau was eliminated due to budget constraints in 1997. All litigants are represented in the High Court. The Supreme Court has instructed magistrates to ensure that unrepresented defendants fully understand their rights and to weigh any mitigating circumstances in criminal cases, whether or not the accused presents them as part of his defense.

The right to appeal exists in all cases and is automatic in cases in which the death penalty is imposed. Trials are open to the public except in certain security cases. Defendants enjoy a presumption of innocence and the right to present witnesses and question witnesses against them. Defendants and their attorneys generally have access to government-held evidence relevant to their cases. The legal system does not discriminate against women or minorities. However, some High Court judges imposed lenient sentences in some cases of rape and child sexual abuse, and local women's and legal organizations challenged these decisions.

In April and May, the Government failed to abide by two High Court rulings requiring that police officials remove war veterans and other squatters trespassing on commercial farms. On May 17, the High Court ordered an end to the occupation of 500 farms by war veterans and other ZANU-PF supporters; however, the order was not implemented. In May the High Court also brought contempt of court pro-

ceedings against National Liberation War Veterans Association leader Chenjerai Hunzvi for failing to remove his followers from occupied farm properties. Hunzvi, along with the Government, had been ordered in April to remove thousands of squatters from 1,000 occupied farms. Hunzvi was found guilty of contempt of court and received a commuted 3month prison sentence; however, both Hunzvi and the Government continued to ignore the court orders at year's end. In August and September, police removed approximately 100 squatters and war veterans from farms near Harare; however, the Government stopped the expulsions after the police actions were publicized, and approximately 1,000 farms remained occupied at year's end.

Members of the ruling party and the Government were increasingly dissatisfied with the judiciary, whose rulings often went against ZANU-PF and the Government. In July the Supreme Court ruled that the President could be sued in court after the LRF sued the Government to release a report of two commissions that investigated the Matabeleland massacres (see Section 1.a.). On November 1, the Minister of State for Information and Publicity called for the resignation of the Supreme Court Chief Justice for issuing too many rulings against the Government.

On November 10, the Supreme Court ruled unanimously that the Government's land resettlement policy violated constitutional rights to property and protection from arbitrary search and entry, and ordered a halt to the occupations (see Section 1.f.). On November 29, the Justice Minister warned the courts not to oppose the Government's land program (see Section 1.f.). On December 21, the Supreme Court ruled that the Government's land acquisition program was unconstitutional, that the Government had persistently violated the rule of law with its land program, and that the political and civil rights of farmers had been routinely denied.

In November war veterans raided the Supreme Court building to protest the Court's rulings against the Government's land resettlement policies. In December war veterans threatened to attack justices in their homes if they did not resign within 2 weeks; no such attacks occurred.

The Government continued routinely to delay payment of court costs or judgments awarded against it. For example, the CIO continued its refusal to pay damages awarded by the High Court to a former opposition party official whom CIO agents had tortured in 1990.

On October 6, President Mugabe issued a presidential decree granting a general amnesty for politically motivated crimes that occurred between January 1 and July 31. The pardon excluded the offenses of murder, robbery, rape, sexual assault, theft, and possession of arms, but did not exclude the charges of common assault and assault with the intent to commit grievous bodily harm. The pardon permitted the immediate release of prisoners convicted of the latter two offenses. The amnesty protects nearly all the agents of the political violence campaign and effectively prevents any criminal prosecutions against them. The amnesty was widely criticized by domestic and international human rights groups. Amnesty International expressed concern that it would encourage further violence in the run-up to the presidential elections in 2002.

The Government repeatedly has amended the Constitution in response to judicial rulings protective of human rights. For example, Amendment 11 (1992) changed the Constitution to allow corporal punishment of minors after the Supreme Court ruled that caning of minors constituted cruel and inhuman punishment. Amendment 14 (1996), which denies both men and women the right to confer automatic residency on their foreign spouses, was passed in response to a 1994 Supreme Court ruling declaring that women should have the same rights as men to confer residency and citizenship on their spouses (see Section 2.d.). Amendments to the Constitution are not ratified by the public but are subject only to the ZANU-PF-dominated Parliament's approval.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Constitution prohibits arbitrary interference with these rights; however, the Government restricted these rights in practice. The Government sometimes monitors private correspondence and telephones, particularly international communications. In April Parliament passed the Postal and Telecommunications Bill that permits the Government to monitor and intercept e-mails entering and leaving the country (see Section 2.a.).

On September 14 and September 15, police raided MDC party headquarters, detained MDC officials, and removed documents (see Section 3).

On October 4, police searched the homes of an independent radio station's co-owners and others associated with the station (see Section 2.a.).

In October rising prices of essential commodities, including fuel and food, sparked riots in many of Harare's suburbs. Police conducted house to house searches, beat

residents, severely in some cases, and warned them not to engage in further demonstrations, despite the fact that many of those threatened had not participated in the riots. On October 17, approximately 50 riot police entered the home of opposition M.P. Justin Mutendadzamera, accused him of fanning the riots, and severely beat him and his wife with batons on their buttocks and arms (see Section 1.c.).

About one-half of the country's most productive land is owned and farmed by about 4,000 families belonging to the country's white minority. The need for land reform is accepted almost universally; however, there are problems with implementation of the 1992 Land Acquisition Act (Land Act). Under the Land Act, farmers whose lands have been designated for acquisition and redistribution by the State may appeal only the amount of compensation, not the initial decision to acquire their farms. Shortly after the February referendum that defeated the new constitution that would have permitted land seizures, war veterans, with Government support, began occupying commercial farms, and assaulted and intimidated farm workers and the predominately white farm owners. Approximately 1,600 farms were visited or occupied in the period prior to the June elections, and about 1,000 of those farms remained occupied at year's end.

On April 9, Parliament passed a constitutional amendment permitting the seizure of land without compensation. In May President Mugabe, using extraordinary presidential powers, amended the Land Act to bring it into conformity with this amendment. In early June, the Government marked 841 farms for compulsory acquisition, giving those farm owners 1 month to appeal. After the June elections, the Government began a "fasttrack" resettlement program in an effort to quickly settle the land problem. The Government designated an additional 2,000 farms for seizure. Under the Government's plan, farm owners would be compensated over a 5-year period for improvements made to the land but not for the property itself. Although no farms were seized officially or their owners evicted by the Government, portions of approximately 1,000 commercial farms continued to be occupied by war veterans, ZANU-PF supporters, and other squatters at year's end, many of whom built homes and planted crops on the land they occupied. In November the Supreme Court ruled that the land occupations violated constitutional private property rights and protection from arbitrary search and entry (see Section 1.e.) and issued a consent decree whereby the Government and the CFU agreed that the Government would halt its land resettlement activities and evict squatters from occupied land; however, the Government had not complied with the agreement by year's end (see Section 1.e.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression but allows for legislation to limit this freedom in the "interest of defense, public safety, public order, state economic interests, public morality, and public health," and the Government restricted this right in practice. Security forces arbitrarily detained journalists, disobeyed court orders to release journalists, and refused to investigate or punish security force members who tortured journalists and opposition members. Journalists practice self-censorship.

The Government restricted freedom of speech, particularly by opposition members and supporters. During the February referendum, eight NCA members, including two prominent MDC members, were arrested for violating sections of the Electoral Act that prohibit campaigning within 100 meters of a polling station. On February 15, a magistrate dismissed the case after the eight NCA members proved they were not within 100 meters of the polling station (see Section 2.b.).

On April 1, police fired tear gas on NCA members during a peace march (see Section 2.b.). In July police officers fired tear gas into the stands during a soccer match after opposition supporters began waving MDC banners and chanting slogans. Thirteen persons were trampled to death in the incident (see Sections 1.a. and 2.b). On October 8, three MDC M.P.'s were arrested and charged with making inflammatory statements at a political rally (see Sections 1.d. and 2.b.).

Sections 44 and 50 of the LOMA criminalize and allow the Government to suppress the publication of any "subversive" statement or "a false story capable of causing alarm and despondency." An extremely broad Official Secrets Act makes it a crime to divulge any information acquired in the course of official duties. In addition antidefamation laws criminalize libel of both public and private persons alike.

Several major daily newspapers and one local-language tabloid belong to the Mass Media Trust (MMT), a holding company heavily influenced by the ruling party. Until April 1999, the Government, through the MMT, controlled the only two daily newspapers at the time, the Chronicle and the Herald. The news coverage in these newspapers generally focused on the activities of government officials, neglected opposition parties and other antigovernment groups, and also neglected events or information that reflected adversely on the Government. The governmentcontrolled

media never criticized President Mugabe. In addition, the Minister of Information and Publicity in the President's Office controls the Zimbabwe Inter-Africa News Agency wire service.

The independent press grew substantially during the year in relation to the MMT-owned press. Independent newspapers that appeared regularly and had more than 3,000 subscribers were relatively few: one daily (The Daily News), three weeklies (The Financial Gazette, the Independent, and The Standard), and three monthlies. In 1998 a new privately owned consortium, Associated Newspapers of Zimbabwe (ANZ), which was 60 percent foreign-owned in 1998 but only 40 percent foreign-owned by the end of 1999, launched five weeklies in 1999 tailored to community-level readership. Three of the ANZ weekly newspapers closed in 1999 due to financial problems arising from limited advertising revenue; two remained open at year's end. In April 1999, the ANZ launched the country's first independent daily newspaper, The Daily News, which has the nation's largest circulation. The circulation of The Daily News grew significantly before the parliamentary elections, and the readership of the government-controlled The Herald fell rapidly. The major independent newspapers continued to monitor government policies and open their pages to opposition critics, but most of them also continued to exercise some self-censorship in reporting due to growing government intimidation of the press and the continuing prospect of prosecution under criminal libel laws.

The Government increasingly tolerated private media criticism of official corruption, as a number of widely publicized reports on malfeasance in government parastatals and ministries, notably the National Oil Company of Zimbabwe, appeared in both independent and MMT-owned newspapers. The Government did not prosecute any journalists or newspapers in connection with these reports; in past years, government prosecutions for criminal libel in connection with reporting of government corruption had resulted in the closure of some newspapers. However, in other respects the Government was increasingly intolerant of freedom of the press, including reports perceived to be critical of the military, and reports on the country's involvement in the DRC.

On February 23, authorities arrested the publisher of the independent newspaper, The Standard, and two of its journalists on charges of criminal defamation after The Standard published an article accusing the Government of printing the draft constitution without incorporating all of the public's views before the final adoption. Authorities also arrested a former editor and a reporter in connection with the article from The Standard.

In August Bernard Masara confessed to the editorial staff of The Daily News that he had been hired by the CIO to kill the editor. Masara had not been arrested or charged by year's end.

During the October 16-18 food riots in Harare, security forces reportedly beat seven journalists, when they attempted to enter a restricted area (see Section 1.c.).

In February 1999, in Harare an army sergeant based at Cranborne Barracks reportedly seized and publicly burned 16 copies of The Standard; the sergeant also reportedly threatened to kill the vendor if he continued to sell the newspaper. The lead story in the burned issue concerned the construction of a new mansion for President Mugabe. In late February, a police spokesperson stated that the police would charge the sergeant with malicious injury to property.

In January 1999, military and civilian police detained, tortured, beat, and otherwise abused two journalists from The Standard, Mark Chavunduka and Ray Choto, who reported in a story that 23 army officers were arrested in connection with an planned military coup. On January 19, the Government charged the two journalists under Section 50 of the LOMA with "publishing a false story capable of causing alarm or despondency." The two journalists subsequently filed suit against members of the security forces for damages to compensate them for the torture and illegal detention, and challenged the constitutionality of the LOMA (see Sections 1.c. and 1.d.). In a landmark decision in April, the Supreme Court ruled that the section of the LOMA under which the journalists were arrested was unconstitutional. However, the journalists" suit for their mistreatment still was pending at year's end.

Supporters of the ruling party and war veterans harassed, intimidated, and abused journalists considered to be sympathetic to the opposition. On April 6, a Daily News journalist, photographer, and a driver, were detained for 2 hours by ZANU-PF supporters and war veterans on a farm outside Harare. They were threatened with death for allegedly supporting the opposition MDC and supporting white commercial farmers. The youths, armed with iron bars and golf clubs, forced them to remove their shoes, sit on the ground, and chant pro-ZANU-PF slogans, in view of the police. The youths took the journalists" two cameras, national identity cards, and government-issued press cards. On July 22, Chengetai Zvauya, a reporter for The Standard, was detained and assaulted by war veterans at ZANU-PF head-

quarters. The war veterans claimed they attacked Zvauya because the independent press subjects them to unfair coverage.

On April 1, war veterans reportedly singled out journalists for attack during a counter-demonstration against a NCA peace march; at least one journalist was injured (see Section 2.b.).

On April 19, Geoff Nyarota, the editor of The Daily News, received a letter from an unknown organization threatening him if the newspaper did not desist from publishing articles critical of the Government and President Mugabe in particular. On April 22, a bomb exploded in an art gallery directly below the offices of The Daily News. On April 26, an Associated Press photographer was arrested in connection with the bombing. He was released on May 2; no charges were filed against him.

In June war veterans beat and abducted a journalist for The Independent newpaper, a foreign journalist, and her cameraman, in Mutoko district. The police rescued the kidnaped journalists within a few hours of the abduction; no charges had been filed or arrests made in the case by year's end.

On July 16, war veterans beat Standard journalist Cengetayi Zvanya at a news conference at ZANU-PF headquarters; the war veterans detained Zvanya for two hours and then released him.

Books and films are subject to review by the Zimbabwe Board of Censors. During the year, the Board banned at least 10 films.

Radio remained the most important medium of public communication, especially for the majority of the population living in rural areas. The Government continued to control all domestic radio broadcasting stations through the state-owned Zimbabwe Broadcasting Corporation (ZBC), supervised by the Minister of Information and Publicity in the President's Office. There were credible reports that the Minister routinely reviewed ZBC news and repeatedly excised reports on the activities of groups and organizations opposed to or critical of the Government, including antigovernment demonstrations and the ZCTU. In December 1999, the ZBC, reportedly at the order of the Minister, stopped broadcasting a popular phone-in talk show in which citizens increasingly had voiced criticism of the Government.

On September 22, the Supreme Court declared unconstitutional the Government's broadcasting monopoly. Immediately after the ruling, Information Minister Jonathan Moyo insisted that no private radio stations would be allowed to go on the air until the Government had drafted the necessary regulatory framework governing the entry and participation of private broadcasters in this sector. Despite Moyo's statement, Capital Radio, a private radio station, began broadcasting after the Supreme Court decision. On October 4, police shut down Capital Radio and seized its equipment, despite the issuance of a High Court decision earlier in the day barring the seizure. The police also searched the homes of the station's co-owners and others associated with the company, including an MDC M.P. On October 5, the High Court ordered the return of all equipment and the cancellation of the arrest warrants, and directed the Government to issue a license to Capital Radio within 10 days. The Government returned most of Capital Radio's equipment but did not issue a license to Capital Radio. On October 5, President Mugabe issued by decree temporary commercial broadcasting regulations that give the Minister of Information and Publicity the ultimate power to issue and deny broadcasting licenses. The Government claimed that the new broadcasting regulations rendered the court order non-binding. The Committee to Protect Journalists criticized the Government's action. Capital Radio is drafting an appeal to the Supreme Court that asserts that the temporary regulations are unconstitutional and requests a license in the absence of a fair hearing by the regulatory commission. On October 20, a legal committee of Parliament, in a non-binding resolution, declared the new regulations unconstitutional. By year's end, Capital Radio was awaiting Parliament's final report on the regulations before proceeding with a Supreme Court appeal in which it alleged that the regulations are discriminatory.

The Government appeared effectively to control, although the State no longer owned, all domestic television broadcasting stations. The ZBC, under the supervision of the Minister of Information and Publicity, owns and operates television broadcasting facilities. Following a Supreme Court ruling in September 1999 that the Government's monopoly on telecommunications was unconstitutional because it interfered with the right to freedom of expression, the Government for the first time granted a broadcasting license to private television station, Joy Television (Joy TV). However, President Mugabe's nephew, Leo Mugabe, reportedly has financial ties to Joy TV , and the ZBC reportedly exercises editorial control over Joy TV's programming. Joy TV remained the only privately licensed television station, and it remained restricted to broadcasting on an available channel leased from the ZBC; creation of an independent transmission facility remained restricted under the Broadcasting Act. Joy TV is not permitted to broadcast local news or current affairs pro-

gramming; however, it does broadcast BBC news reports. International television broadcasts were available freely through private cable and satellite firms.

The NCA accused the governmentinfluenced newspaper The Chronicle and the ZBC of refusing to publish previously accepted advertising from the NCA about its proposed constitutional process due to government orders to ban the NCA from disseminating its alternative message on the constitutional process. After the NCA took the ZBC to court in February, the judge ordered ZBC to carry the NCA's advertisements; the ZBC responded by carrying the advertisements in late night timeslots that had few listeners.

The Government does not restrict access to the Internet. During the year, there were many privately owned domestic Internet service providers. However, in April Parliament passed legislation that would permit the Government to monitor all international e-mail messages entering and leaving the country. It is unknown to what extent the security services have used this authority to intercept e-mail communication.

The Government restricts academic freedom. The University of Zimbabwe (UZ) Amendment Act and the National Council for Higher Education Act restricts the independence of universities, making them subject to government influence, and extending the disciplinary powers of the university authorities against staff and students. The Ministry of Higher Education and Technology controls the UZ and appoints its Chancellor and Vice Chancellors; since 1998 the Ministry also has appointed the Dean of Faculty, previously elected by the faculty, and most members of the University Council, which previously consisted largely of faculty members. The 1998 expansion of the Government's control of the UZ, which was a subject of student protests in 1998, was cited as a subject of concern to the faculty in a parliamentary committee report in June 1999. During the year, a number of students were expelled, and faculty members were forced to take leave without pay for belonging to the MDC.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly; however, the Government restricted this right in practice. The Government enforced laws that restrict this right, including the LOMA, and repeatedly used force to break up nonviolent demonstrations by its critics. Permits are not required for meetings; however, the police continued to require that groups obtain permits for marches or demonstrations despite the 1994 Supreme Court ruling that struck down the part of LOMA requiring permits. Most groups that conducted marches did not seek permits because of the Supreme Court ruling.

During the February referendum, eight NCA members, including two prominent MDC members, were arrested for violating sections of the Electoral Act that prohibit campaigning within 100 meters of a polling station. On February 15, a magistrate court dismissed the case, ruling that the NCA members were not within 100 meters of the polling station and that the application of the act to a national referendum violated the constitutional right of free assembly (see Section 2.a.).

On April 1, war veterans and riot police violently disrupted a peace march in central Harare organized by the NCA. The war veterans, in addition to young government supporters marched from ZANU-PF headquarters in a counter-demonstration and attacked the NCA marchers with stones, crowbars, and pickaxe handles, while police fired tear gas into the crowd. The attackers also reportedly chased the marchers into neighboring shops and beat them. At least 12 persons, including one British journalist, were seriously injured. The war veterans reportedly singled out journalists for attack, and a number of innocent bystanders were injured as well. The police ultimately disarmed the war veterans and other attackers, but did not arrest or charge them. Five NCA marchers were arrested for disobeying police orders to disperse. The Minister of Home Affairs blamed the NCA marchers for organizing a demonstration at the same time and place as the war veterans.

On May 7, several thousand MDC supporters attended a rally at Mucheke Stadium in Masvingo, despite threats of violence from ZANU-PF supporters. According to press reports, many persons were turned away by the police, who broke up groups larger than five persons and sealed off all roads leading into Masvingo.

On May 13, a peaceful NCA rally was disrupted by police and approximately 50 war veterans. The war veterans reportedly attacked those attending the rally with clubs, iron bars and stones.

On June 28, MDC members reportedly were beaten by soldiers at a political rally that had been authorized by the police (see Section 1.c.).

In July police fired tear gas into the stands during a soccer match after opposition supporters began chanting slogans and waving banners (see Sections 1.a., 1.c., and 2.a.).

On October 8, three MDC M.P.'s were arrested and charged with making inflammatory statements at a political rally (see Sections 1.d. and 2.a.). On October 9, po-

lice used tear gas and baton sticks to break up a peaceful demonstration of approximately 1,500 MDC supporters in Harare who had gathered outside the magistrate's court to protest the arrest of the three MDC parliamentarians (see Section 1.d.). At least seven demonstrators were injured by the police.

On October 12, riot police broke up a student rally outside the University of Zimbabwe campus where a MDC M.P. was scheduled to speak. Police and security guards reportedly beat many of the students with batons and used tear gas (see Section 1.c.).

Between October 16 and 18, security forces and police beat and used tear gas on demonstrators during food riots (see Section 1.c.).

The Constitution provides for freedom of association for political and nonpolitical organizations, including a broad spectrum of economic, social, and professional groups, and the Government generally respected this right in practice. However, ZANU-PF supporters, supplied with government vehicles and money, killed, tortured, beat and abused those perceived to be political opponents (see Sections 1.a. and 1.c.).

The formation of unions and political parties is not restricted.

Organizations generally are free of governmental interference as long as their activities are viewed as nonpolitical. The Supreme Court ruled unconstitutional sections of the 1995 Private Voluntary Organizations (PVO) Act, which had allowed the Government to suspend the executive bodies of organizations (see Section 4).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, a law that reportedly criminalizes both purporting to practice witchcraft and accusing persons of practicing witchcraft reportedly was viewed as restrictive by some practitioners of indigenous religions. There is no state religion. The Government generally recognizes all religions.

The Government does not require religious institutions to be registered; however, religious organizations that run schools or medical facilities must register those specific institutions with the appropriate ministry involved in regulating those areas.

Witchcraft—widely understood to encompass attempts to harm others not only by magic but also by covert means of established efficacy such as poisons—traditionally has been a common explanation for diseases of which the causes were unknown. Although traditional indigenous religions generally include or accommodate belief in the efficacy of witchcraft, they generally approve of harmful witchcraft only for defensive or retaliatory purposes and purport to offer protection against it. In recent years, interest in healing through traditional religion and through prayer reportedly has increased as HIV/AIDS has infected an estimated one-quarter of the adult population, and affordable science-based medicines effective in treating HIV/AIDS have remained unavailable.

The 1890 Witchcraft Suppression Act (WSA) reportedly criminalizes purporting to practice witchcraft, accusing persons of practicing witchcraft, hunting witches, and soliciting persons to name witches; penalties reportedly include imprisonment for as much as 7 years. The law reportedly defines witchcraft as the practice of sorcery, without reference to the consequences intended by the practitioner. Since 1997 the Zimbabwe National African Traditional Healers' Association (ZINATHA) has proposed amendments to the 1890 law that would redefine witchcraft in terms of intent to cause harm including illness, injury, or death; however, such legislation reportedly has been opposed by mainstream Christian churches. The existing WSA also generally was supported by human rights groups; the Act has been used since independence primarily to protect persons, primarily women, who have been accused falsely of causing harm to persons or crops in rural areas where traditional religious practices are strong.

There is some tension between the Government and the indigenous African churches because of the latter's opposition to Western medical practices that result in the reduction of avoidable childhood diseases and deaths in those communities. Some members of the indigenous churches believe in healing through prayer only and refuse to have their children vaccinated. The Ministry of Health has had limited success in vaccinating children in these religious communities against communicable childhood diseases. Human rights activists also have criticized these indigenous churches for their nctioning of marriages for underage girls.

President Mugabe has expressed skepticism about the increasing membership in evangelical and indigenous churches and has indicated that he believes they could be subversive.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government at times restricted these rights in practice.

On April 27, the police invoked the LOMA to set up roadblocks around the country to prevent the busing of political party supporters between districts. Permission was granted to bus supporters only to those rallies at which the leaders of political parties were scheduled to speak. The police commissioner characterized the action as a measure to prevent political violence; however, enforcement was limited to MDC supporters, which effectively limited the opposition's ability to campaign in ZANU-PF strongholds (see Section 3).

On May 7, police sealed off all roads leading into Masvingo, where the MDC was holding a political rally (see Section 2.b.).

In May the Government ordered 26,000 British nationals with dual citizenship to surrender their Zimbabwe passports after President Mugabe declared them "enemies of the state."

The law includes provisions for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Women and its 1967 Protocol. The Government generally has cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government generally provides first asylum; however, according to UNHCR, while 1,460 asylum seekers were granted refugee status in 1999, at least 34 persons were denied first asylum during the year. At year's end, there were reportedly 3,560 refugees from more than 20 countries; the largest groups consisted of 130 Congolese (DRC), 103 Rwandans, 102 Burundians, and 45 Angolans.

There were reports that foreign farm workers were threatened with deportation if they voted against the ZANU-PF party in the June parliamentary elections (see Section 3).

In late May, two Cuban doctors who were working in the country and seeking asylum at two foreign diplomatic missions were arrested and detained at several different prisons, where security personnel tried to force them to sign deportation documents. After several days, they were flown to South Africa accompanied by security personnel who then attempted to return them to Cuba. After hearing the doctors" protestations, the airline pilot refused to board them, and the two were returned to Zimbabwe and detained again. The authorities denied UNHCR representatives access to the doctors for several days, and refused to provide bedding, blankets, adequate food, or proper sanitation to the asylum-seekers. The asylum seekers were released on July 5 to the UNHCR after being held for 6 weeks. There were no other reports that the Government attempted to forcibly return persons to a country where they feared persecution.

Some employers reportedly take advantage of illegal refugees for inexpensive labor (see Section 6.e.).

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

Although citizens have the legal right to change their Government democratically, in practice the political process continued to be tilted heavily in favor of President Mugabe and his ZANU-PF party, which have ruled continuously since independence in 1980.

Parliamentary elections were held in June amid widespread voter intimidation by the Government and ZANU-PF supporters, violence, and reports of vote-rigging and other irregularities. Although the election day generally was peaceful, the process leading up to it was neither free nor fair. The newly formed opposition MDC captured 57 out of the 120 popularly elected seats. Thirty additional seats are reserved for presidential and tribal chief appointees, who are ZANU-PF supporters, which gave ZANU-PF a total of 92 seats. In the period before the June parliamentary elections, the Government, backed by security forces, implemented a systematic campaign of intimidation and physical violence against opposition supporters (see Sections 1.a. and 1.c.). In April the Government invoked LOMA to bar the transportation of political supporters across constituencies (see Section 2.d.). Police also used LOMA to restrict public gatherings (see Section 2.b.). In many districts, the campaign backfired, resulting in additional votes for the opposition, but in others, voters stayed away from the polls out of fear of retribution. For example, there were reports that farm workers of non-Zimbabwean heritage were threatened with deportation if they voted against the ruling party (see Section 2.d.). There are institutional problems with the management and supervision of elections, and the overlapping mandates of the Electoral Supervisory Commission, the Ministry of Justice, Legal & Parliamentary Affairs, and the Registrar-General's Office. Although the Ministry of Justice technically administers the Electoral Act, the Registrar General's Office falls under the Ministry of Home Affairs. With an insufficient budget and an overburdened staff seconded from the Ministry of Justice, the Electoral Supervisory Commission lacks the institutional capacity to oversee all of the country's polling

stations. Commissioners also lack authority to order the correction of irregularities. Despite an attempt to computerize the voters' roll, it contains a very large number of redundancies and errors, including misspellings, multiple entries, and names of deceased persons. These irregularities were highlighted during the June parliamentary elections; many votes for the ruling party were recorded as cast by deceased persons. International observers cited the need to establish an independent electoral commission. The Government legalized immense powers in the President through the Electoral Act, which institutionalized gerrymandering and fraudulent voters" rolls. The Government invoked the act shortly before the June elections to redraw constituent boundaries in its favor and raise bureaucratic barriers to voter registration. Although most election observers agreed that the voting process itself generally was peaceful 15 percent of voters were prevented from voting on election day on technical grounds or due to incomplete or inaccurate voters" rolls. Electoral officers did not operate in an open and transparent manner.

In August the Supreme Court nullified on procedural grounds approximately 6,000 absentee ballots sent in by troops stationed in the DRC. The ruling llowed widespread reports that the ballots had been distributed by ZANU-PF to districts in which it faced narrow defeat by MDC candidates.

In April Vice-President Msika announced that civil servants would not be permitted to act as election monitors in the parliamentary elections because they sympathized with the opposition. Civil servants have been the Government's traditional source for domestic election monitors. The MDC accused the Government of replacing the civil servants with its own supporters. International election observers were repeatedly denied accreditation by the Government, and most were not accredited until the last few days before the election due to frequent changes in the accreditation rules by the Government. On June 14, the Electoral Supervisory Commission (ESC) challenged in the High Court sections of the amended Electoral Act that reduces ESC authority to accredit international electoral monitors.

The ruling party's candidates continued to benefit from the ruling party's control of the state-owned firms that dominate the country's economy, from its control of the state-monopolized broadcast media (see Section 2.a.), and from its monopoly on overt state grants for political campaigns. In 1998 the Supreme Court ruled unconstitutional provisions of the Political Parties Finance Act (PPFA) that allocated state grants among political parties in proportion to the parties' seats already in the Parliament. In response the Government amended the PPFA later in 1998 to allocate campaign grants among parties in proportion to votes received in the last general election, with a minimum requirement of 5 percent. The Government was required to publish the amount of financing the MDC was entitled to receive according to its June election showing by August 24; however, it had not done so by year's end. The Government claimed that the MDC failed to submit its funding request by the deadline in June and that it is not entitled to state funds. In October the High Court ruled that ZANU-PF is not authorized to spend the MDC share until the matter is resolved.

In July the MDC filed a petition with the High Court to challenge the electoral results in 37 parliamentary constituencies, stating that there was sufficient evidence of intimidation, vote-rigging, and other irregularities to warrant the overturning of results in those constituencies. In October the High Court scheduled consideration of the petition for January 2001. On December 8, President Mugabe amended the Electoral Act to prohibit the nullification of the election of any M.P.

On September 14 and September 15, police raided MDC party headquarters, detained some MDC officials (see Section 1.d.), and removed documents. On September 16, the High Court ruled that the search of the offices and seizure of documents was illegal, and the police returned the seized documents. In addition to the raid on MDC headquarters, police frequently harassed individual MDC members after the June elections.

The 16 constitutional amendments since 1980 have increased greatly Mugabe's power relative to the legislature. Originally a prime minister elected by the Parliament, he has become a directly elected president. Constitutional Amendment 9 authorizes the President to declare unilaterally a state of public emergency for a period of up to 14 days. Amendment 10 grants the President sole power to dissolve Parliament and to appoint or remove a vice president and any minister or deputy minister. Amendment 10 also allowed the President to appoint 20 of the 150 Members of Parliament (M.P.'s), including 12 nonconstituency M.P.'s and 8 provincial governors who sit in Parliament. The President also exerts great influence on the process by which the country's chiefs (traditional rulers) select 10 of their number to sit as M.P.'s. All 30 of these M.P.'s have been consistently ZANU-PF members.

The legislature, which traditionally has been subordinate to the executive branch, has a viable opposition that subjected the Government to calls for accountability and

transparency. Parliamentary question time is being used to force debate and disclosure. For example, in September, Finance Minister Simba Makoni was forced to disclose during question time that the Government had spent $200 million (Z$9 billion) on its deployment of 12,000 troops in the DRC over the past 2 years, which sparked widespread criticism from the opposition and wider debate about the country's involvement in the DRC. In October the MDC brought a motion to Parliament to impeach President Mugabe for violating the Constitution and gross misconduct. In November the Speaker of Parliament appointed a special committee composed of eight ZANU-PF members and four MDC members to consider the charges outlined in the motion; the committee had not held hearings or released its findings by year's end.

Since late 1997, the NCA has advocated the creation of a new constitution that would reduce the power of the presidency and offer greater protection for civil liberties. In May 1999, the President established the Constitutional Commission (CC), whose 400 members he appointed, to review the current Constitution and prepare a new draft to be submitted to a national referendum. The NCA was openly critical of the CC, asserting that it was a government-controlled entity whose product would not reflect the will of the populace. On December 11, 1999, the CC released a draft constitution that would maintain a strong presidency. In a nationwide referendum in February voters defeated the new draft constitution.

Women are underrepresented in government and politics. Fifteen of the 150 M.P.'s are female, including the Deputy Speaker of Parliament, 1 minister, and 1 deputy minister; in the previous parliament there were 20 female M.P.'s. Women participate in politics without legal restriction; however, according to local women's groups, husbands—particularly in rural areas—commonly direct their wives to vote for the husband's preferred candidates. In December 1999, the ZANU-PF congress decided that women would be allotted one out of every three party positions. At the ZANU-PF congress in December, 50 new positions reserved for women were added to the party's 180-member Central Committee, which is one of the party's most powerful organs. All major ethnic groups are represented in Parliament and in the Government; however, most members of the Government and the Parliament, as well as most ZANU-PF officials, are affiliated with the Shona ethnic group, which makes up a majority of the population (see Section 5).

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

Although the Government permits local civic and human rights groups to operate, it monitors their activities closely. National groups that promote human rights include the Amani Trust, the Catholic Commission for Justice and Peace (CCJP), the Legal Resources Foundation, Zimbabwe Lawyers for Human Rights,the Bulawayo Legal Projects Centre (BLPC), the NCA, the Southern African Foundation of the Disabled, the Child and the Law Project, the Musasa Project, the Zimbabwe Women Lawyers Association, the Association of Zimbabwe Journalists, the Women's Action Group, Women and Law in Southern Africa, Women in Law and Development in Africa, Zimbabwe Women's Resource Centre and Network, Women and AIDS Support Network, and the Human Rights Research and Documentation Trust of Southern Africa.

These NGO's worked on human rights and democracy issues including lobbying for revision of the Public Order and Security Bill, increasing poor women's access to the courts, raising awareness of the abuse of children, eliminating irregularities in voter rolls, preserving the independence of the judiciary, and eliminating torture, arbitrary detention and restrictions on freedom of the press and assembly. The Foundation for Democracy in Zimbabwe (FODEZI) was established in July 1997 as a watchdog organization to support independent candidates. The Zimbabwe Human Rights NGO Forum was formed in 1998 to help provide legal and psycho-social assistance to the victims of the food riots in January 1998. It has taken the lead in coordinating reports on human rights violations and abuses in the period prior to and following the June elections.

During the year, tensions increased between the Government and civil society. In various public statements throughout the year, the Government accused NGO's of launching opposition political activity and threatened to clamp down on NGO's which do not comply with the PVO Act.

In a case brought by a women's NGO, the Supreme Court ruled unconstitutional those sections of the 1995 Private Voluntary Organizations (PVO) Act, which had empowered the Minister of Social Welfare, Labor, and Public Service to suspend the executive body or "any member of the executive committee of an organization and to appoint persons to manage the affairs of the organization for a specified time." Prior to the Supreme Court's ruling, several new NGO's set up their organizations

as "associations" connected with established NGO's so that their executive bodies would not be subject to government interference.

Amnesty International, Transparency International, and the International Committee of the Red Cross operate in the country. The Government generally does not discourage representatives of international human rights groups from visiting the country.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides that "every person in Zimbabwe" is entitled to fundamental rights whatever his race, tribe, place of origin, political opinions, color, creed, or sex; however, domestic violence and discrimination against women, abuse of children, and discrimination against the disabled remained problems. There were continuing reports of ritual murders associated with traditional religious practices. The President and his Government attempted to exacerbate resentment of the economically prominent white minority.

Women.—Domestic violence against women, especially wife beating, is common and crosses all racial and economic lines. It extends throughout the country and at times results in death. According to Women in Law and Development in Africa (WILDAF), domestic violence accounted for more than 60 percent of murder cases tried in the Harare High Court in 1998. The Musasa Project, a women's rights organization, established the country's first shelter for victims of domestic violence in Harare in 1997; it can accommodate up to 20 women at a time. The Musasa Project provided services to an estimated 3,147 clients at its Harare office in 1999, 61 percent of whom were female victims of domestic violence; 40 percent of those who were assisted were minors, victims of rape or incest. The Musasa Project reports that 54 percent of the women counseled for domestic violence have sexually transmitted diseases, including many with HIV/AIDS.

There continued to be reports of rape, incest, and sexual abuse of women. Although the Harare press reported a slight decrease in the number of reported rape cases during the year, the Musasa Project believes that the actual number increased because of an increase in the number of divorced women and women escaping spousal abuse. At least eight cases of politically-motivated rape were reported in the preelection period; human rights groups estimate that the actual number of politically-motivated rape may be closer to 800, including incidents of gang rapes of young girls and elderly women and rapes of female farm workers and health care workers (see Section 1.c.). Women face many obstacles in filing reports of rape. Many police stations are not prepared to handle properly the investigation of such cases. In addition, women are reluctant to file reports because of the social stigma of rape. Women's groups believe the actual number of rapes is underreported greatly. When cases go to court, lengthy sentences for rape and wife beating generally are imposed. However, a "binding over" order (an order to appear in court to respond to an accusation of violent behavior) is issued based only on actual physical abuse and not on threats of violence. Courts also do not have the power to oust an abusive spouse from a matrimonial home. Systemic problems and lack of education often mean that police do not respond to women's reports or requests for assistance. The Ministry of Justice is considering draft legislation that would increase the penalties for sexual abuse, including rape of a spouse.

Since independence the Government has enacted major laws aimed at enhancing women's rights and countering certain traditional practices that discriminate against women. However, women remain disadvantaged in society. Illiteracy, economic dependency, and prevailing social norms prevent rural women in particular from combating societal discrimination. Despite legal prohibitions, women still are vulnerable to entrenched customary practices, including the practice of pledging a young woman to marriage with a partner not of her choosing, and the custom of forcing a widow to marry her late husband's brother.

The Legal Age of Majority Act (LAMA) and the Matrimonial Causes Act recognize women's right to own property independently of their husbands or fathers. While unmarried women may own property in their own names, women married under customary law are not allowed to own property jointly with their husbands. The Administration of Estates Amendment Act, which came into effect in October 1997, removed inheritance laws unfavorable to widows. Women's groups regard the act as a major step toward ending the unfair and unequal distribution of inherited assets for women. The President signed the new Inheritance Amendment into law in 1998; however, in February the Supreme Court upheld a magistrate court decision that, under customary ethnic law, a man's claim to family inheritance takes precedence over a woman's, regardless of the woman's age or seniority in the family. The Court cited Section 23 of the Constitution, which allows discrimination against women

under customary law. Divorce and maintenance laws are favorable to women, but women generally lack awareness of their rights under the law.

Although labor legislation prohibits discrimination in employment on the basis of gender, women are concentrated in the lower echelons of the work force and commonly face sexual harassment in the workplace. Research conducted by the Training and Research Support Centre (a Harare-based NGO) revealed that one in three working women at all levels were subjected to sexual harassment in the workplace, as defined by Zimbabwean legal experts. The 1996-1997 study was based on questionnaires from 528 working women.

In August 1998, the Government denied a petition by women's groups that one-third of land redistributed under the land reform program be distributed to households headed by women, which reportedly make up one-third of all rural households. At a press conference in 1999, Joseph Msika, Vice-President and Minister of State in charge of resettlement, reportedly stated, "I would have my head cut off if I gave women land." Nevertheless, during the September 1999 land conference, women's rights organizations lobbied the Government to recognize women as a special group to be considered in the Government's resettlement program. The Women Land Lobby Group (WLLG) criticized the Government for not taking into consideration the needs of women as an economically disadvantaged group in its "fast-track" resettlement program (see Section 1.f.). The WLLG is lobbying the Ministry of Lands, Agriculture & Rural Resettlement for greater consideration.

Several active women's rights groups, including WILDAF, the Musasa Project, the Zimbabwe Women Lawyers' Association, the Women's Action Group, and the Zimbabwe Women's Resource Center and Network concentrate on improving women's knowledge of their legal rights, increasing their economic power, and combating domestic violence. Groups that focus on the problems of protection of women against domestic violence and sexual transmission of HIV/AIDS included the Women and AIDS Support Network and Musasa Project.

During the July cabinet restructuring, the cabinet level position of Minister of State for Gender Affairs in the Office of the President was eliminated; however, the Government created a new Ministry of Youth Development, Gender and Employment. The Government gives qualified women access to training in the military and national service. Although there have been recent advances for women, they continue to occupy mainly administrative positions.

There were reports that women were trafficked from the country to South Africa for forced prostitution and forced labor (see Section 6.f.).

Children.—The Government continued to demonstrate its strong commitment to children's rights and welfare through a system of primary health care and education overseen by the Ministry of Health and Child Welfare. The Children's Protection and Adoption Act, the Guardianship of Minors Act, and the Deceased Person's Maintenance Act protect the legal rights of minor children; however, the Government has not enforced these acts. While there is no compulsory education, the country has made considerable progress in providing education for children, and overall primary school attendance has increased by more than 4,000 percent since independence. About 93 percent of children reached grade 5. However, with the reintroduction of school fees in urban schools and rural secondary schools, enrollment has declined. School fees have risen sharply due to high inflation, resulting in the inability of many families to afford to send all of their children to school. The 1998 U.N. Development Program's Human Development Report noted that in most regions of the country, fewer girls than boys attend secondary schools. If a family is unable to pay tuition costs, it is most often female children who leave school. The literacy rate for women and girls over the age of 15 is estimated to be 80 percent while the male rate is about 90 percent. However, budget cuts and the lack of adequate attention to HIV/AIDS prevention are eroding the Government's capacity to address children's needs in these areas. International experts estimated that HIV/AIDS infects one-fourth of the adult population and killed more than 150,000 persons during 1999; it is estimated that the number of deaths during the year was equal to or higher than in 1999.Deaths from HIV/AIDS created hundreds of thousands of orphans. There were an estimated 150,000 orphans in 1995, 900,000 in 1999, and 1 million during the year. This rapidly growing problem is expected to put a tremendous strain on both formal and traditional social systems. At the household level, there is an increased burden on the extended family, which has traditional responsibility for caring for orphans. Many grandparents are left to care for the young, and in some cases children or adolescents are heading families. Many orphans are sent to foster homes, where they often become victims of sexual abuse. At the provincial and national levels, the governments are saddled with increasing demands for community orphan projects, orphanages, health care, and school fees.

The number of street children, with the related problems of theft, street violence, drug use, and violent death, also is increasing. There were an estimated 12,000 homeless street children in the country in 1999, many of them the children of former Mozambican refugees or AIDS orphans. The number of incidents of child abuse, including incest (long a taboo), infanticide, child abandonment, and rape is increasing. It is not known whether the statistics reflect the fact that more cases are occurring or only that more are being reported. There are reports of child labor, including reports of an increased number of girls engaged in prostitution (see Section 6.d.). The Ministry of Justice's Vulnerable Witnesses Committee established victim-friendly courts (VFC) in 1997 to improve the judicial system's handling of child victims of rape and sexual abuse. According to the Musasa Project, 39 percent of the 3,000 persons whom it assisted at its Harare office in 1998 were victims of child abuse. There was a large volume of rape cases in the Harare VFC, which led to calls by children's rights' advocates to establish additional courts in surrounding areas. The criminal justice system has special provisions for dealing with juvenile offenders.

In August it was reported that war veterans abducted and sexually abused 10 schoolchildren. The case reportedly was under investigation, although there was no further information available at year's end (see Section 1.c.).

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, rarely is performed in the country. However, according to press reports, the initiation rites practiced by the small Remba ethnic group in Midlands Province include infibulation, the most extreme form of FGM.

The traditional practice of offering a young girl as compensatory payment in interfamily disputes continued during the year.

Indigenous African churches that combine elements of established Christian beliefs with some beliefs based on traditional African culture and religion generally accept and promote polygyny and the marriage of girls at young ages; they also generally approve of healing only through prayer and oppose science-based medicine including the vaccination of children.

There were continuing reports that children were killed for body parts by persons practicing healing rituals associated with traditional religions. Body parts from children reportedly were considered the most efficacious for some such purposes.

There were reports that children were trafficked from the country to South Africa for forced prostitution and forced labor (see Section 6.f.).

People with Disabilities.—President Mugabe appointed a disability activist to Parliament in 1995 to represent the needs of the disabled. The Disabled Persons Act of 1992 specifically prohibits discrimination against persons with disabilities in employment, admission to public places, or provision of services and is viewed by advocates of the disabled as model legislation. However, in practice, the lack of resources for training and education severely hampers the ability of disabled persons to compete for scarce jobs. The act stipulates that government buildings should be accessible to disabled persons; however, implementation of this policy has been slow. A local NGO was working on auditing the act and implementing the law during the year. NGO's were lobbying to include albinos in the definition of "disabled" under the act. Disabled persons face particularly harsh customary discrimination. According to traditional belief, persons with disabilities are considered bewitched, and reports of disabled children being hidden when visitors arrive are common.

Religious Minorities.—There are generally amicable relations among the various religious communities. The Muslim, Jewish, Hindu, and Buddhist religious communities are relatively small and generally not in competition with Christian denominations for converts. Catholic Church officials say they welcome interfaith dialog with Muslims but believe some of the evangelical churches are hostile to Islam.

There are at least four umbrella religious organizations primarily focused on interdenominational dialog among Christians, and some intrareligious activities. However, Muslims are not represented in any of these organizations, and there is no vehicle for formal Christian-Muslim dialog. Muslims have complained of discrimination by private employers who refuse to allow them sufficient time to worship at their mosques on Fridays.

During the February constitutional referendum, more than 150 priests and ministers under the Evangelical Fellowship of Zimbabwe (EFZ) lobbied for Christianity to be enshrined in the new constitution as the country's sole national religion. That position was rejected, primarily because its opponents argued that Christianity had brought about colonization in Africa.

There were reports of growing tensions between mainline Christian churches and practitioners of traditional indigenous religions. Leaders of the Christian churches reportedly opposed the repeal or modification of the Witchcraft Suppression Act

sought by practitioners of traditional indigenous religions (see Section 2.c.). Several leaders of Christian churches reportedly denounced a perceived increase in "satanism" in the country; acts of satanism allegedly included drinking human blood and eating human flesh.

There were continuing reports of ritual murders associated with traditional religious practices, although the Government actively enforces the law against all kinds of murder including ritual murders. Gordon Chavanduka, chairman of ZINATHA, the national association of traditional healers, reportedly stated that black-market demand for human body parts used in making potions has increased greatly in recent years. Some observers suggested that this development may be associated with the spread of HIV/AIDS in the country, and the lack of affordable science-based medicines for treating infected persons (see Section 2.c.). Unlike in the previous year, there were no reports that persons killed children for body parts for healing rituals associated with traditional religions. In July 1999, Faber Chidarikire, a ZANU-PF official and mayor of the northern town of Chinhoyi, was charged with murdering a 13-year-old girl in 1987, but he was released on bail after intervention by the Attorney General; there were reports that Chidarikire cut off the girl's ear and excised her genitals. In 1995 an examination of a severed head found in Chidarikire's car in 1994 indicated that it had been severed with a blade, not in a car accident as Chidarikire had maintained.

National/Racial/Ethnic Minorities.—According to Government statistics, the Shona ethnic group makes up 82 percent of the population, Ndebele 15 percent, whites less than 1 percent, and other ethnic groups 2 percent. There have been tensions both between the African majority and the white minority, between the Shona majority and the Ndebele minority, and among the various Shona subgroups.

During the 1960's and 1970's, elements of the white minority rebelled against British rule and established and maintained a racially discriminatory apartheid regime, which was dismantled in 1980 only after armed insurgencies by the armed wings of ZANU and the Zimbabwe African People's Union (ZAPU), and economic sanctions by the international community. The white community remains economically privileged; despite government efforts at land reform, white farmers continued to own one-half of the country's most productive land and most of its major businesses at year's end (see Section 1.f.).

Government services are provided on a nondiscriminatory basis. The Government has sought to expand and improve the previously "whites only" infrastructure in urban areas to provide health and social services to all citizens, and all schools and churches are integrated legally. However, social interaction between Africans and whites remained uncommon. Racial tensions have subsided since independence and remain low despite the Government's ongoing attempts to blame whites for the country's economic problems. On many occasions, especially during the campaign to amend the draft constitution, President Mugabe, members of his Government, and the state-controlled media attempted to reignite resentment of the white minority. President Mugabe accused the white minority of having too close ties to their ancestral countries, and has criticized other governments for trying to interfere with the "continuing liberation struggle." During the year, the Government embarked on a far-reaching "fast-track" resettlement program whereby privately-owned farms, which are mostly white-owned, were designated for seizure with no clear means for providing compensation. Government supporters and war veterans assaulted commercial farmers in their homes and on their property (see Sections 1.a. and 1.c.). In a nationally televised address before the June election, Mugabe called white farmers "enemies of the state." On October 15, Matabeleland North Governor Obert Mpofu accused whites of using black citizens in an attempt to remove Mugabe's Government and warned of violence if whites continued to frustrate the "fast-track" resettlement effort (see Section 1.f.). On October 25, President Mugabe threatened to revoke his Government's policy of reconciliation with whites that was adopted in 1980 after the MDC tabled a motion in Parliament to impeach him. The President threatened to arrest white M.P.'s David Coltart and Michael Auret for drafting the impeachment motion.

During the 1980's the Shona-dominated Government suppressed a brief Ndebele insurgency with a 5-year pacification campaign that killed an estimated 10,000-20,000 Ndebele civilians in Matabeleland, the region in which the Ndebele are concentrated. Although relations between the Shona and the Ndebele subequently have improved, the disproportionate number of Shona speaking teachers and headmasters in Matabeleland schools remained a sensitive issue. Members of the Ndebele community continued to criticize the Government's unequal distribution of national resources and the Government's failure to compensate victims of the 1980's Matabeleland killings.

Section 6. Worker Rights

a. The Right of Association.—The 1985 Labor Relations Act (LRA) provides private sector workers with freedom of association and the right to elect their own representatives, publish newsletters, set programs and policies that reflect the political and economic interests of labor, and form or join unions without prior authorization. The LRA allows for the existence of multiple unions per industry, provided that each is registered with the Ministry of Public Service, Labor, and Social Welfare (MPSLSW). While the Government can deregister individual unions, the High Court has ruled that the LRA does not give the Minister the power to suspend or deregister the national umbrella labor confederation, the Zimbabwe Congress of Trade Unions (ZCTU). The Parliament did not consider the Labor Relations Amendment Bill (LRAB) again during the year.

Approximately 25 percent of the formal sector work force (approximately 400,000 workers) belongs to the 31 unions that form the ZCTU. ZCTU officers are elected by delegates of affiliated trade unions at congresses held every 5 years; the ZCTU postponed its next congress until February 2001. While the Government encouraged the ZCTU's formation, anticipating that it would form the labor arm of ZANU-PF, it no longer controls the ZCTU; most of the leadership of the opposition MDC party came from the ZCTU. The Government and the ZCTU often have clashed sharply on economic policy, particularly the Economic Structural Adjustment Program that was implemented in 1990. The Government usually has not consulted either the ZCTU or employers before implementing policy decisions that affect the workplace. This lack of consultation has often resulted in reactions that disrupted labor relations, thereby promoting uncertainty and some strikes.

The 1992 Labor Relations Amendment Act (LRAA) specifies that workers may establish independent worker committees, which exist side by side with unions in each plant. Worker committees also must be registered with the MPSLSW, which is free to refuse registration. ZCTU officials believe that the formation of worker committees was an attempt to dilute union authority, because the worker committees are comprised of union and nonunion workers. However, the ineffectiveness of worker committees demonstrated the need for the experienced worker representation of the established trade unions.

It is virtually impossible to conduct legal collective job action. There is no right to strike in the Constitution. The 1985 LRA, the 1992 LRAA, and the LRAB 2000 do not include mention of this issue. "Essential" employees are prohibited by law from striking, and the Government defines all public sector workers as "essential." Managers also are prohibited from striking, and in various industries, the Government defines most employees as managers; the Government also considers some private sector workers, such as those in the health sector, as essential workers. For the remaining nonessential employees legally to conduct a strike, over 50 percent of the company's employees must vote in favor of the action. Many employees are afraid to do so, for fear of management reprisals. However, if a majority vote is obtained, the dispute is referred to the concerned government agency for resolution. Only if the government-appointed arbitrator determines that a resolution is not possible is the right to strike granted. These governmentimposed delays prevent most employees and their unions from ever declaring legal strikes. However, illegal strikes or work stoppages have occurred within individual companies, and occasionally, in entire industries.

There were minimal labor actions, such as strikes and stayaways, during the year. With the volatile political environment and the economic crisis, labor and management united in calls to address fundamental economic and political governance issues. In a nationwide stay-away on August 2, in which 80 percent of workers reportedly participated, the ZCTU instructed workers not to report to their jobs to protest the political violence and farm invasions that occurred before the parliamentary elections (see Sections 1.f. and 3).

There were efforts to organize nationwide strikes by security guard service employees and mining sector employees; however, they failed because of disagreements between workers and unions, and workers returned to work without reaching new labor agreements in either sector. On August 14, after a breakdown in contract negotiations, the Associated Mineworkers of Zimbabwe went on strike, closing almost half of the 40 mines in the country for 2 weeks until the union ended the strike and reentered negotiations.

During the year, workers from individual companies seeking pay increases called spot strikes because of the decrease in the value of their salaries due to inflation and currency devaluation; however, these strikes were sporadic and not formally sanctioned by either individual unions or the ZCTU.

The International Confederation of Free Trade Unions (ICFTU) has criticized the labor laws for giving "wide scope to the authorities to declare that a given enterprise

or industry constitutes an essential service, and then impose a ban (on strikes) on it." The authority to reclassify a previously nonessential service as essential was not used during the year. In previous years, President Mugabe has issued blanket bans on strikes in the country in both the public and private sectors, and he issued a 6-month ban on all collective job actions from November 1998 to May 1999; the ban expired in May 1999. The President did not issue any blanket bans on strikes during the year, but government officials stressed that the Government reserves the right to reimpose the ban at its discretion.

The ZCTU was critical of violence during the year directed at agricultural workers who live and work on commercial farms, many of whom are members of the General Agricultural and Plantation Workers Union of Zimbabwe (GAPWUZ), which is affiliated with the ZCTU. On May 8, a group of 20 armed ZANU-PF supporters beat workers at a workers compound and forced them to attend a political rally (see Section 1.c.). There were reports of violence and isolated incidents of war veterans threatening workers for alleged MDC support.

There are several pending ILO cases that allege violent police intervention against union demonstrators and inadequate investigation of assaults and arson against trade unionists.

The LRA allows for the formation of multiple national federations. A second umbrella labor organization, the Zimbabwe Federation of Trade Unions (ZFTU), was launched in October 1996 with the stated purpose of providing an alternative to the ZCTU, and states that its goal is to work in collaboration with the Government, and it is openly critical of the ZCTU. The ZFTU's leadership and membership remained unclear, with key personnel changing regularly. Most observers believe that the ZFTU has close ties with the ZANU-PF ruling party. The ZFTU largely was inactive, except for occasional public statements criticizing ZCTU activities, and generally was not considered a viable labor organization.

Public servants and their associations, the Public Service Association (PSA), the Zimbabwe Teachers Association (ZIMTA), and the Zimbabwe Nurses Association (ZINA) are not covered by the provisions of the LRA. Instead, their conditions of employment are provided for under the Constitution. Although civil servants constitutionally are barred from forming unions, in 1995 the ZIMTA stated its intention to affiliate with the ZCTU and the PSA. In 1998 the PSA affiliated itself with the ZCTU. During the year, a new organization, the Civil Service Employees Association, was formed as an umbrella organization for civil service employees, and requested affiliation with the ZCTU at year's end. This request remained pending with the ZCTU leadership at year's end. All public servants are deemed essential and are prohibited from striking.

The ZCTU and its officials are free to associate with international labor organizations and do so actively. The ZCTU is affiliated with the ICFTU and the Southern African Trade Union Coordinating Council.

b. The Right to Organize and Bargain Collectively.—The LRA provides workers with the right to organize. As originally written, this act was silent on the right to bargain collectively. However, the 1992 LRAA permits unions to bargain collectively over wages. Worker committees, which by law are not organizationally part of the unions or the ZCTU, are empowered to negotiate with the management of a particular plant on the conditions of labor and codes of conduct in the workplace, except for wages. Unions, employers, and individual workers have the right to take their grievances to the Government's Labor Relations Tribunal (LRT) for final adjudication. The LRT maintained a huge backlog of cases again during the year, with 3,383 cases pending by year's end, some of which have been awaiting a hearing for years. The backlog is attributed to staffing shortages; only one out of six LRT judgeships were filled by year's end.

Collective bargaining wage negotiations take place on an industry-wide basis between the relevant union and employer organizations sitting on joint employment boards or councils. Collective bargaining agreements apply to all workers in an industry, not just union members. Over 80 percent of all industries are unionized. From April to July each year workers and employees negotiate salary increases and other benefits in their respective National Employment Councils (NEC's). These bodies submit their agreements to the Registrar in the MPSLSW for approval. The Government retains the power to veto agreements that it believes would harm the economy. However, it does not involve itself directly in labor negotiations unless requested to do so by one of the parties. When no trade union represents a specific sector, representatives of the organized workers, such as the professional associations, meet with the employer associations, under the mediation of labor officers from the MPSLSW. Although companies offered wage increases that did not keep up with inflation during the year, workers and unions accepted the increases offered because of the economic crisis.

Public sector wages are determined by the Salary Service Department of the MPSLSW, subject to the approval of an independent Public Service Commission (PSC). Each year PSC officials meet with PSA representatives to review wages and benefits. These reviews result in a recommendation that is forwarded to the MPSLSW. The Minister is not required by law to accept the recommendation and usually proposes a wages and benefits package that is less than the recommendation, resulting in yearly industrial protest actions by civil servants.

Employees in positions designated as managerial are excluded from union membership and thus from the collective bargaining process. The ZCTU stated that the definition of manager in the 1992 LRAA was overly broad and criticized the Government and private sector for using it to exclude managers from the collective bargaining process.

The LRA prohibits antiunion discrimination by employers against union members. Complaints of such discrimination are referred to labor relations officers and may subsequently be adjudicated by the LRT. Such complaints are handled under the mechanism for resolving cases involving "unfair labor practices." The determining authority may direct that workers fired due to antiunion discrimination should be reinstated, although this has yet to be utilized in practice.

The LRAA streamlined the procedure for adjudicating disputes by strengthening the LRT. Labor relations officers hear a dispute; their decision may be appealed to regional labor relations officers, after which the LRT may hear the case. Ultimately, it may be appealed to the Supreme Court. However, with only one of six LRT judgeships appointed by year's end, cases from as early as 1993 remained pending with the LRT at year's end.

The Export Processing Zones Act states the LRA shall not apply to workers in export processing zones (EPZ's). The ZCTU has negotiated directly with EPZ employers to allow some unions in the EPZ, although their number and level of activity remain low.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or bonded labor, including by children; however, the law is not enforced in practice. The traditional practice of offering a young girl as compensatory payment in interfamily disputes continued in rural areas (see Section 5), and there were reports that persons, particularly women and children, were trafficked from the country to South Africa for forced prostitution and forced labor (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law bans the employment of children under the age of 15 and restricts employment of those between the ages of 12 and 17 to light work during school holidays for periods not exceeding 6 hours per day. Light work is defined as work not likely to prejudice a child's education, health, safety, rest, or social, physical, or mental development. All hazardous employment, overtime, and night shift work is banned for those under the age of 18. However, there is little to no enforcement of these laws. Although schooling is not compulsory, over 90 percent of children attend school through grade 5 (see Section 5).

Child labor is common. Children work in the agricultural sector, and there were reports that children worked as domestics and as car-watchers on the streets. Child labor in the formal agricultural sector, such as on tea and coffee plantations, reportedly involves children working in the fields after school during the planting and harvesting seasons and full-time during school holidays. Long hours are common. Children often work alongside their parents, and their working conditions approximate those of adults. While some form of child labor on large commercial farms is widespread, agricultural organizations maintain that the labor performed is not exploitative, involuntary, contrary to law, or outside of cultural norms that allow children to engage in field work with their families. On some farms where children attend boarding schools, school schedules and calendars are tailored to allow children to work in the fields during busy farming periods. These children work in "earn and learn" schools, where a percentage of their wages are applied to their school fees and books. Economic hardship makes this arrangement a necessity for children from very poor families.

The rate of HIV/AIDS infection in the country has reached about 25 percent among the adult population, and the rate of infection appeared to be accelerating. As a result, more children worked in the informal sector to fill the income gap left by ill or deceased relatives. The number of children in adoptive homes or living on the streets increased rapidly.

The unemployment rate continues to grow, decreasing the number of children employed in the formal sector. The incidence of children working in the informal sector has increased, however, as families, often headed by children need a source of income. Many children sell simple wares on the streets. In addition, police have reported an increasing number of girls under 17 engaged in prostitution. The deterio-

rating economy also is forcing more children to work. Although child labor in the agricultural, domestic, and informal sectors increasingly is discussed, the Government and NGO's have been unable to gather concrete data on the number of cases.

In November 1999, Parliament ratified ILO Convention 182 on the worst forms of child labor, and during the year, it was incorporated into the Child Adoption and Protection Bill, which had not been implemented by year's end. In September, the Government released the results of an ILO-funded study on child labor in the country. The worst forms of child labor, such as child sweatshops and child prostitution, are not widely practiced in the country. The police frequently enforce laws against child prostitution.

The law prohibits forced and bonded labor by children; however, the traditional practice of offering a young girl as compensatory payment in interfamily disputes continued (see Sections 5 and 6.c.), and there were reports that children were trafficked from the country to South Africa for forced prostitution and forced labor (see Section 6.f.).

e. Acceptable Conditions of Work.—The maximum legal workweek is 54 hours, and the law prescribes a minimum of one 24-hour rest period per week. Working conditions are regulated by the Government on an industry-specific basis. The Constitution empowers the PSC to set conditions of employment in the public sector. The Government eliminated a national minimum wage as part of the Economic Structural Adjustment Program of 1990, with the exception of agricultural and domestic workers. Government regulations for each of the 22 industrial sectors continue to specify minimum wages, hours, holidays, and required safety measures. In recent years, in an effort to opt out of the wage bargaining system, the Government mandated wage parameters for industries. Due to an ineffective monitoring system, many agricultural and domestic workers are remunerated below the minimum wage. The minimum wage for agricultural workers is $24 (Zim $1650) per month, and for domestic workers is $41 (Zim $2900).

Minimum wages in the formal sector changed continuously as a result of multiple increases in salaries to offset the inflation rate. In almost all cases, however, wage increases did not keep pace with inflation, devaluations, and the increases in the prices of petroleum products and basic food staples. A major goal of the ZCTU during the year was to encourage Government to again establish a national minimum wage but it did not reach an agreement with the Government by year's end. The minimum wage does not provide a decent standard of living for a worker and his family, and at least 70 percent of the population reportedly lives below the poverty line.

In April civil servants were granted 60 to 90 percent pay raises, with the lowest paid positions receiving the largest percentage raises. While broadly viewed as an effort by the Government to buy the votes of the civil servants in the elections, these raises were also viewed as necessary by the ZCTU because of the traditionally low level of civil servant salaries. In October the Ministry of Public Service, Labor, and Social Welfare (MPSLSW) announced a new regulation prohibiting civil servants from engaging in any for-profit enterprises. The Government alleged that many workers were operating their own for-profit enterprises instead of attending to official duties during the workday as the reason for the regulation; however, many civil servants contested that they needed to do so to earn a livable wage.

According to the ZCTU, some employers take advantage of illegal refugees for inexpensive labor. Because the job market is worse in neighboring countries such as Malawi and Mozambique, the refugees are willing to risk arrest and work for wages below the legal minimums (see Section 2.d.).

Many of the basic legal protections do not apply to the vast majority of farm, mine, and domestic workers. Health and safety standards are determined only on an industry-specific basis. Despite the lack of general standards, the National Social Security Authority's (NSSA) statistics from 1999 show a decrease in the number of occupational injuries and deaths. There were 139 fatal job accidents reported during 1999, a decrease from 1998, and 12,000 occupational injuries were reported in 1999. In theory, labor relations officers from the MPSLSW are assigned to monitor developments in each plant to ensure that government minimum wage policy and occupational health and safety regulations are observed. In practice these offices are understaffed, cannot afford to inspect routinely workplaces, and must rely on voluntary compliance and reporting by employers.

The Government designated the Zimbabwe Occupational Safety Council (ZOSHC) to regulate safe work conditions. The ZOSHC is a quasi-governmental, advisory body comprised of six representatives each from the Government, employers, and trade unions. The National Director of the ZOSHC is responsible for enforcing worker safety regulations. The director reports weekly to the MPSLSW on actions taken. Budgetary restraints and staffing shortages, as well as its status as an advisory

council, have made the council ineffective. The NSSA continues to experience difficulty monitoring the thousands of work sites across the country; however, it has begun to enforce safety standards more vigorously, by closing down shops and factories in non-compliance. Although workers have a legal right to remove themselves from dangerous work situations without jeopardy to continued employment, in practice they risk the loss of their livelihood if they do so, and this situation worsened during the year.

f. Trafficking in Persons.—Although there are no laws that specifically address trafficking in persons, common law prohibits abduction and forced labor; however, there were reports that persons were trafficked from the country to South Africa for forced prostitution and forced labor. The Government has taken no actions to address the problem of trafficking in persons.

EAST ASIA AND THE PACIFIC

AUSTRALIA

Australia is a constitutional democracy with a federal parliamentary form of government in which citizens periodically choose their representatives in free and fair multiparty elections. The Government respects the constitutional provisions for an independent judiciary in practice.

Federal and State police are under the firm control of the civilian authorities and carry out their functions in accordance with the law. There were occasional reports that police committed abuses.

A highly developed market-based economy, which includes manufacturing, mining, agriculture, and services, provides most citizens with a high per capita income. A wide range of government programs offers assistance for disadvantaged citizens.

The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. There were occasional reports that police beat or otherwise abused persons. The Government administers many programs to improve the socioeconomic conditions of Aborigines and Torres Straits Islanders, who together form about 2 percent of the population, and to address longstanding discrimination against them. Societal violence and discrimination against women are problems that are being addressed actively. There were some instances of forced labor, and trafficking in women is a limited but growing problem, which the Government is taking steps to address. Leaders in the ethnic and immigrant communities expressed concern that increased numbers of illegal immigrants and violence at migrant detention centers contribute to instances of vilification of immigrants and minorities.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings by government officials. However, 85 persons died in prisons, police custody, or during police attempts to detain them (see Section 1.c.).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits all such practices; however, there were occasional reports that police mistreated suspects in custody. Indigenous groups charge that police harassment of indigenous people is pervasive and that racial discrimination among police and prison custodians persists. Amnesty International reported several incidents that involved such abuses. State and territorial police forces have internal affairs units that investigate allegations of abuse and report to a civilian ombudsman.

In 1999 the total number of deaths in custody fell by 8 to 85. Of these, 26 deaths occurred in police custody or during attempts by police to detain suspects. The remainder occurred in prison custody. Of the total deaths in custody, 29 persons died from hanging. Nineteen persons died of natural causes. Eight died as a result of injuries sustained while fleeing police during high-speed pursuit. Another eight died of other injuries. The police shot and killed six persons. Three persons died from self-inflicted gunshot wounds. Eleven persons died as a result of drug overdoses. One person died from unspecified causes. There were no juvenile deaths in custody during 1999. However, in February, a 15-year-old Aboriginal boy committed suicide in a Darwin detention center while serving a mandatory 28-day sentence for property offenses. In all cases where deadly force is used, the circumstances of the case are reviewed and police have been sanctioned in cases where abuses have been found to occur. There were no cases during the year for which police were disciplined for the unjustified use of force.

Aboriginal adults represent 1.6 percent of the adult population but constituted approximately 20 percent of the total prison population, according to a March report

by the Australian Bureau of Statistics. During 1999 Aborigines accounted for 19 (roughly 22 percent) of the 85 deaths in custody. Six died in police custody or during attempts by police to detain them. Of the six, three died from hanging; one died of natural causes; and two died from injuries. Thirteen died in prison. Of the 13 who died in prison, 3 died from hanging; 7 died of natural causes; 2 died from injuries; and 1 died from a drug overdose.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

At several points during the year, there were allegations that staff at Woomera immigration detention center were aware of and did nothing to stop a male detainee from offering his 13-year-old son to other detainees for sex. In December a South Australia state government inquiry found no evidence to support these allegations; it also found no evidence that the boy had been sexually abused.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

There is a well-developed system of federal and state courts, with the High Court at its apex. Almost all criminal trials are conducted by courts established under state and territorial legislation. The Federal Court and the High Court have very limited roles to play.

The law provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

When trials are conducted in local courts, magistrates sit alone. In higher courts, namely the state district or county courts and the state or territorial supreme courts, trials are usually conducted before a judge and jury. The jury decides on the facts and on a verdict after a trial conducted by a judge.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such practices; government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Although there is no bill of rights, in two decisions the High Court has indicated that freedom of political discourse is implied in the Constitution. The Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

b. Freedom of Peaceful Assembly and Association.—Freedom of association is codified in the Workplace Relations Act of 1996. While the right to peaceful assembly is not codified in law, citizens exercise it without government restriction.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. The Constitution prohibits the adoption of a state religion. Minority religions are given equal rights to land, status, and building of places of worship.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government respects them in practice.

The Government encourages immigration by skilled migrants, family members, and refugees.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. There is no provision for first asylum. In April 1999, the Government offered temporary safe haven to 4,000 Kosovar refugees. On September 1, 1999, 550 East Timorese were given similar temporary protection. In November 1999, the Government changed its policy on undocumented migrants and asylum seekers. Previously those who claimed a fear of persecution if returned to their country of origin were either issued or denied protection visas, providing for full residence and employment rights, with no intermediate measures. With the change in policy, undocumented arrivals are issued a temporary protection visa valid for 3 years only. This visa does not provide for application for family reunification and limits access to public benefits to medical assistance only. After 3 years, a case is reviewed, at which point a full protection visa is issued if the person is still unable to return home.

Under the Migration Reform Act of 1994, asylum seekers who arrive at the border without prior authorization to enter the country are automatically detained but may

be released from detention if they meet certain criteria—including age, ill-health, and experiences of torture or other trauma. The majority of asylum seekers are detained for the sometimes prolonged asylum adjudication process. The large number of asylum seekers entering the country in 1999 and during the year slowed the processing of protection claims while the Department of Immigration and Multicultural Affairs acquired additional staff and resources. Previously a primary decision on an application for refugee status could be made in an average of 6 weeks; however, the increased workload initially raised the average time for the primary decision to 16 weeks. By year's end, the average time for a primary decision had fallen. Those who obtained a positive primary decision were released immediately from detention; those who continued to pursue their cases remain detained until their cases were resolved or they were returned to their country of origin. As a result, a small number of asylum seekers are detained for years, while their cases are reviewed and appealed. The Government's 2000-01 budget, which assumes an 18-week period for processing claims, includes financial incentives to the Department of Immigration and Multicultural Affairs to process claims more quickly in order to reduce the amount of time protection seekers are held in detention. The detention policy has led to extensive litigation initiated by human rights and refugee advocacy groups, which charge that the sometimes-lengthy detentions violate the human rights of the asylum seekers. The U.N. Human Rights Committee stated in April 1997 that Australia had violated the rights of a boat person by detaining him for more than 4 years while his applications to remain in the country were being considered. The Human Rights Committee stated that his detention was arbitrary and in violation of the International Covenant on Civil and Political Rights. In an April 1997 report to Parliament, the federally funded but independent Australian Human Rights and Equal Opportunity Commission (HREOC) also criticized the Government's treatment of asylum seekers as breaching international treaty obligations. However, in 1999, the HREOC acknowledged that conditions in detention centers had improved since its 1997 report. During the year, there were two major disturbances at the Woomera detention center by detainees who alleged that they were being held in unsatisfactory conditions. The first of the disturbances was nonviolent, and was resolved peacefully after the Government pledged increased attention to the detainees' requests. However, the second disturbance became violent when some of the detainees set fire to several buildings at the detention center. Security guards used water cannon to restore order. The Government refused to negotiate with the leaders of the second disturbance, on the grounds that they had used violence. The Government maintains that the detainees' fundamental human rights are protected, and that their demands, for items such as satellite television, are excessive; human rights groups allege that detainees are abused and beaten by the guards at Woomera, but have not provided evidence of such mistreatment. Late in the year, the federal government launched an inquiry to determine whether detainees at Woomera had access to complaint mechanisms such as the government ombudsman and HREOC if they felt that they were being mistreated. At several points during the year, there were allegations that staff at Woomera were aware of and did nothing to stop a male detainee from offering his 13-year-old son to other detainees for sex. In December a South Australia state government inquiry found no evidence to support these allegations; it also found no evidence that the boy had been abused sexually.

During the year, some Kosovar Albanians, who had been allowed to enter the country on a temporary basis while facing danger in Kosovo, were returned to Kosovo after the UNHCR, determined that it was safe for them to return. However, some claimed that they still feared for their safety and were returned involuntarily. Prior to their departure, these persons were given an opportunity to apply for protection under Australian law; some sought and were granted such protection. Others were granted extensions of their stay for family or health reasons.

In 2000-01, the Government planned to accept 76,000 migrants, with an additional 12,000 admitted under the humanitarian program. This figure was to include 2,000 places for those persons already in the country who were granted refugee status. As in 1997-98 and 1998-99, the humanitarian program continues to give priority to the former Yugoslavia, the Middle East, and Africa. Persons admitted under the humanitarian program have immediate access to a wide range of government welfare and health benefits, including income support, English education, and translating and interpreting services. In 1998-99, the Government spent approximately $4.9 million (A$7.9 million) on resettlement services for refugees. An additional $3.25 million (A$5 million) was spent on other forms of refugee assistance.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage and mandatory voting. In October 1998, voters elected the Liberal-National Party coalition to a second 3-year term of office. On November 6, 1999, voters rejected a referendum to amend the Constitution to become a republic.

There are no legal impediments that prevent women and indigenous people from holding public office; however, women are underrepresented in government and politics. Approximately 25 percent of federal parliamentarians are women, an increase from 22 percent in the last Parliament. Both the Government and the opposition have declared their intent to increase the numbers of women elected to public office.

The deleterious effects of poor educational achievement and a generally inferior socioeconomic status have contributed significantly to the underrepresentation of Aboriginals among political leaders. One Aboriginal was elected to the Federal Senate in the October 1998 elections; there were no Aboriginals in the previous Parliament.

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

Human rights groups, of which there are a large number, operate without government restriction (and in some instances with government funding), investigating and publishing their findings on human rights cases. Government officials cooperate and respond to their views. The most significant of these is the federally funded but independent Human Rights and Employment Opportunity Commission (HREOC). Overall complaints of discrimination filed with the HREOC dropped from 1,659 in 1998-99 to 1,317 in 1999-00, a 26 percent reduction. Approximately 43 percent of all cases are declined because they do not fall under HREOC's jurisdiction and/or no discrimination has been shown, 37 percent are resolved through conciliation, 12 percent are withdrawn before action can be taken, and 8 percent are referred for further action.

In July the U.N. Human Rights Committee stated that Australia should do more to secure for indigenous Australians a stronger role in decisionmaking over their traditional lands and natural resources. The Committee urged Australia to do more to provide remedy to members of the "Stolen Generation" (see Section 5). The Committee also recommended review of mandatory sentencing policies (see Section 5) and mandatory detention of illegal arrivals (see Section 2.d.). The Government responded that many of the recommendations were neither necessary nor desirable and reiterated its belief that mandatory detention of illegal arrivals was consistent with its treaty obligations.

In March the International Labor Organization's (ILO's) Committee on Freedom of Association made a series of recommendations regarding the country's labor laws, especially the Workplace Relations Act of 1996 and the Trade Practices Act (see Sections 6.a. and 6.b.). The Government stated in response to the recommendations that the ILO's comments "reflect an inadequate understanding of Australian law," and stated that the ILO failed to understand the domestic role that certain labor laws played. The Government rejected all of the ILO's recommendations.

In August the Government announced the results of a review of its cooperation with U.N. human rights treaty committees. While maintaining its commitment to involvement with the committees, the Government, as a result of the review, decided to limit visits by such committees to cases where a "compelling reason" exists for the visit. In addition, the Government stated that it would not delay removal of unsuccessful asylum seekers who appealed to one of the U.N. Human Rights mechanisms; previously, such persons had been allowed to remain pending the resolution of the appeal of their cases to such U.N. bodies.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The law prohibits discrimination based on these factors, and the Government and an independent judiciary vigorously enforce the prohibition.

From July 1998 to June 1999, 37 cases of assault against gays and lesbians were reported in the state of New South Wales (NSW). According to a recent study by the Australian Institute of Criminology, 37 murders of homosexual men were found to be hate crimes in NSW between 1989 and 1999.

Women.—Social analysts and commentators estimate that domestic violence may affect as many as one family in three or four. Wife beating is particularly prevalent in certain Aboriginal communities. The Government recognizes that domestic vio-

lence and economic discrimination are serious problems and the statutorily independent Sex Discrimination Commissioner actively addresses these and other areas of discrimination. A 1996 Australian Bureau of Statistics (ABS) study found that 111,000 women who were married or in a common-law relationship had experienced an incident of violence by their partner in the previous 12-month period. Almost one in four women who have been married or in a common-law relationship have experienced violence by a partner at some time during the relationship, according to the ABS study.

Trafficking in East Asian women for the sex trade is a growing problem (see Sections 6.c and 6.f.).

Women have equal status under the law, and the law provides for pay equity. There are highly organized and effective private and public women's rights organizations at the federal, state, and local levels. A federal-level Office of the Status of Women monitors women's rights. The federal Sex Discrimination Commissioner receives complaints and attempts to resolve those that are deemed valid. According to government statistics, sex discrimination complaints fell by 8 percent between 1999 and this year; 325 new cases were filed during the year. Of these 83 percent were filed by women and 79 percent were employment related. In July the Australian Bureau of Statistics estimated that the ratio of female to male full-time average hourly earnings was 83 percent. However, a study released by the Australian Institute of Management in May was more pessimistic; it found that women were paid only 66 percent of their male counterparts' wages. This study also found that there were fewer female board members in both large and small companies than the previous year. Some members of opposition political parties have attributed the difference to changes in workplace laws, such as the 1996 Workplace Relations Act, which relies on the use of individual employment contracts that are negotiated privately and thus do not necessarily foster equal pay outcomes. Other commentators have suggested that an "old boy's network" can make it difficult for women to negotiate salaries equal to those of their male counterparts.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its publicly funded systems of education and medical care. The Government provides a minimum benefit of approximately 11.5 percent of the cost of childcare for each child to all parents, which increases to as much as 68 percent per child for the lowest income families.

The federal Human Rights and Equal Opportunity Commission receives complaints regarding children and attempts to resolve those it finds valid. Similarly, the six states and two territories investigate complaints of neglect or child abuse and institute practical measures aimed at protecting the child when such complaints prove founded. The Government has enacted strict legislation aimed at restricting the trade in, and possession of, child pornography, and which further allows suspected pedophiles to be tried in Australia regardless of where the crime was committed. There is no societal pattern of abuse.

The Government and domestic nongovernmental organizations (NGO's) have responded promptly to the problem of a small number of children who have been smuggled into the country, generally for the sex trade (see Sections 6.c. and 6.f.). The NGO End Child Prostitution, Pornography and Trafficking (ECPAT) has conducted an aggressive public education campaign to raise awareness of the issue and offer strategies to combat trafficking in children. ECPAT successfully lobbied the Department of Immigration and Multicultural Affairs (DIMA) to conduct police checks of unaccompanied children entering the country to verify that they are not part of a trafficking operation (see Section 6.f.). In August, the Department of Family and Community Services released its "plan of action" against the commercial sexual exploitation of children, which was designed to provide the basis for the development of a coordinated governmental response to this issue.

In the past, the occurrence of female genital mutilation (FGM), which is widely criticized by international health experts as damaging to both physical and psychological health, was insignificant. However, in recent years small numbers of girls from immigrant communities in which FGM is practiced have been mutilated. The Government has implemented a national educational program on FGM, which is intended to combat the practice in a community health context. The program is designed to prevent FGM, to assist women and girls who already have been subjected to it, and to promote a consistent approach to the issue nationwide. The Government also has allocated funds for the development of state and territory legislation to combat FGM. All states and territories except Queensland and Western Australia have enacted legislation against FGM. Western Australia is developing legislation but had not passed it at year's end; Queensland has determined that its existing legislation on assault covered FGM. In all States and Territories where FGM legislation existed, it was a crime either to perform FGM or to remove a child from the

jurisdiction to have FGM performed. Punishment for these crimes can include up to 7 years in prison.

In 1992 the High Court ruled that the right to consent to the sterilization of a minor is not within the ordinary scope of parents' or guardians' powers, except in limited circumstances. The High Court ruled that the decision to undertake sterilization procedures should be made by an independent body. The Government made the Family Courts the arbiters in such cases. In 1998 the Government made it illegal for a physician to conduct sterilization of a minor without authorization from the Family Court. Physicians who performed such procedures without court authorization were subject to both criminal and civil action.

People with Disabilities.—Legislation prohibits discrimination against disabled persons in employment, education, or other state services. The Disability Discrimination Commissioner promotes compliance with federal laws that prohibit discrimination against disabled persons. The Commissioner also promotes energetic implementation and enforcement of state laws that require equal access and otherwise protect the rights of disabled persons. On July 21, 1999, the Human Rights and Equal Opportunity Commission found that a private primary school had violated the federal Disability Discrimination Act when it refused to enroll a 7-year-old girl with spina bifida in its kindergarten program. An appeal of the ruling by the school was dismissed on May 18 by a federal court, and the girl was awarded financial compensation.

No federal legislation mandates the uniform provision of accessibility for the disabled. It is lawful to deny employment or services to those with disabilities if there are reasonable grounds for believing that the disabled person would be unable to carry out the work or would require the employer or service provider to furnish services or facilities that could not be provided reasonably.

During the year, 445 complaints of discrimination due to disability were filed with the HREOC, representing a 13 percent reduction in complaints compared with 1999. Of these 44 percent were employment related and 32 percent concerned the provision of goods and services.

Indigenous People.—The Racial Discrimination Act of 1975 prohibits discrimination on grounds of race, color, descent, or national or ethnic origin. The Ministry for Aboriginal Affairs, in conjunction with the elected Aboriginal and Torres Straits Islander Commission (ATSIC), has the main responsibility for initiating, coordinating, and monitoring all governmental efforts to improve the quality of life of indigenous people. A wide variety of government initiatives and programs seek to improve all aspects of Aboriginal and Torres Straits Islander life. In 2000-01 the Government plans to spend approximately $1.2 billion (A$2.3 billion) on indigenous-specific programs in areas such as health, housing, education, and employment. Spending on

indigenous-specific programs is the highest on record in real terms and amounts to $11,440 (A$22,000) per indigenous household (in addition to other nonindigenous-specific federal and state assistance programs to which indigenous persons may be entitled).

However, in practice indigenous Australians continue to experience significantly higher rates of imprisonment, inferior access to medical and educational institutions, greatly reduced life expectancy rates, elevated levels of unemployment, and general discrimination, which contribute to a feeling of powerlessness.

According to the Australian Institute of Criminology (AIC), indigenous people were imprisoned nationally at 11 times the rate of nonindigenous people in 1998. The AIC reports that the incarceration rate among indigenous youth was 18.5 times that of the nonindigenous youth population. Over 45 percent of Aboriginal men between the ages of 20 and 30 years have been arrested at some time in their lives. Human rights observers claim that socioeconomic conditions give rise to the common precursors of indigenous crime, for example, unemployment, homelessness, and boredom.

During the year, considerable controversy arose over the mandatory sentencing policies of the Northern Territory and Western Australia. These policies set automatic prison terms for multiple convictions of certain crimes. For example, in the Northern Territory, adults (17 years of age or over) convicted of property crimes of any magnitude must serve 14 days for the first offense, 90 days for the second offense, and not less than 1 year for the third offense. Juveniles (15 to 16 years of age) may be placed in a diversionary program for their first property-related offense, or, if they refuse or do not qualify, may face a 28-day sentence for a second offense. Judges must impose jail sentences on juveniles for a third property offense of any magnitude, even for petty theft. In March 11 juveniles were being held in detention; the Northern Territory reported that 31 percent of the juvenile repeat offenders convicted between March 1997 and December 1999 received mandatory minimum sen-

tences of 28 days. It was not clear how many of those offenders received a mandatory sentence more than once. Human rights groups and international bodies such as the U.N. Human Rights Committee have criticized the mandatory sentencing policies, which they allege have resulted in prison terms for relatively minor crimes and indirectly target Aboriginals. In particular juvenile offenses subject to mandatory sentences were criticized widely after the death in February of an Aboriginal boy serving an automatically imposed sentence in the Northern Territory. Western Australia agreed to reform the system as it applies to juveniles in order to put more juvenile offenders into rehabilitation programs. On July 29, the U.N. Human Rights Committee issued an assessment of the country's human rights record, which was highly critical of mandatory sentencing. Despite the domestic and international pressure, the federal Government decided not to interfere in what it considered to be the states' prerogative, arguing that the laws were passed by democratically elected governments after full political debate, making it inappropriate for the federal government to intervene.

Indigenous groups charge that police harassment of indigenous people, including juveniles, is pervasive and that racial discrimination among police and prison custodians persists. A human rights delegation that visited in 1996 alleged a pattern of mistreatment and arbitrary arrests occurring against a backdrop of systematic discrimination. Most of the juveniles interviewed complained about violence occurring after apprehension and during questioning about alleged offenses. In November 1998, the Queensland Government launched an inquiry after it was discovered that an 11-year-old Aboriginal boy had been held for 3 days in an adult detention center because no youth facility was available in that remote part of the state. Indigenous people believed that police systematically mistreat them; however, there are no government statistics to confirm this perception.

The average life expectancy of an indigenous person is 20 years less than that of a nonindigenous person. The infant mortality rate for indigenous children is 2 times that of nonindigenous children. The maternal mortality rate for indigenous women has declined to 4 times that of nonindigenous women. The rates of tuberculosis and hepatitis A and B among indigenous people are 1.5 times that of nonindigenous people. The rate of leprosy among indigenous people is 4 times that of nonindigenous people. According to the Commonwealth Department of Education, Training and Youth Affairs, indigenous youth are 2.5 times more likely than nonindigenous youth to leave school before completing high school. According to the 1996 census, only about 2 percent of indigenous people reported having a bachelor's degree as compared with 11 percent of other citizens. According to a study by the Australian Bureau of Statistics, indigenous unemployment was 17.6 percent in February, down from a high of 27.8 percent in 1994. This figure compared with an unemployment rate of 7.3 percent in February for nonindigenous workers.

Government programs, including a $390 million (A$750 million) indigenous land fund and a "Federal Social Justice Package," aim at reducing the challenges faced by indigenous Australians. In July 1998, after a compromise with its opponents, the Government was able to pass amendments to the 1993 Native Title Act. The ATSIC stated that the amended act provided gains for Aboriginal people but still contains "substantial pain" for native title claimants. Aboriginal leaders were pleased by the removal of the time limit for lodging native title claims but expressed deep concern about the weakening of Aboriginal rights to negotiate with non-Aboriginal leaseholders over the development of rural property. Aboriginal groups continue to express concern that the amended act limits the future ability of Aboriginal people to protect their property rights. At present, 14.25 percent of Australian land is owned or controlled by Aboriginal people according to the Australian Surveying and Land Information Group. In March the U.N. Committee on the Elimination of Racial Discrimination (CERD) expressed serious concern that the Government's Native Title amendments would allow the states and territories to pass legislation containing provisions "reducing further the protection of native title claimants." The CERD declared "unsatisfactory" the Government's response to concerns about the Native Title regime expressed in 1999. The Government responded that the laws were passed after full debate in a democratically elected legislature and that the states have a sovereign right to determine land use policy.

On August 26, 1999, the Government, in identical motions passed by both Houses of the Federal Parliament, expressed public regret for past mistreatment of the Aboriginal minority; however, the government-sponsored motion of reconciliation was criticized by many Aboriginal leaders as not going far enough. Prime Minister Howard acknowledged the "most blemished chapter in our national history" and submitted a seven-point motion to Parliament. Howard proposed that Parliament express "its deep and sincere regret" that Aborigines had "suffered injustices under the practices of past generations, and for the hurt and trauma that many indige-

nous people continue to feel." However, both Aboriginal and opposition leaders stated that only a full apology would be sufficient. The Government also continued to oppose an official apology in the specific case of the "Stolen Generation" of Aboriginal children, who were taken from their parents by the Government from 1910 to the early 1970's and raised by foster parents and orphanages. The Government's position remains that the present generation has no responsibility to apologize for the wrongs of a previous generation. In April material alleged to be a draft of a government report appeared in the media; it appeared to minimize the number of Aboriginal children taken from their families as part of the "Stolen Generation" and generated considerable concern on the part of Aboriginal leaders and others. The Government disavowed the material. In August a Federal court ruled against two claims by members of the "Stolen Generation" for government compensation by stating that the two could not prove sufficiently that they had been taken without their parents' consent. However, the presiding judge stressed that the ruling does not settle the question of compensation for "stolen" children as a whole. The ATSIC has proposed the Government establish a Reparations Tribunal to avoid costly future legal battles.

Following the 1997 publication of HREOC's landmark report on the "Stolen Generation" entitled "Bringing Them Home," the federal government allocated $32.75 million (A$63 million) over 4 years to a comprehensive package of initiatives to facilitate family reunion and assist persons to cope with the trauma of separation. As of June 30, total spending on these programs had reached $10.7 million (A$20.5 million).

Following the October 1998 reelection of the Government, Prime Minister Howard gave Immigration and Multicultural Affairs Minister Philip Ruddock additional duties with regard to Aboriginal Australians by making him the Minister assisting the Prime Minister for Reconciliation. In his victory speech following reelection, Howard said that he would make reconciliation with Aboriginals one of his second term priorities. However, in February Howard stated that reconciliation was not achievable in the timeline set, because it is such a difficult issue. In June 1999, the Council on Aboriginal Reconciliation released its draft document of reconciliation for public comment and discussion. In 1991 Parliament created the Council for Aboriginal Reconciliation to foster the reconciliation process in the country. The Council held its culminating national event, Corroboree 2000, in May, at which time it released a "Document of Reconciliation", which the Council intended to serve as a national blueprint for healing between indigenous citizens and the wider community. The final report was released in December, and it included recommendations that the federal and state governments set performance benchmarks and timelines for overcoming Aboriginal disadvantage and enact legislation to further the principles of legislation; that Parliament prepare legislation providing for a referenda on deleting a constitutional amendment on racial criteria for voting; and that Parliament add a new section to the Constitution making racial discrimination unlawful. The report also recommended that appropriate recognition be given to the Aboriginal people and Torres Strait Islanders as the original inhabitants of the land. The Council's mandate expired at the end of the year under legislation passed in 1990. The Council is scheduled to be replaced by a government-funded independent foundation, Reconciliation Australia, which is to continue its work.

In July the U.N. Human Rights Committee stated that Australia should do more to secure for indigenous citizens a stronger role in decisionmaking over their traditional lands and natural resources, and urged it to do more to provide a remedy for members of the "Stolen Generation" (see Section 4).

National/Racial/Ethnic Minorities.—Although Asians make up less than 5 percent of the population, they account for 40 percent of recent immigrants. Public opinion surveys indicated concern with the numbers of immigrants arriving in the country. In a 1997 Newspoll, 64 percent of citizens thought that the total number of migrants was "too high," although in the same poll 78 percent thought that multiculturalism has been good for the country. In a February Morgan Poll, 15 percent of citizens listed immigration as one of the three most important issues for the Government to address. In a survey published in 1996 by the Chinese-language newspaper Sing Tao, more than half the respondents said that they had been abused verbally or physically in the previous 2 months. Leaders in the ethnic and immigrant communities expressed concern that increased numbers of illegal arrivals, as well as violence at migrant detention centers, contributed to a few incidents of vilification of immigrants and minorities. However, according to the Human Rights and Equal Opportunity Commission, during the financial year ending June 30, the number of racial discrimination complaints fell 62 percent from the previous year. During the year, 325 such cases were filed, 37 percent of which involved employment or the ability to join a union; 19 percent of which involved provision of

goods, services, and facilities; and 19 percent of which involved "racial hatred." Nonnative speakers of English filed 55 percent of the complaints and Aboriginals and Torres Straits islanders filed 21 percent of the complaints.

Section 6. Worker Rights

a. The Right of Association.—The law and practice provide workers, including public servants, freedom of association domestically and internationally. Approximately 32 percent of the work force is unionized.

Unions carry out their functions free from government or political control, but most local affiliates belong to state branches of the Australian Labor Party (ALP). Union members must make up at least 50 percent of the delegates to ALP conferences, but unions do not participate or vote as a bloc.

The 1996 Workplace Relations Act significantly restricted the right of workers to take industrial action by confining it to the period of bargaining, where it remains a protected action. In April 1999, a union in federal court successfully challenged this provision. In its decision, the court refused to grant an injunction against the union for taking industrial action outside of a bargaining period because it was in support of maintaining existing wages and conditions. Legislation that went into force in 1994 for the first time legalized what had always been a de facto right to strike.

In March the ILO's Committee on Freedom of Association recommended substantial changes to the Workplace Relations Act and the Trade Practices Act following an examination of complaints of antiunion discrimination raised by Australian and international trade unions over the Government's role in a 1998 labor dispute involving stevedores. Specifically, the ILO recommended that the Government amend the Workplace Relations Act to eliminate the linkage between restrictions on strike action and legal provisions on interference with trade and commerce. The ILO also criticized the Government's use of serving defense force personnel as replacement workers in the 1998 strike. The Government stated in response to the recommendations that the ILO's comments "reflect an inadequate understanding of Australian law." The Government rejected all of the ILO's recommendations.

Laws and regulations prohibit retribution against strikers and labor leaders, and they are effectively enforced. In practice employers tend to avoid legal remedies, e.g., secondary boycott injunctions, that are available to them in order to preserve a long-term relationship with their unions.

During the year, the most notable industrial action was taken by iron ore miners in the Pilbara region of Western Australia against the multinational resources company BHP. A series of rolling strikes over a period of several months was taken against the company for its refusal to negotiate a collective agreement with workers in the mines, but rather to introduce individual contracts into the workplace. The unions eventually achieved a court injunction against BHP offering any further individual contracts on the grounds that the action breached industrial legislation. This forced the company to the bargaining table until the full case could be heard. The case is before the Federal Court and is yet to be concluded. Meanwhile, the negotiations have stalled on the issue of union involvement in the workplace. As in past years, there were many other strikes during the year.

Unions freely may form and join federations or confederations, and they actively participate in international bodies. However, in March the ILO's Committee on Freedom of Association also recommended that the Government take measures, including amending legislation, to ensure that in the future trade union organizations are entitled to maintain contacts with international trade union organizations and to participate in their legitimate activities. The Government rejected this recommendation.

b. The Right to Organize and Bargain Collectively.—The law and practice provide workers with the right to organize and bargain collectively, and the law protects them from antiunion discrimination. However, in Western Australia, the 1997 Labour Relations Legislation Amendment Act amended several pieces of legislation, stripping workers of some protections against discrimination for trade union activities. Although workers cannot be fired for belonging to a union, the law permits individual employment contracts that override awards systems established through collective bargaining, and imposes complicated prestrike ballot requirements.

The Workplace Relations Act contains curbs on union power, restrictions on strikes, and a new unfair-dismissal system. Several unions are considering challenging the law on the grounds that it violates the right to assembly provided for in several ILO conventions that Australia has signed. The primary curb on union power is the abolition of closed shops and union demarcations. Although unions are weakened, this provision could create many small and competing unions at individual worksites. The restrictions on strikes include heavy fines for labor unrest

during the life of an agreement and tougher secondary-boycott provisions. The new unfair-dismissal system further limits redress and compensation claims by employees.

The negotiation of contracts covering wages and working conditions is gradually shifting from the centralized system of the past. Previously legislation provided for the negotiation of simpler "enterprise agreements," which were negotiated by individual companies with their workers or with the relevant union(s). The federal and state governments administered centralized minimum-wage awards and provided quasi-judicial arbitration, supplemented by industry-wide or company-by-company collective bargaining. The Workplace Relations Act also provides for the negotiation of Australian Workplace Agreements (AWA's) between employers and individual workers. These agreements are subject to far fewer government regulations than the awards. At present the AWA's are required to be roughly equivalent to basic working conditions in the award that would apply to the sector to which the firm belongs. In March the ILO recommended that the Government amend legislation so that workplace agreements do not undermine the right to bargain collectively; the Government rejected this recommendation.

There are no export processing zones. The Darwin Trade Development Zone, Northern Territory, attempts to increase exports via a geographically defined free trade zone. In practice the Darwin initiative is focused almost exclusively on its Asian neighbors to the north and west.

c. Prohibition of Forced or Compulsory Labor.—Although there are no laws prohibiting it, forced labor, including forced and bonded labor by children, generally is not practiced; however, there were instances of such abuses. Trafficking in persons, particularly in women (but also children) for the sex trade, is a limited but growing problem (see Sections 5 and 6.f.). As a result of the discovery in April 1999 of children in several clothing sweatshops in Sydney and Melbourne, the Attorney General's Department is studying existing laws and considering whether new legislation would strengthen the Government's ability to combat the problem. Most cases of abuses in the past few years have involved members of ethnic communities from nations where child labor is not uncommon. The smuggling of children for work in the sex industry appears to be a limited but growing problem (see Sections 5, 6.d., and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—There is no federally mandated minimum age of employment, but state-imposed compulsory educational requirements, monitored and enforced by state educational authorities, effectively prevent most children from joining the work force until they are 15 or 16 years of age. Federal and state governments monitor and enforce a network of laws, which vary from state to state, governing the minimum school-leaving age, the minimum age to claim unemployment benefits, and the minimum age to engage in specified occupations.

The law does not explicitly prohibit forced and bonded labor by children, but such practices generally are not known to occur, although there were instances of such abuses (see Sections 6.c. and 6.f.). Anecdotal evidence suggests that an increasing number of children, mainly from Asia, are entering the country as sex workers. The numbers of children involved is unknown. Under the laws of the various states it is illegal for an adult to have sex with a minor.

e. Acceptable Conditions of Work.—Although a formal minimum wage exists, it has not been relevant in wage agreements since the 1960's. Instead, 80 percent of workers are covered by differing minimum wage rates for individual trades and professions, all of which are sufficient to provide a decent standard of living for a worker and family.

Most workers are employees of incorporated organizations. For them a complex body of government regulations, as well as decisions of applicable federal or state industrial relations commissions, prescribe a 40-hour or shorter workweek, paid vacations, sick leave, and other benefits. The minimum standards for wages, working hours, and conditions are set by a series of "awards" (basic contracts for individual industries). Some awards specify that workers must have a 24 or 48 hour rest break each week while others specify only the number of days off per number of days worked.

Federal or state safety laws apply to every workplace.

The 1991 Occupational Health and Safety (Commonwealth Employment) Act provides federal employees with the legal right to cease work if they believe that particular work activities pose an immediate threat to individual health or safety. Most states and territories have laws that grant similar rights to their employees. At a minimum, private sector employees have recourse to state health and safety commissions, which will investigate complaints and demand remedial action.

f. Trafficking in Persons.—though there is no specific provision in the law to prohibit trafficking in persons, legislation enacted in late 1999 targets criminal practices associated with trafficking; trafficking in persons, particularly in East Asian women for the sex trade, is a limited but growing problem.

On September 21, 1999 the Criminal Code Amendment (Slavery and Sexual Servitude) Act came into force. The act modernizes the country's slavery laws, contains new offenses directed at slavery, sexual servitude, and deceptive recruiting, and addresses the growing and lucrative trade in persons for the purposes of sexual exploitation. The act provides for penalties of up to 25 years' imprisonment and is part of a federal, state, and territory package of legislation. There have not yet been any prosecutions under this legislation.

Under the act, conduct that amounts to slavery, or exercising a power of ownership over another person, carries a maximum penalty of 25 years' imprisonment. Where a person is engaged to provide sexual services and who, because of force or threats, is not free to cease or to leave, those responsible face penalties of up to 15 years' imprisonment, or 19 years if the victim is under age 18. A person who deceptively induces another person to provide sexual services faces a penalty of up to 7 years imprisonment, or 9 years if the victim is under age 18.

Another government initiative was the 1994 Child Sex Tourism Act, which provides for the investigation and prosecution of citizens who travel overseas and engage in illegal sexual conduct with children.

Prostitution is legal in many areas of the country. In these locations, state and local governments inspect brothels to prevent mistreatment of the workers and to assure compliance with health regulations. There have been some instances of women being forced to work as sex workers in the country by organized crime groups. There are some reports of women working in the sex industry becoming mired in debt or being physically forced to keep working, and some of these women are under pressure to accept poor working conditions, especially if their immigration status is irregular. However, the available evidence suggests that these cases are not widespread.

The Department of Immigration and Multicultural Affairs (DIMA) has determined that women and children from Thailand, the Philippines, Malaysia, China, Indonesia, and South Korea have been trafficked into the country for purposes of prostitution. The high profit potential, combined with the difficulty of detection and previously low penalties when prosecuted, have contributed to the spread of groups engaged in these activities.

While the numbers of women being brought into the country are relatively small (in the hundreds per year), some have been subjected to what is essentially indentured sexual servitude. Some women working in the sex industry were not aware prior to entering the country that this was the kind of work they would be doing. Investigations in past years by DIMA have found women locked in safe houses with barred windows, with no access to medical care or the outside world. These women have been lured either by the idea that they would be waitresses in restaurants or, in some cases, coerced to come by criminal elements operating in their home countries.

Anecdotal evidence suggests that an increasing number of children, mainly from Asia, are entering the country as sex workers. The numbers of children involved is unknown. Under the laws of the various states, it is illegal for an adult to have sex with a minor.

There also has been evidence, much of it anecdotal, of a growing problem of trafficking in women to work in sweatshops in textile, clothing, and footwear industries as well as in service industries, sometimes as bonded labor.

BRUNEI

Brunei Darussalam, a small, wealthy monarchy located on the north coast of Borneo, is a sultanate ruled by the same family for 600 years. The 1959 Constitution provided for the first delegation of political power by the late Sultan Omar Ali Saifuddin to an appointed council of state, but in 1962 the then Sultan invoked an article of the Constitution that allowed him to assume emergency powers for 2 years. These powers have been regularly renewed, most recently in July. In August the Foreign Minister confirmed that a review of the Constitution had been submitted to the Sultan for approval, and that "an element of an election" was in this report. Although not all the articles of the Constitution are suspended, the state of emergency places few limits on the Sultan's power. The Sultan also serves as Prime Minister, Minister of Defense, Minister of Finance, chancellor of the national univer-

sity, superintendent general of the Royal Brunei Police Force, and leader of the Islamic faith.

The police force, which has responsibility for internal security, reports to the Prime Minister's office, which includes an Internal Security Department, and is firmly under the control of civil authorities.

Brunei's large oil and natural gas reserves, coupled with its small population, give it a very high per capita gross national product. The worldwide recovery in oil prices that began in 1998 has helped restore the country's cash flow; however, the economy still continued to feel the effects of the Amedeo Corporation's collapse. The corporation, which was owned by the Sultan's brother Jefri, is being liquidated to pay debts amounting to more than $6 billion.

The Government generally respected its citizens' human rights in several areas; however, its record was poor in other areas, particularly with regard to civil liberties, and problems remain. In practice citizens do not have the right to change their government, and they generally avoid political activity of any kind. Nor, constitutional provisions notwithstanding, do they genuinely exercise the freedoms of speech, press, assembly, and association. Other human rights problems continued, including restriction of religious freedom and discrimination against women. Despite government efforts, occasional societal violence against women remains a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings.

In June 1998, an assistant superintendent of police was arrested and charged with the manslaughter of a Bangladeshi national. The police official allegedly used police premises to interrogate the Bangladeshi national over a personal business matter. During the interrogation, the police official allegedly beat and kicked the victim, who subsequently died of internal injuries. The police superintendent was convicted of a reduced charge of causing hurt, since pathologists could not conclude that the beating directly caused the victim's death. He was sentenced to 12 months in jail and ordered to pay $12,050 (B$20,000) to the deceased's family in compensation. The superintendent was dismissed from the police service.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—There were no reports of police mistreatment of prisoners. Any report of police mistreatment of prisoners would be investigated as a violation of the law. In 1988 caning became mandatory punishment for 42 drug-related and other criminal offenses and for vandalism. Since then, sentences of caning have been handed down and carried out in the presence of a doctor who monitors implementation and has the authority to interrupt and postpone the punishment for medical reasons. Caning generally is included as part of the sentencing in 80 percent of criminal convictions. Many convicted persons reportedly prefer caning to lengthy incarceration.

Prison conditions meet minimum international standards. There is no overcrowding; however, there is a growing prison population, and a new facility to supplement the 60-year-old prison was completed in 1998. Prisoners receive regular medical checkups. Remand cells at police stations are Spartan.

Human rights monitors are not known to have requested prison visits; foreign diplomats have visited prisoners. Family members also can visit prisoners and bring food.

d. Arbitrary Arrest, Detention, or Exile.—The law provides for a prompt judicial determination of the validity of an arrest. However, those provisions, like the Constitution itself, may be superseded, either partially or wholly, through invocation of the emergency powers. The Internal Security Act (ISA) permits the Government to detain suspects without trial for renewable 2-year periods. The Government occasionally has used the ISA to detain persons suspected of antigovernment activity; however, information on the detainees is published only after they are released. In 1997 two former rebel leaders were pardoned and released, after undergoing "religious indoctrination" and swearing loyalty to the Sultan (see Section 1.e.). Muhamad Yasin Abdul Rahman, age 76, who played a pivotal role in the abortive 1962 rebellion, was detained without trial for 12 years from 1962 to 1973, when he escaped from prison to live in exile in Malaysia. He returned to the country in 1997 and immediately was arrested and detained once more without trial. In 1999 he was released from detention after swearing an oath of loyalty to the Sultan and admitting his political "crimes."

In 1998 authorities arrested several citizens under the ISA for distributing defamatory letters containing allegations about the royal family and senior government

officials connected with the collapse of the Amedeo Group, a large holding company headed by the former Finance Minister and Sultan's brother, Prince Jefri. The Government warned citizens that it would take action against anyone involved in such activities. There were no known arrests for publishing or distributing antigovernment literature during the year.

Under normal circumstances, a magistrate must endorse a warrant for arrest. Warrants are issued without this endorsement on rare occasions, such as when police are unable to obtain the endorsement in time to prevent the flight of a suspect. Police officers have broad powers to make arrests, without warrants, of persons caught in the physical act of committing a crime.

Under the colonial-era Banishment Act of 1918, any person deemed to be a threat to the safety, peace, or welfare of Brunei, may be forcibly exiled either permanently or temporarily by the Sultan. Since independence, there have been no cases of banishment of citizens.

e. Denial of Fair Public Trial.—The Constitution does not specifically provide for an independent judiciary. However, in 1996 in a landmark legal decision, the appellate-level High Court ruled that the court has powers independent of the prosecution and ordered a discharge in a car theft case under review, which amounted to an acquittal under the Criminal Procedure Code. So far the Government has not challenged the court's finding that magistrates have the legal power to discharge and acquit a defendant, even when the prosecution does not request the discharge.

The judicial system consists of five levels of courts, with final recourse in civil cases available through the Privy Council in London. In 1995 Brunei terminated appeal to the Privy Council in criminal cases. Procedural safeguards include the right to defense counsel, the right to an interpreter, the right to a speedy trial, and the right to confront accusers. There were no known instances of government interference with the judiciary and no trials of political opponents.

The civil law, based on English common law, provides citizens with a fair and efficient judicial process. Shari'a (Islamic law) supersedes civil law in some areas, including divorce, inheritance, and some sexual crimes. Shari'a law is not applied to non-Muslims.

At present there are no known political prisoners (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Although the law permits government intrusion into the privacy of individual persons, families, or homes, this rarely happens. There were no reports of mail having been tampered with during the year. The Government at times prevents the importation of foreign newspapers and magazines (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—While there are no laws restricting freedom of speech and freedom of the press, the Government used its authority to protect public safety, morals, health, and domestic security to restrict these freedoms. Editions of foreign newspapers or magazines with articles that are found objectionable, embarrassing, or critical of the Sultan, royal family, or government are not allowed into the country. Magazine articles with a Christian theme reportedly are censored. However, the growing use of fax machines, the Internet, and access to satellite transmissions make it increasingly difficult to keep such material from entering. The country's largest circulation daily newspaper, the Borneo Bulletin, appears to practice self-censorship in its choice of topics to avoid angering the Government, but it has instituted a new feature of letters to the editor, by which citizens some by name and some anonymously criticize the Government's handling of certain social, economic, and environmental issues. In 1997 the newspaper expanded its letters column to reflect the increase in letters. In July 1999, a second daily English-language newspaper, the News Express, began publication. It also features a letters page where citizens and residents express their views and complaints, often about government services and, increasingly, about government policy. The newspapers' willingness to publish these expressions of opinion represents a modest extension of press freedom. The Government on occasion has been responsive to public opinion on some issues concerning social or environmental problems. The Internal Security Department reportedly no longer tries to obtain the names of people who complained to the newspapers about government services.

Although the only television station is government-owned, three Malaysian television channels are also received locally. Two satellite television networks are available, which offer a total of 28 different channels, including the Cable News Network, the British Broadcasting Corporation World News, and several entertainment and sports channels.

The Government's tolerance of political criticism has not been tested recently because there is no organized opposition. Moreover, citizens generally make almost no

criticism of the Government. In the past, the Government has not hesitated to arrest those who attempted to propagate unwelcome political views.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—Freedom to assemble for political purposes has not been tested seriously in recent years.

Following a 1967 ban on political parties, the Government allowed two parties to form in 1985 and 1986. It disbanded one of the parties in 1988. Political parties are allowed but they are not to engage in "activities that endanger people." Membership is open to all citizens, except civil servants and security force personnel, who together make up 60 percent of all employed citizens.

The remaining party, the Brunei Solidarity National Party (PPKB), which was inactive for several years, held an assembly in February 1995, April 1998, and again in February 2000 (attended by about 30 persons), reportedly with the consent of the Government. Following the 1998 General Assembly, party leaders expressed support for the Government's determination to investigate the Amedeo crisis, but the party appeared to be largely inactive. In October 1998, the Prime Minister's Office rebuked PPKB President Haji Mohamed Hatta over an interview he gave to a regional newsmagazine. The Prime Minister's Office described Hatta's portrayal of Brunei as "irresponsible, untrue, inaccurate, misleading, and embarrassing." The PPKB reportedly continues to be subject to internal disagreements.

The activities of international service organizations such as Rotary, Kiwanis, and the Lions continued to be constrained by the Government, which in 1995 reminded local leaders of these organizations that Muslims may not be members.

c. Freedom of Religion.—The Constitution states that, "The religion of Brunei Darussalam shall be the Muslim religion according to the Shafeite sect of that religion: Provided that all other religions may be practiced in peace and harmony by the person professing them in any part of Brunei Darussalam." However, the Government only partially respects these rights, as it routinely restricts the practice of non-Islamic religions. The Government sporadically voiced alarm about "outsiders" preaching radical Islamic fundamentalist or unorthodox beliefs. Citizens deemed to have been influenced by such preaching (usually students returning from overseas study) have been "shown the error of their ways" in study seminars organized by mainstream Islamic religious leaders. The Government seems more concerned about these so-called Islamic "opportunists" than unwelcome political views. Moreover, the Government does not hesitate to investigate and to use its internal security apparatus against persons whom it considers purveyors of radical Islam.

In 1991 the Government began to reinforce the legitimacy of the hereditary monarchy and the observance of traditional and Muslim values by reasserting a national ideology known as the Malayhu Islam Beraja (MIB) or "Malay Muslim monarchy," the genesis of which reportedly dates to the 15th century. The Government in 1993 participated in issuing the Kuala Lumpur Declaration, which affirms the right of all persons to a wide range of human rights, including freedom of religion. Despite this and constitutional provisions providing for the full and unconstrained exercise of religious freedom, the Government routinely restricts the practice of non-Muslim religions by: Prohibiting proselytizing; occasionally denying entry to foreign clergy or particular priests, bishops, or ministers; banning the importation of religious teaching materials or scriptures such as the Bible; and ignoring requests to expand, repair, or build new churches, temples, and shrines. However, in February 1998, the Government allowed the Catholic Church to establish the first apostolic prefecture in the country and to install a Bruneian of Chinese origin as the country's first apostolic prefect. This development constituted a modest step in the direction of improved religious freedom, but as yet there is no broad trend toward increased religious freedom.

In September 1998, officials of the Islamic Propagation Center confiscated gold and other precious Buddhist and Christian icons from a number of goldsmiths in the capital, stating that the open display of these items "offended local sensitivities." The confiscations were made under the Undesirable Publications Act, which gives the Government wide-ranging powers. Several days later, the goldsmiths were informed that they could recover their property from the Ministry of Home Affairs. The Government also routinely censors magazine articles on other faiths, blacking out or removing photographs of crucifixes and other Christian religious symbols.

Since July 1998, the authorities sporadically have conducted raids on clubs frequented by foreign residents and foreign workers in order to confiscate alcohol and foodstuffs that were not prepared in accordance with "halal" requirements (the Islamic requirements for the slaughter of animals and the prohibition on inclusion of pork products in any food). These actions continue and are regarded by the majority of citizens as upholding Islam. In July the Government briefly detained for ques-

tioning local members of a small Islamic group after the group's members in Malaysia reportedly were involved in an arms theft.

The Ministry of Education also restricted the teaching of the history of religion or other courses on religion in non-Islamic schools while requiring courses on Islam or the MIB in all schools. Only the Bandar Seri Begawan international schools are exempt from these restrictions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government restricts the movement of former political prisoners during the first year of their release. Otherwise the Government generally does not restrict the freedom of movement of its citizens, visitors, and permanent residents. Government employees, both citizens and foreigners working on a contractual basis, must apply for approval to go abroad; it is routinely granted.

No legal provision exists for granting temporary refuge, first asylum, or refugee status to those seeking such refuge or asylum. Under the law, persons arriving without valid entry documents and means of support are considered illegal immigrants and are refused entry. There were no reported cases of individuals seeking temporary refuge during the year.

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

Citizens are unable to change their government; Brunei is a monarchy and there are no established democratic processes. Under the continuing state of emergency, there is no parliament, and political authority and control rests with the ruling monarch. Individuals may seek to express their views or to influence government decisions and policies by writing letters to a local newspaper or by petitioning the Sultan or handing him letters when he appears in public.

A form of popular representation lies in a traditional system of village chiefs who, since 1992, are elected by secret ballot by all adults. These leaders communicate constituents' wishes through a variety of channels, including periodic meetings chaired by the Home Affairs Minister, with several officials appointed by the Sultan. In 1996 the Sultan officiated at the first General Assembly of the "mukim" (a group of villages) and village consultative council. Over 1,000 village chiefs from 150 villages and 35 mukim participated as delegates. The delegates were elected from among individual villagers, and the Government described the Assembly as "a grass roots level political system." However, the Sultan appoints all the council's advisers. The Government insists that ordinary citizens actually use these councils to present their grievances and to obtain redress.

The Sultan has an appointed Cabinet, the members of which serve as his principal advisors.

The lack of representative democratic government seriously limits the role of both men and women in government and politics; however, women are making progress. In 1997 the Sultan's sister, Princess Masna, became the second ranking official in the Ministry of Foreign Affairs, and for the first time two women were appointed as permanent secretaries, one in the Ministry of Education and the other in the Ministry Culture, Youth, and Sports. The first female High Court judge was appointed in 1999, and in 2000 a woman was named acting director of the Anticorruption Bureau.

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

No government or private organizations deal specifically with the protection of human rights. However, in 1997, for the first time, the Government entered into a human rights dialog with a foreign embassy and that dialog continues. There were no known allegations of abuses or requests to visit by international human rights groups.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Except for religion (see Section 2.c.), the Constitution does not contain specific provisions prohibiting discrimination based on the factors listed above.

Women.—The extent to which spousal abuse may occur and go unreported is not known. In response to a perception that domestic violence was rising, in 1994 a special unit was established within the police department to investigate domestic violence complaints. Female officers staff the unit. Since 1995 a hot line has been in service for abused spouses and the public to report domestic violence. During 1999 approximately 10 women and their children stayed at a women's shelter run by the Social Affairs Services unit of the Ministry of Culture. The Social Affairs Services unit provides counseling for women and their spouses. In August 1999, a photograph of a man accused of stabbing his wife and assaulting one of his children was

published in a daily newspaper, a new development in the country, where privacy generally is guarded closely. While Islamic courts usually discourage divorce in domestic violence cases, there appears to be a movement away from encouraging wives to reconcile with flagrantly abusive spouses. Islamic religious authorities recognize wife beating as grounds for divorce.

In 1999 the police recorded 91 cases of domestic abuse compared with 72 in 1998. The police also recorded 10 cases of rape and 10 molestations. The criminal penalty for a minor domestic assault is 1 to 2 weeks in jail and a fine. An assault resulting in serious injury would be punished by caning and a longer jail sentence. In September two members of the Royal Brunei Armed Forces were sentenced to 4 years' imprisonment and three strokes of the cane for the attempted molestation and sodomy of a 20-year-old deaf girl. In October 1999, a man convicted of assaulting his former wife with a knife and a piece of wood on three separate occasions, received three concurrent sentences of 2 years and 6 months in prison and three strokes of the cane. He also received a 6-month prison sentence for assaulting his 7-year-old daughter. Also in 1999, a man impersonating a religious inspector who raped and extorted money from a woman he found in a compromising situation with her boyfriend was sentenced to 12 years in prison and 6 strokes of the cane.

One area of apparent abuse involves female domestic servants. While the level of violence in society is low, beating of servants—or refusing them the right to leave the house on days off, sometimes on grounds that they "might encounter the wrong company"—is less socially unacceptable behavior. Since most female domestics are foreign workers who are highly dependent on their employers, those subject to abuse may be unwilling or unable to bring complaints, either to the authorities or to their governments' embassies. However, when such complaints are brought, the Government generally is quick to investigate allegations of abuse and impose fines and punishment as warranted.

In accordance with Koranic precepts, women are denied equal status with men in a number of important areas such as divorce, inheritance, and custody of children. Under the Brunei Nationality Act, citizenship is transmitted through males only. Female citizens who are married to foreigners or bear children by foreign fathers cannot transmit citizenship to their children, even when such children are born in the country. This has resulted in the creation of a sizable population of stateless children, estimated at more than 5,000 residents, who are entitled to live in the country and to be documented for travel by the Government, but who cannot enjoy the full privileges of citizenship, including the right to own land.

Although men are eligible for permanent positions in government service whether or not they hold university degrees, women who do not have university degrees are eligible to hold government positions only on a month-to-month basis. While recent changes eliminated some previous inequities, women in month-to-month positions continue to receive slightly less annual leave and fewer allowances than their male and female counterparts in permanent positions.

There are no separate pay scales for men and women, and in recent years there has been a major influx of women into the work force. Women serve in a wide variety of capacities in the armed forces, although they are not permitted to serve in combat. The number of female university graduates is increasing, and nearly two-thirds of Brunei University's entering class is female.

Religious authorities strongly encourage Muslim women to wear the tudong, a traditional head covering, and many women do so. However, some Muslim women do not, and there is no official pressure on non-Muslim women to do so. All female students in government-operated schools are required to wear the tudong; students in nongovernment schools are encouraged to wear it.

In July 1999, a new Married Women's Law came into effect, improving significantly the rights of non-Muslim married women with respect to maintenance, property, and domestic violence. In November 1999, changes to the Islamic Family Law (in the section on Women's Position in Marriage and Divorce) came into effect and are expected to improve the marital rights of Muslim women.

Children.—No statistics are published regarding the welfare of children. The strong commitment to family values within society, the high standard of living, and government funding for children's welfare provides most children a healthy and nurturing environment. Education is free, compulsory, and universal for 9 years. With a few exceptions involving small villages in extremely remote areas, nutritional standards are high, and poverty is almost unknown. There were 5 reported cases of child abuse in 1999. In 1996 the High Court convicted a father of child abuse. The Chief Justice sentenced him to 20 years in prison and ordered him caned with 20 strokes of the rattan for causing the death of his 3-year-old daughter and grievous hurt to another 2 of his children.

People with Disabilities.—No legislation mandating accessibility or other assistance for disabled persons has been passed. The Government is attempting to provide educational services for children with disabilities, although these efforts are not yet adequate to address the situation. Teachers are still being trained to deal with disabled children, and some children have no educational opportunities. A special facility with trained educators is needed to accommodate the disabled children who cannot be assimilated into normal classrooms, and the Ministry of Education is studying the problem.

Indigenous People.—The 6 percent of the population that is composed of indigenous people long has been integrated into society, and enjoys the same rights as other citizens.

National/Racial/Ethnic Minorities.—Some members of non-Malay minorities, such as ethnic Chinese, including those born and raised in the country, are not automatically accorded citizenship and its attendant rights, and must travel abroad as stateless persons. Brunei's colonial-era naturalization laws are widely viewed as out of date and in need of reform.

Section 6. Worker Rights

a. The Right of Association.—Trade unions are legal but must be registered with the Government. The three registered trade unions—one passive and two generally inactive—are all in the oil sector and have a total membership amounting to less than 5 percent of that industry's work force. All workers, including civil servants other than those serving in the military and police, may form or join trade unions. Unions are independent of the Government.

The 1962 Trade Unions Act permits the formation of trade union federations but forbids affiliation with international labor organizations. An individual contract is required between an employer and each employee, but legal trade union activities cannot be deemed to violate employee contracts. Local legal experts interpret this provision as conferring the right to strike, but there have been no strikes. Brunei is not a member of the International Labor Organization.

b. The Right to Organize and Bargain Collectively.—The Government has not prevented the legal registration of trade unions, nor has it dissolved any. The Government did not interfere with lawful union activity. It is illegal to refuse employment or discriminate against an employee on the basis of membership or nonmembership in a trade union. While unions are legal and easy to register, conditions are not conducive to the development of trade unions. There is little interest on the part of workers in forming trade unions, and existing unions are not very active. The law is silent on collective bargaining, and it occurs in only a few industries. There are few industries of the kind in which unions have traditionally developed. Also cultural tradition favors consensus over confrontation. Wage and benefit packages are based on market conditions and tend to be generous.

There is a free trade zone in Muara Port, known as the Muara Export Zone (MEZ), established in May 1994.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced labor including forced and bonded labor by children, and there are no known cases of forced labor.

In 1997 a foreign beauty contest winner brought suit in a foreign court against members of the Brunei royal family alleging that she and six other women were brought to Brunei in 1996 and subsequently held against their will for purposes of sexual exploitation. A statement by the royal family called the case "frivolous and groundless." The Sultan's sovereign immunity was recognized, and the court accepted Prince Jefri's claim of immunity. The case was closed formally in December 1999.

d. Status of Child Labor Practices and Minimum Age for Employment.—The 1954 Labor Enactment Laws prohibits the employment of children below the age of 16. Education is free, compulsory, and universal through grade nine. Parental consent and approval by the Labor Commission is required for those below the age of 18. Female minors under age 18 may not work at night or on offshore oil platforms. The Department of Labor (DOL), which is a part of the Ministry of Home Affairs, effectively enforces laws on the employment of children. There were no reports of violations of the child labor laws. Forced and bonded labor by children is prohibited and it is not practiced (see Section 6.c.).

e. Acceptable Conditions of Work.—Skilled labor is in short supply, and market forces enable most citizens to command good salaries. There is no minimum wage. The standard workweek is Monday through Thursday and Saturday, with Friday and Sunday off, allowing for two 24-hour rest periods each week. Overtime is paid for work in excess of 48 hours a week, and double time is paid for work performed on legal holidays. Occupational health and safety standards are established by government regulations. The DOL inspects working conditions on a routine basis and

in response to complaints. The DOL generally enforces labor regulations effectively. However, in the unskilled labor sector enforcement is lax, especially for foreign laborers (see Section 5). The DOL is empowered to close any workplace where health, safety, or working conditions are unsatisfactory, and it has done so in the past. The law permits a worker to leave a hazardous job site without jeopardizing his employment, but in practice this is unlikely to happen.

f. Trafficking in Persons.—The Law for the Protection of Women and Girls prohibits trafficking whether or not for the purpose of prostitution. There are occasional reports of women entering the country for purposes of prostitution (which is illegal), but they usually are deported swiftly.

BURMA

Burma continued to be ruled by a highly authoritarian military regime. Repressive military governments dominated by members of the majority Burman ethnic group have ruled the ethnically Burman central regions and some ethnic-minority areas continuously since 1962, when a coup led by General Ne Win overthrew an elected civilian government. Since September 1988, when the armed forces brutally suppressed massive pro-democracy demonstrations, a junta composed of senior military officers has ruled by decree, without a constitution or legislature. Originally called the State Law and Order Restoration Council (SLORC), the junta reorganized itself and changed its name to the State Peace and Development Council (SPDC) in 1997. The Government is headed by armed forces commander Senior General Than Shwe, although Ne Win, who retired from public office during the 1988 pro-democracy demonstrations, may continue to wield informal influence. In 1990 the junta permitted a relatively free election for a parliament to which it had promised to transfer power. Voters overwhelmingly supported anti-government parties with the National League for Democracy (NLD), winning more than 60 percent of the popular vote and 80 percent of the parliamentary seats. Throughout the 1990's, the junta systematically violated human rights in the country to suppress the prodemocracy movement, including the NLD, and to thwart repeated efforts by the representatives elected in 1990 to convene. Instead, the junta convened a government-controlled "National Convention" intended to approve a constitution that would ensure a dominant role for the armed forces. Since 1995 the NLD has declined to participate in this National Convention, perceiving both its composition and its agenda to be tightly controlled by the junta. More than a dozen armed ethnic groups continued to rule or to exercise some governmental functions in peripheral ethnic minority areas under various cease-fire agreements negotiated with the junta between 1989 and 1995. The judiciary is not independent of the junta.

Since 1988 the junta has more than doubled the size of the armed forces, from about 175,000 to more than 400,000 men, and has increased the Government's military presence throughout the country, especially in ethnic minority areas. The Government reinforces its firm military rule with a pervasive security apparatus led by the military intelligence organization, the Directorate of Defense Services Intelligence (DDSI). Control is buttressed by arbitrary restrictions on citizens' contacts with foreigners, surveillance of government employees and private citizens, harassment of political activists, intimidation, arrest, detention, and physical abuse. The Government justifies its security measures as necessary to maintain order and national unity. Members of the security forces committed numerous, serious human rights abuses.

Burma is a poor country with a population said by its Government to number about 50 million. Average annual per capita income is estimated to be about $300. More than 3 decades of military rule and mismanagement have resulted in widespread poverty. Primarily an agricultural economy, the country also has substantial mineral, fishing, and timber resources. From 1988 to 1995, the Government partly liberalized the economy, reversing the economic contraction of the 1980's. However, economic growth has slowed since the mid-1990's, as the junta has retreated from economic liberalization. Extensive state influence over the economy, corruption, and poor infrastructure remain problems.

The Government's extremely poor human rights record and longstanding severe repression of its citizens continued during the year. Citizens continued to live subject at any time and without appeal to the arbitrary and sometimes brutal dictates of the military regime. Citizens did not have the right to change their government. There continued to be credible reports, particularly in ethnic minority areas, that security forces committed serious human rights abuses, including extrajudicial killings and rape. Disappearances continued, and members of the security forces tor-

tured, beat, and otherwise abused prisoners and detainees. Prison conditions remained harsh and life threatening, but have improved slightly in some prisons after the International Committee of the Red Cross (ICRC) was allowed access to prisons in May 1999. Arbitrary arrest and detention for expression of dissenting political views continued to be a common practice. The Government held Aung San Suu Kyi incommunicado twice in September, following attempts to travel beyond the bounds of Rangoon City and to Mandalay. At year's end, the Government continued to hold Aung San Suu Kyi in detention; it also held 48 members-elect of parliament and more than 1,000 NLD supporters under detention, all as part of a government effort to prevent the parliament elected in 1990 from convening. Since 1962 thousands of persons have been arrested, detained, or imprisoned for political reasons; more than 1,800 political prisoners remained imprisoned at year's end. The judiciary is not independent, and there is no effective rule of law. During the year, the Government intensified its campaign to eliminate independent lawyers by arbitrarily arresting and sentencing them on fabricated charges. The Government continued to infringe on citizens' privacy rights, and security forces continued to monitor citizens' movements and communications systematically, to search homes without warrants, and to relocate persons forcibly without just compensation or due process. During the year, those persons suspected of or charged with prodemocratic political activity were subjected to regular surveillance and harassment. Security forces continued to use excessive force to violate international humanitarian law in internal conflicts against ethnic insurgencies. The regime forcibly relocated large ethnic minority populations in order to deprive armed ethnic groups of civilian bases of support.

The SPDC continued to restrict severely freedom of speech, press, assembly, and association. It has pressured many thousands of members to resign from the NLD and closed party offices nationwide. Since 1990 the junta frequently prevented the NLD and other prodemocracy parties from conducting normal political activities. The junta recognizes the NLD as a legal entity; however, it refuses to accept the legal political status of key NLD party leaders, particularly the party's general secretary and 1991 Nobel laureate, Aung San Suu Kyi, and restricts her activities severely through security measures and threats. The Government imposed some restrictions on certain religious minorities. The junta continued to restrict freedom of movement and, in particular, foreign travel by female citizens; the junta also continued to restrict Aung San Suu Kyi's freedom to leave her residence or to receive visitors. In September Aung San Suu Kyi, actions that placed under house arrest when she attempted to visit an NLD party office on the outskirts of Rangoon, and again when she attempted to travel by train to Mandalay.

During the year, the SPDC intensified its systematic use of coercion and intimidation to deny citizens the right to change their government. In September 1998, the NLD leadership organized a 10-member Committee Representing the People's Parliament (CRPP) to act on behalf of the parliament. The junta responded by forcing several elected representatives to resign from the parliament, by detaining dozens of other elected representatives, and by pressuring constituents to sign statements of no confidence. One member of the CRPP also was jailed, and the other members of the committee were placed in detention during the latter part of the year. However, late in the year, with encouragement from U.N. Special Representative Ismail Razali, the Government opened contacts with Aung San Suu Kyi, which appeared to produce some relaxation in the restrictions on the NLD. Six of the NLD's 9 central committee members and 80 NLD supporters were released from detention, and press attacks on the NLD and Aung San Suu Kyi ceased. In addition the NLD was able to resume some normal activities of a political party.

The junta restricted freedom of religion; it maintained its institutionalized control over Buddhist clergy and restricted efforts by some Buddhist clergy to promote human rights and political freedom. The Government also coercively promoted Buddhism over other religions in some ethnic minority areas and imposed restrictions on certain religious minorities.

The Government did not allow domestic human rights organizations to exist and remained generally hostile to outside scrutiny of its human rights record. Violence and societal discrimination against women remained problems, as did discrimination against religious and ethnic minorities. The Government continued to restrict worker rights, ban unions, and use forced labor for public works and for the support of military garrisons. Forced labor, including forced child labor, remains a serious problem. The forced use of citizens as porters by the army—with attendant mistreatment, illness, and sometimes death-remained a common practice. In November the International Labor Organization (ILO) Governing Body judged that the Government had not taken effective action to deal with the "widespread and systematic" use of forced labor in the country and, for the first time in its history, called on all ILO members to apply sanctions to Burma. Child labor also is a problem and varies

in severity depending on the country's region. Trafficking in persons, particularly in women and girls to Thailand and China, mostly for the purposes of prostitution, remained widespread.

Ethnic insurgent forces committed numerous abuses, including killings, rapes, forced labor, and the forced use of civilians as porters.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killings.—There continued to be many credible reports of extrajudicial killings by soldiers of noncombatant civilians, particularly in areas of ethnic insurgencies (see Section 1.g.).

There were credible reports that army soldiers shot and killed at least 73 unarmed ethnic Shan villagers in several repeated incidents in Kun-Hing township, Shan State (see Section 1.g.). There were reports that soldiers raped and killed women and killed persons who sought to prevent such rapes. For example, according to local reports, on January 11, a patrol of approximately 85 SPDC troops from the 102nd Infantry Battalion led by Captain Saw Hpyu beat to death 3 men and gang raped, then shot and killed, 2 women along the banks of the Nam Paang river, a tributary of the Salween river, in Kun-Hing township. On January 17, SPDC troops from Kun-Hing town, from the 246th Infantry Battalion led by Commander Than Oo, shot and killed four displaced farmers who were returning from their farm. In both the January 11 and 17 incidents, the victims were farmers whom the SLORC had relocated forcibly to the area, and reportedly were being interrogated about the whereabouts of nearby Shan soldiers. In addition there were numerous other reports of SPDC soldiers killing forcibly displaced persons who were unable to help locate Shan soldiers. There were reports in February that troops raped and killed three women in Shan State, and in June that soldiers in Shan State killed a man who tried to intervene when the soldiers raped his sister (see Section 1.c.). On April 2, troops from the army's 246th Light Infantry Division reportedly shot and killed four farmers, and on April 7 troops from the 72nd Infantry Battalion shot and killed three farmers; both incidents occurred in Kun-Hing township, Shan State.

Brutal treatment by soldiers also caused deaths among those impressed as military porters. According to reports, porters who no longer can work often either are abandoned without medical care or assistance, or executed. Credible reports indicate that 14 porters recruited to work for the military forces in Karen State died between April and June, as a result of mistreatment, exhaustion, and malnutrition (see Sections 1.c. and 6.c.). There was one unconfirmed report of extrajudicial killing by police and fire brigade officials who reportedly marched a group of drug addicts out of Hpakant in Sagaing Division in mid-1999, causing some to die on the road. However, no eyewitness evidence regarding this alleged incident ever has appeared.

As in previous years, some inmates died in prisons and labor camps, or shortly after being released from them, due to torture or to denial of adequate medical care and harsh conditions (see Section 1.c.).

The military Government also killed persons for political reasons. For example, according to the Chin Human Rights Organization, a local nongovernmental organization (NGO), on June 26, the Commander of the 266th Light Infantry Battalion killed Zo Thang, a monitor for the NGO, as well as two associates, in Bung Khua village, Chin State (see Section 4). This alleged incident could not be confirmed.

During the year, the Karen National Union (KNU) killed a group of three soldiers when they returned to their homes for leave in Karen State, where such soldiers apparently are vulnerable. The local army contingent retaliated against another nearby village by killing a handful of persons, including women and children.

Some insurgent groups also committed killings. In 1999, near Three Pagoda's Pass in the eastern part of the country, soldiers of the KNU reportedly captured and killed 10 immigration officials. During the year, in Kayah State, elements of the Karenni National Progressive Party (KNPP), an insurgent group, reportedly killed several persons, including a monk and a mother of five (see Sections 1.g. and 5).

b. Disappearance.—Throughout the country, as in previous years, private citizens and political activists continued to "disappear" for periods ranging from several hours to several weeks or more; many persons never have reappeared. DDSI officials usually apprehend individuals for questioning without the knowledge of their family members. In many, although not all cases, the DDSI releases them soon afterward. Such action usually is intended to prevent free political expression or assembly (see Section 2.a.). The army also continued to seize numerous persons for porterage or related duties, often without the knowledge of their family members (see Sections 1.c. and 6.c.). The whereabouts of those persons seized by army units

to serve as porters, as well as of prisoners transferred for labor or porterage duties, often remained unknown.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Members of the security forces tortured, beat, and otherwise abused prisoners and detainees. The Government routinely subjected detainees to harsh interrogation techniques designed to intimidate and disorient. The most common forms of mistreatment were sleep and food deprivation coupled with around-the-clock questioning under bright lights; some detainees also were kicked and beaten. During the year, there were credible firsthand reports that, during interrogations, officials place metal rods between prisoners' fingers and squeeze them in an attempt to injure the prisoners' hands; hot wax also is poured on the prisoners' backs. There continued to be credible reports that prisoners were forced to squat or assume stressful, uncomfortable, or painful positions for lengthy periods. In August 1999, a military intelligence team placed NLD youth member Thein Lwin in detention. Authorities subsequently tortured Thein Lwin for 9 months without ever charging him with a crime.

In late August, during the first 2 days of a 9-day political standoff, security forces refused to permit local residents to distribute food, water, or medicine to Aung San Suu Kyi and a number of her NLD colleagues; they also interfered with several subsequent provision deliveries and did not allow Aung San Suu Kyi access to her doctor. Aung San Suu Kyi later was placed under house arrest (see Sections 1.d., 2.d., and 3). Police sometimes beat NLD members during confrontations.

In September five prison guards and a trustee inmate beat James Mawdsley with sticks; Mawdsley, a British political prisoner who was confined in Keng Tung until October, suffered a broken nose and two black eyes (see Section 1.e.).

According to the Chin Human Rights Organization, on June 26, the 266th Light Infantry Battalion reportedly forced a 29-year-old Chin farmer, a woman named Pi Sai Sung, to walk 28 miles with rags stuffed in her mouth and wearing only a bra and underwear. The army reportedly abused her in this manner because Pi Sai allegedly had had a relationship with a human rights field monitor whom the battalion killed that same day (see Section 4). However, the events of this alleged incident could not be confirmed.

There continued to be many credible reports that security forces subjected ordinary citizens to harassment and physical abuse. The military forces routinely confiscate property, cash, and food, and use coercive and abusive recruitment methods to procure porters. Those persons forced into porterage or other labor faced extremely difficult conditions, and beatings and mistreatment that sometimes resulted in death (see Sections 1.a., 1.g., and 6.c.). For example, the military requires all Rohingya farmers from a village in Northern Rakhine State to provide 10 days of labor a month to the military. If they arrive late for their duty, the local major makes them roll down a bramble-covered hill as punishment. Numerous other Rohingya men say that all of the men from their village must work every 2 weeks as porters to carry food and ammunition to military camps near Bangladesh. The men describe the trek as quite dangerous, particularly when the soldiers beat them with bamboo canes (see Sections 5 and 6.c.).

For decades successive military regimes have applied a strategy of forced relocation against ethnic minority groups seeking autonomy; these forcible relocations continue, particularly alongside the Thai border. Thousands of villagers continue to flee or be driven from their homes, where they come to struggle in makeshift forest shelters without adequate food, security, or basic medical care—frequently in heavily mined areas. In a December 1999 Karen Human Rights Group report, Karen villagers said that the army and the Democratic Karen Buddhist Army (DKBA), an armed ethnic group allied with the Government, frequently enter villages together, demanding money, food, and other favors. Those persons unable to deliver may be killed, beaten, subjected to forced labor, or raped (see Sections 1.a., 1.g., 2.d., and 6.c.). There are numerous reports that SPDC troops loot and confiscate property and possessions from forcibly relocated persons, or persons who are away from their homes; these materials often are used for military construction.

Throughout the year, the NLD reported numerous complaints of extensive government mistreatment and exploitation of Kun Gyan Kone farmers, particularly those unable to meet government quotas (due to low rice yields). According to the NLD, many farmers were forced to sell their crops, land, and cattle for less than the market rate; some persons were detained, and the Government seized the property of others (see Section 1.d.).

There were frequent reports that army soldiers and other army personnel raped women who were members of ethnic minorities, especially in Shan, Karenni, and Karen States. For example, according to www.Shanland.org, a web site organized by Shan human rights and news organizations, on February 23, three SPDC sol-

diers raped two women who were catching fish in a stream near Ta Khoi village. On March 13, SPDC troops allegedly gang raped and beat to death three women who were collecting firewood in the forest near the road from Murng-Ton to Murng-Sart township, Shan State. On March 29, a Light Infantry Battalion captain reportedly raped a displaced Shan woman at Naa Kawng Mu village, Murng Harng tract, Murng-Ton township, and threatened to imprison the village leaders who came to complain about it. On June 29, another Light Infantry Division captain allegedly raped a woman and shot and killed her brother who tried to intervene, at a rice farm in Lai-Kha township, Shan State. None of the incidents in these www.Shanland.org reports could be confirmed. There were many similar reports throughout the year.

Members of insurgent forces also reportedly raped civilians.

Prison conditions generally remained harsh and life threatening. The Government's Department of Prisons operates many facilities, including several labor camps. Prisoners are permitted to receive medicine and food from their families during 15-minute visits once every 2 weeks. Throughout the year, the Government transferred many prisoners—including NLD members—from Insein prison to prisons and labor camps far from Rangoon, where conditions are much harsher. There also were credible reports that at least a few prisoners long have been denied adequate medical care. Some of these prisoners died as a result. In July 1999, NLD member-elect of parliament Kyaw Min died of hepatitis contracted in prison. He had been detained from 1996 to 1998 without trial and was released to his family just prior to his death. Tun Zaw Zaw, a NLD youth leader who was released on December 31, 1999, also lost his sight while under detention and was detained again on September 14 and, again, on September 21. At year's end, he remained in detention in Insein Prison. In Thauntha township of Mandalay Division, the authorities arrested U Aung Kyaw, U Maung Nyo, U Nyo Hla, and U Htay Gyi for sending a letter of appeal regarding the Government's commandeering of private vehicles. U Aung Kyaw's request for medical attention was denied, and on April 30, he died of hypertension after 5 days in jail.

International monitoring of prisons began in May 1999, when the ICRC was allowed unrestricted access to all prisoners in all prisons, detention centers, and labor camps. Visits by the ICRC to labor camps began in March, and it visited six labor camps by year's end. In response to ICRC recommendations, the Government provided some prisoners with an opportunity for exercise, better food, reading material, and improved medical care. As of September, the ICRC had visited more than 35,000 prisoners in at least 30 prisons, including more than 1,800 political prisoners (see Section 1.e.). The ICRC also has begun tackling the problem of the roughly 36,000 persons in forced labor camps. The Government allowed the ICRC to perform its traditional services, such as providing medications, delivering letters to and from prisoners, and providing support for family visits to prisoners.

d. Arbitrary Arrest, Detention, or Exile.—There is no provision in the law for judicial determination of the legality of detention, and the SPDC routinely used arbitrary arrest and incommunicado detention. For example, Aung San Suu Kyi was held incommunicado twice in September, following her attempt to visit NLD party workers on the outskirts of Rangoon and her attempt to travel by train to Mandalay (see Sections 2.b., 2.d., and 3). Prior to being charged, detainees rarely have access to legal counsel or their families and political detainees have no opportunity to obtain release on bail. Even after being charged, detainees rarely have the benefit of counsel. Some political detainees are held incommunicado for long periods. Moreover, Section 10a of the Penal Code allows the authorities to extend sentences arbitrarily, and some political prisoners were not released after completing their sentences. In Mandalay 11 prisoners sentenced for political reasons—including Zaw Min, Ne Win, U Tin Aye Yu, U Tin Myint, U Tin Aye, U Khin Maung Thant, U Zarni Aung, U Thein Than Oo, U Kyaw Sein Maung, U Naing Myint, U Htay Nyunt—have completed their terms, but have not been released. Countrywide, at least 30 prisoners in 7 different prisons are held in similar circumstances.

Authorities continued to detain some private citizens and political activists continued to "disappear" temporarily at the hands of security forces (see Section 1.b.).

The Government repeatedly detained and deported foreign journalists (see Section 2.a.).

Throughout the year, the Government continued its campaign of detention and intimidation against the NLD. Between April and May the authorities arrested scores of NLD members-elect of parliament and sentenced four of them to periods of between 2 and 15 years in prison. Than Lwin, Kyaw Shwe, Nyein Maung, and Tin Aung Lay, the four elected members who were held, were detained for fabricating accusations against township organizations, instigating threats to peace and stability by spreading rumors to mislead the public, and illegally organizing villagers.

In addition U Aye Tha Aung, who represented four large ethnic groups in the CRPP, was arrested in April and sentenced, in secret, to 21 years in prison for "trying to destroy the unity of the nationalities." Following local party elections for the NLD's youth and women's organizations in April, all 38 of the newly elected party officials were arrested and sentenced to periods in prison ranging from 6 months to 40 years. In addition on May 27, the NLD headquarter's two elderly landladies, Daw Khin Nu and Daw Chaw, were arrested for disturbing the peace and spent several weeks in Insein prison. Also in May in Taung-Dwin-Gyi township, Magwe Division, police detained 25 NLD youth members and transferred them to Thayet prison without their families' knowledge. These youth members were released, but only after their parents agreed to prevent their children from communicating with the NLD offices. On September 27, police detained 83-year-old member-elect U Maung Maung Gyi, the senior leader at NLD headquarters, for 12 hours in order to ensure that he did not organize any celebration of the NLD's 12th anniversary.

At year's end, the Government continued to detain without charge 48 members-elect of parliament in 1990. Most were NLD members and most had been detained since September 1998, just before the NLD formed the CRPP. Other members-elect of parliament were released during the year. However, there were credible reports that many of these members-elect were released only after they agreed to resign from parliament, to withdraw their support from the CRPP, or otherwise to restrict their political activities.

Throughout the year, the NLD brought complaints about extensive government mistreatment and exploitation of Kun Gyan Kone farmers; numerous farmers were held in custody for failing to meet rice quotas (see Section 1.c.). For example, in Karen State, armed KNPP units threaten farmers with death for nonpayment of taxes. If the farmer pays, the army then imprisons him for 3 years for "unlawful association." According to the Karen Human Rights Group, in March army troops burned at least nine villages in Dweh Loh township, just southwest of the town of Papun, and then planted landmines in them.

Since 1988, when the SPDC refused to recognize the results of the elections and pressured successful candidates to resign, some candidates, as well as thousands of political activists, went into forced exile rather than face threats.

e. Denial of Fair Public Trial.—The judiciary is not independent of the military junta. The junta appoints justices to the Supreme Court which, in turn, appoints lower court judges with the approval of the junta. These courts then adjudicate cases under decrees promulgated by the junta that effectively have the force of law.

The court system, as inherited from the United Kingdom and subsequently restructured, comprises courts at the township, district, state, and national levels.

Throughout the year, the Government continued to rule by decree and was not bound by any constitutional provisions providing for fair public trials or any other rights. Although remnants of the British-era legal system formally were in place, the court system and its operation remained seriously flawed, particularly in the handling of political cases. Unprofessional behavior by some court officials, the misuse of overly broad laws—including the Emergency Provisions Act of 1950, the Unlawful Associations Act, the Habitual Offenders Act, and the Law on Safeguarding the State from the Danger of Destructionists—and the manipulation of the courts for political ends continued to deprive citizens of the right to a fair trial and the rule of law. Pervasive corruption further serves to undermine the impartiality of the justice system.

Some basic due process rights, including the right to a public trial and to be represented by a defense attorney, generally were respected in criminal cases, but not in political cases that the Government deemed especially sensitive. In criminal cases, defense attorneys generally are permitted to call and cross-examine witnesses; however, their primary purpose is to bargain with the judge to obtain the shortest possible sentence for their clients. Most court proceedings are open to the public. However, in political cases, trials are not open to the public. In political cases, defense attorneys appear to serve no purpose other than to perpetuate the pretense of a fair trial, since reliable reports indicate that senior military authorities dictate verdicts, regardless of the evidence or the law. In one case, Chein Poh, a 77-year-old highly respected and nonpolitical lawyer, was sentenced to 14 years in prison for allegedly distributing articles from foreign newspapers and magazines with antigovernment annotations (see Section 2.a.). Although the Government was not able to prove its case against him, he was given two consecutive 7-year sentences for the same activity. However, his actual offense was the fact that he is a neighbor of U Tin Oo, the vicechairman of the NLD. In October, following an appeal by U.N. Special Representative Razali, authorities released from prison U Chein Poh and five other elderly prisoners.

U Chein Poh's arrest and conviction may have been part of an extensive government campaign to eliminate the remaining independent lawyers in the country who might provide advice and counsel to the NLD. During the year, the Government arrested and sentenced under fabricated charges nearly every lawyer with any perceived connection with the NLD. Cases include that of U Soe Han, a prominent NLD lawyer who was charged with having failed to inform the Government that he planned to stay overnight at his mother's house (see Section 1.f.). Authorities released U Soe Han following his wife's death. However, they rearrested U Soe Han in September and sentenced him, along with several other prominent individuals, to 21 years in prison for sending a letter to Senior General Than Shwe and Secretary One Khin Nyunt that urged the Government to release political prisoners and start a dialog with the NLD. Altogether, the Government jailed more than 40 lawyers during the year. In 1999 two prodemocracy activists were sentenced to long prison terms for actions that elsewhere would have been deemed innocuous. After two arrests in 1997 and 1998, and imprisonment for 90 days of a 5-year prison sentence for illegal entry, a British citizen, James Mawdsley, was arrested for a third time in August 1999, and sentenced to a total of 17 years in Keng Tung prison. On October 19, he was released, shortly after the U.N. Working Group on Arbitrary Detention informed the Government that Mawdsley's detention violated international standards of human rights (see Section 1.c.). In September 1999, Rachel Goldwyn, a foreign citizen, was arrested after chaining herself to a lamppost in downtown Rangoon and singing a prodemocracy song. She was convicted of sedition and sentenced to 7 years' imprisonment, but was released on appeal and left the country in November 1999.

During the year, the Government allowed two visits by U.N. Special Envoy to Burma, Ismail Razali (see Section 4). In late December, shortly before an expected return Razali (scheduled for January 2001), the Government released several political prisoners from the list of aged prisoners presented by Razali during his first and second visit. Late in the year, the Government released 6 of the NLD's 9 central committee members and 80 NLD supporters from detention.

Opposition political parties have attempted to use the courts to enforce their political rights, thus far without success. In 1999 the Supreme Court dismissed suits brought by members of the NLD's central executive committee (CEC) against SPDC Secretary One, and Lt. Gen. Khin Nyunt, the chief of military intelligence. The suits alleged that the military intelligence apparatus violated the rights of private individuals in connection with the detention of NLD members elected to parliament in 1990. The NLD CEC members also filed suit against other senior government officials for libel, fraud, and intimidation in connection with government-organized petitions of "no confidence" in NLD members-elect of parliament (see Sections 1.d. and 3). The hearing on these cases was closed to the public and, in both cases, the Supreme Court's verdict went against the NLD. On April 27, the Supreme Court dismissed an appeal by the NLD against the SPDC for illegally detaining and libeling memberselect of parliament. The Supreme Court ruled that a case could not proceed against a government official—in this case head of military intelligence Lt. General Khin Nyunt—if the Head of State did not grant permission. In September lawyers for the NLD began a suit against General Than Shwe and the Chairman of the Election Commission for failing to fulfill commitments made in regard to the transition to democracy.

The ICRC estimated that there were 1,800 political prisoners in the country as of July, and during the year the ICRC completed visits to almost all of them. In addition some political prisoners remained in custody despite having completed their sentences (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The military Government continued to interfere extensively and arbitrarily in the lives of citizens. Through its pervasive intelligence network and administrative procedures, the Government systematically monitored the travel of all citizens and closely monitored the activities of many citizens, particularly those known to be active politically. The law requires that any person who spends the night at a place other than his registered domicile inform the police in advance, and that any household that hosts a person not domiciled there maintain and submit to the police a guest list. Moreover, police routinely enter and search homes at night without warrants to enforce compliance with this requirement.

In May U Soe Han, a lawyer for the NLD, was detained under this law, as a result of having spent the night of May 27 (the tenth anniversary of the 1990 general election) at his mother's house (see Section 1.e.). Security personnel also commonly searched private premises and other property without warrants in other contexts.

Government employees generally are required to obtain advance permission before meeting with foreigners.

Government employees generally are prohibited from joining or supporting political parties; however, this proscription is applied selectively. In the case of the Government's own mass mobilization organization, the Union Solidarity and Development Association, the Government has used coercion and intimidation to induce many persons, including nearly all public sector employees, both to join the union and to attend meetings called to criticize the NLD and NLD members-elect of parliament (see Sections 1.d., 2.b., and 3).

Government officials, including senior officials, continued repeatedly to make statements in the state-monopolized domestic media warning parents that authorities could hold them responsible for any political offenses committed by their children. The Government's intelligence services also monitor the movements of foreigners and question citizens about conversations with foreigners. In addition, in July 1998, the Government officially banned marriages between female citizens and foreigners; however, this ban has not been enforced.

Telephone service also is controlled tightly. Security personnel regularly screen private correspondence and telephone calls. Government authorities continued generally to prevent citizens from subscribing directly to foreign publications or satellite television (see Section 2.a.). In addition the Government licenses and rations all electronic communication devices, which are monitored closely. A decree promulgated by the junta in 1996 has made possession of an unregistered telephone, facsimile machine, or computer modem punishable by imprisonment (see Section 2.a.). In April an Indonesian citizen, Irawan Sidaria, and two local technicians were arrested under this statute for having installed an Inmarsat satellite telephone unit at the Asia Plaza Hotel in Rangoon. The communication equipment, which provided 10 telephone lines for oversea calls, had not been licensed by the state-owned Myanmar Posts and Telecommunications. In June Myanmar Posts and Telecommunications also announced that users of nonregistered cordless telephones in the country would face up to 3 years imprisonment or a fine of about $75 (30,000 Kyat), or both.

During late 1998 and early 1999, the Government refused to allow Aung San Suu Kyi's terminally ill husband, Michael Aris, to travel from Britain to visit his wife in Rangoon. The Government stated that if Aung San Suu Kyi wanted to see her British husband, she could leave the country to visit him in the United Kingdom. The Government also announced that it would allow the prodemocracy leader to reenter the country only if it judged her visit to be nonpolitical. At about the same time, state-owned media and billboards and government-organized mass rallies called for Aung San Suu Kyi to be expelled.

Weak private property rights and poor land ownership records facilitate involuntary relocations of persons by the State. The law does not permit private ownership of land; it recognizes only different categories of land use rights, many of which are not freely transferable. Postcolonial land laws also have revived the precolonial tradition that private rights to land are contingent upon the land being put to productive use.

To make way for commercial or public construction and, in some cases, for reasons of internal security and political control, the SPDC has relocated forcibly citizens to "new towns." Prevalent during the early 1990's, this practice has become much more restrictive. Persons relocated to new towns generally suffer from greatly reduced infrastructure support, and residents targeted for displacement generally are given no option but to move, usually on short notice (see Section 2.d.).

In rural areas the military Government frequently forcibly relocated ethnic minority villages. This practice was particularly widespread in the Shan, Kayah, and Karen States and in areas of Mon State and Pegu Division. In these areas, thousands of villagers were displaced from their traditional villages and herded into secure settlements in strategic areas. These forced relocations often are accompanied by demands for forced labor to build infrastructure for both villagers and army units and often have generated large refugee flows to neighboring countries and/or to parts of the country not controlled by the Government (see Sections 1.c., 2.c., 2.d., 5, and 6.c.). In some areas, the junta has replaced the original ethnic settlements with settlements of Burmans. This was the case in Arakan State in 1999 and during the year, where the Government forcibly relocated several largely Muslim villages, and resettled the area with Buddhist Burmans, who were forced to move from Dagon Township in Rangoon Division. In other areas, army units forced or attempted to force ethnic Karen to relocate to areas controlled by the DKBA (see Section 5).

Military units also have routinely confiscated livestock, fuel, food supplies, alcoholic drinks, or money. This abuse has become widespread since 1997, when the junta, intent upon continuing its military buildup despite mounting financial problems, ordered its regional commanders to meet their logistical needs locally rather

than rely on the central authorities. As a result, regional commanders have increased their use of forced contributions of food, labor, and building materials throughout the country (see Sections 1.c., 5, and 6.c.).

Both army and insurgent units have used forced conscription.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Since independence in 1948, the army has battled a series of diverse ethnic insurgencies. These ethnic insurgent groups have sought to gain greater autonomy or, in some cases, independence from the ethnic Burman-dominated State. Since 1989 15 such groups have concluded cease-fire agreements with the Government. Under these agreements, these groups have retained their own armed forces and perform some governmental functions within specified territories inhabited chiefly by members of their ethnic groups. However, other groups remain in active revolt. The KNU has continued to conduct insurgent operations in areas with significant Karen populations in the eastern and southern regions of the country, including not only Karen State, but also Mon State, Tenasserim Division, and Pegu Division. In Kayah State, the KNPP has resumed fighting against the Government since the breakdown of a cease-fire negotiated in 1995.

In central and southern Shan State, military forces continued to engage the Shan State Army (SSA). The military maintained a program of forced relocation of villagers in that region and there were credible reports of army killings, rapes, and other atrocities.

On January 30, in Kaeng-Kham village, Kun-Hing township, Shan State, SPDC troops reportedly shot and killed 19 unarmed villagers aged 15 to 57 years. The villagers previously had been resettled forcibly, but on January 18, Lieutenant Colonel Kyaw Aye, Commander of the army's 246th Infantry Battalion, reportedly told the villagers that the Government had decided that for a fee they would be permitted to resettle in their old village. The 66th army Infantry Battalion led by Captain Zaw Thein, which later encountered the villagers, confronted then later shot and killed the 19 persons who chose to pay a fee. The villagers reportedly were killed because they were found in a "free-fire" zone; the safe-conduct passes were not recognized. On February 12, 80 to 90 SPDC troops led by Captain Hla Khin, again from the 246th Infantry Battalion, reportedly killed 20 villagers in Kun Pu tract, Kun-Hing township and 5 other villagers, at a different place. The villagers also were among those who the SLORC had displaced forcibly in 1996 and 1997. It is believed that these massacres were intended to terrorize and intimidate the villagers so that they would either go to relocation sites or flee to Thailand.

According to an April report available at www.Shanland.org, on March 27, in Murng-Kerng town, Shan State, a group of SPDC troops from the 514th Light Infantry Battalion reportedly shot and killed 13 relocated farmers (8 men and 5 women) who were clearing a plot of land for growing rice. The same battalion reportedly raped and killed three women in Kai-See township, Shan State. Neither incident could be independently verified or confirmed.

In May the army's 246th Light Infantry Division and its 524th Light Infantry Division reportedly killed a total of 73 Shan villagers, including women and children, in 2 separate incidents in Kun-Hing township, Shan State (see Sections 1.a. and 2.d.). On August 2, the army's 520th Light Infantry Battalion shot and killed a family of six at their rice farm in Murng-Pan township, Shan State. Numerous similar army killings of civilians occurred throughout the year.

Other active insurgent groups include the Chin National Front, the Naga National Council, the Rohingya Solidarity Organization, and the Arakan National Organization.

Some antigovernment insurgent groups also committed serious abuses. Some KNU units killed civilians, in one case by blowing up a passenger bus with a landmine. During the year, KNPP elements reportedly killed a Buddhist monk, Sayador U Bandarkawthala, in Demawso township, Kayah State. They also were accused of gang raping and killing Ma Nyunt Tin, a mother of five children, in the vicinity of Soe Hlar village, Kayah State. SSA insurgents reportedly committed retaliatory killings, rapes, and other atrocities against civilians. There were credible reports that some insurgents used women and children as porters (see Sections 6.c. and 6.d.). According to an unconfirmed August report available at www.Shanland.org, on June 2, five displaced persons from Loi-Lem township reportedly were killed by a landmine blast, planted by members of the United Wa State Army in Murng-Ton township, Shan State. At least one Karen insurgent group calling itself God's Army, which has split from the KNU and operated from a base inside the country near the border with Thailand, was led by child soldiers (see Sections 6.c. and 6.d.).

On January 24, 10 armed God's Army members seized the provincial hospital in Ratchaburi, Thailand, taking several hundred persons hostage; the next day, Thai security forces killed all 10 terrorists while retaking the hospital. In September

1999, five young armed Karen (of the same group) seized the Burmese embassy in Thailand and held persons of several nationalities hostage.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law allows the Government to restrict freedom of speech and of the press and, in practice, the junta continued to restrict these freedoms severely and systematically. The Government continued to arrest, detain, convict, and imprison many persons for expressing political opinions critical of the junta, and for distributing or possessing publications in which such opinions were expressed (see Sections 1.c., 1.d., and 1.e.). Security services also monitored and harassed persons believed to hold such political opinions. Many more persons refrained from speaking out due to fear of arrest, interrogation, and other forms of intimidation.

Legal restrictions on freedom of speech, already severe since the early 1960's, have intensified since 1996, when the junta issued a decree prohibiting speeches or statements that "undermine national stability," as well as with the drafting of alternative constitutions. In all regions of the country, the military Government continued to use force to prohibit virtually all public speech critical of it by all persons, including persons elected to parliament in 1990, and by leaders of political parties. The Government has pursued this policy consistently since 1990, with one exception—from late 1995 to December 1996, the Government allowed weekly speeches by NLD leaders in front of Aung San Suu Kyi's residence in Rangoon.

Many prominent writers and journalists remain in prison. In 1999 novelist Maung Tha Ya fled the country and identified 20 prominent writers who then were in prison. These included novelist and journalist San San Nweh, who was imprisoned in 1994 for a 10-year-term for passing information about human rights violations to international reporters and U.N. observers. Government censorship boards forbade publication or distribution of works authored by those in prison, although the Government allowed former political prisoners, Ma Thida, and U Sein Myint (also known as U Moe Thu), to write several magazine articles following their release from prison.

On May 26, the junta announced that security forces had seized "inflammatory" leaflets, stickers, and calendars bearing the monk association's seal, and arrested Zaw Min Oo in the Bago Division. These published sheets allegedly were to be distributed within religious associations. In September the junta also sentenced Chein Poh, a highly respected, 77-year-old lawyer in Rangoon for allegedly distributing foreign publications with antiregime annotations written on the back. Although the regime presented no credible evidence to prove the charge, Chein Poh was sentenced to 14 years in prison (see Section 1.e.). Between April and June, the junta arrested an additional 11 persons for distributing antijunta leaflets and allegedly planning attacks on government buildings.

The Government did not permit Aung San Suu Kyi to communicate with the outside world during the initial period of her house arrest. However, after November she was permitted to meet with selected members of the NLD's Central Executive Committee, U.N. Special Representative Ismail Razali, and representatives of the European Union, among others (see Sections 1.d., 2.b., 2.d., and 3).

The Government owns and controls all daily newspapers and domestic radio and television broadcasting facilities. These official media remained propaganda organs of the junta and normally did not report opposing views except to criticize them. The one, partial exception was the *Myanmar Times,* an expensive English-language weekly newspaper targeted at the foreign community in Rangoon that was launched in February, and which occasionally reported on criticism of the Government's policies by the U.N. and other organizations.

All privately owned publications remained subject to prepublication censorship by state censorship boards. Due in part to the time required to obtain the approval of the censors, private news periodicals generally are published monthly or less often. However, since 1996, the Government has given transferable waivers of prepublication censorship for weekly periodicals. As a result, weekly tabloids have proliferated; however, they remain subject in principle to censorship and generally do not report domestic political news. Most in fact are published by government departments. Government control encourages self-censorship.

Imported publications remained subject in principle to predistribution censorship by state censorship boards, and possession of publications not approved by the state censorship boards remained a serious offense. Cases involving prodemocracy literature were punished regularly by imprisonment. The Government also restricted the legal importation of foreign news periodicals and discouraged subscriptions to foreign periodicals. However, a limited selection of foreign newspapers could be purchased at hotels and bookstores in Rangoon (see Section 1.f.). Prior to August these

foreign newspapers and magazines also were censored regularly at the airport on arrival; subsequently, the Government's policy ceased to be enforced.

Since 1997 the Government has issued few visas to foreign journalists and has held fewer than a handful of press conferences on political subjects. Several journalists who entered the country as tourists were detained and deported by the Government.

Due to widespread poverty, limited literacy, and poor infrastructure, radio remained the most important medium of mass communication. News periodicals rarely circulated outside urban areas, and most villages lacked access to electrical power, except from generators or batteries. The junta continued to monopolize and to control the content of all domestic radio broadcasting tightly. Foreign radio broadcasts, such as those of the British Broadcasting Corporation, Voice of America, Radio Free Asia, and the Norway-based Democratic Voice of Burma, remained the principal sources of uncensored information; however, individuals were arrested for listening to these services. In December 1999, U Than Chaun, the owner of a coffee shop in Shwe-Goo Township of Kachin State was arrested and sentenced to 2 years' imprisonment with hard labor for having the radio in his coffee shop tuned to Voice of America.

The Government also continued to monopolize and to control tightly all domestic television broadcasting, offering only a government channel and an armed forces channel. In addition the Government continued to restrict the reception of foreign satellite television broadcasts through laws that made the operation of an unlicensed satellite television receiver a crime punishable by up to 3 years in prison (see Section 1.f.). The Television and Video Law makes it a criminal offense to publish, distribute, or possess a videotape not approved by a state censorship board. In 1996 the junta issued an amendment to that law that stiffened the penalties for distributing uncensored videos.

The junta continued to restrict access to electronic media severely and systematically. Under a decree promulgated by the junta in 1996, all computers, software, and associated telecommunications devices are subject to government registration, and possession of unregistered equipment is punishable by imprisonment (see Section 1.f.).

The Ministry of Defense continued to operate the country's only known Internet server and has begun to offer Internet services selectively to a small number of customers. However, in December 1999, military intelligence arrested Col. Khin Maung Lwin, who managed the Defense Ministry's Internet operations, and charged him with violating the Official Secrets Act. One email service, which is government-owned, is available. In December 1999, military intelligence officials closed down several private email services and computer training schools. The country's first cybercafe opened in Rangoon in 1999 but did not offer patrons direct access to the Internet.

The Government continued to restrict academic freedom severely. University teachers and professors remain subject to the same restrictions on freedom of speech, political activities, and publications as other government employees. The Ministry of Higher Education routinely warns teachers against criticism of the Government. It also instructs them not to discuss politics while at work; prohibits them from joining or supporting political parties or engaging in political activity; and requires them to obtain advance ministerial approval for meetings with foreigners. Like all government employees, professors and teachers have been coerced into joining and participating in the activities of the Union Solidarity and Development Association (USDA), the Government's mass mobilization organization. Teachers at all levels also continued to be held responsible for the political activities of their students.

In June and July, the Government reopened the remainder of the institutions of higher education that were closed in 1996, following widespread student demonstrations. This completed a process that began in August 1997, when primary and secondary schools reopened. With this latest action, all graduate and undergraduate schools have reopened. However, the Government has taken a number of special measures to limit the possibility of student unrest. Campuses have been moved to relatively remote areas, teachers and students have been warned that disturbances would be dealt with severely, and on-campus dormitories have been closed. This has disrupted university life severely. There is evidence that many students have decided to continue with self-study, because the universities have deteriorated to such an extent during the time that they were closed and have become so inaccessible.

b. Freedom of Peaceful Assembly and Association.—The Government restricts freedom of assembly severely. It officially prohibits unauthorized outdoor assemblies of more than five persons; however, that ordinance is not enforced consistently. The 10 existing political parties also are required legally to request permission from the

Government to hold meetings of their members; nevertheless, meetings occurred without government permission.

The military junta continued its systematic decade-long use of coercion and intimidation to prevent the parliament elected in 1990 from convening (see Sections 1.c., 1.d., 1.e., and 3).

The Government severely restricts freedom of association, particularly in regard to members of the main opposition political party, the NLD. While the Government has allowed the NLD to celebrate certain key party events with public gatherings at Aung San Suu Kyi's residence or the national NLD party headquarters in Rangoon, it has restricted the size of the gatherings and the individuals who were allowed to attend. For example on September 26, the NLD's 12th anniversary, junta forces blocked all traffic from roads surrounding NLD headquarters, with a heavy military intelligence and riot police presence for two blocks on either side of the building. It also has prevented NLD General Secretary Aung San Suu Kyi from traveling to party meetings outside of Rangoon, stopping her four times in 1998 and once during the year.

As in previous years, there were incidents during which security forces publicly beat NLD members as they attempted peaceably to assemble or attend meetings. On April 30, the security forces also detained 37 NLD members from Taun-Dwin-Gyi township, Magwe Division, for holding a party meeting.

Throughout the year, government authorities in various parts of the country used force to prevent prodemocracy demonstrations or punish participants in them. Authorities detained or arrested and in many cases convicted and imprisoned persons suspected of planning such demonstrations (see Sections 1.d. and 1.e.). On September 21, NLD members gathered at Rangoon train station to see Aung San Suu Kyi off on her proposed trip to Mandalay; however, police arrested them and at year's end, they still were in custody. Approximately 100 NLD members were arrested at the time (see Sections 2.d. and 3).

In 1999 the Government sometimes interfered with religious groups' assemblies or other outdoor gatherings; however, there were no credible reports of such activity during the year (see Section 2.c.).

Since 1998, when the NLD's national leadership first organized the CRPP, the Government's campaign against the NLD has intensified. This campaign initially involved mass rallies and government-organized "recall" movements against members-elect of parliament. This was followed by direct pressure on individual NLD members. Throughout the year, government media published hundreds of reports from localities across the country that stated that NLD members had "voluntarily resigned" from the party in groups ranging in size from fewer than 10 to more than 1,000 persons. By year's end, the reported number of NLD members who voluntarily resigned numbered in the tens of thousands.

These resignations from the NLD generally were coerced, according to the persons concerned. In some townships, authorities pressured NLD officers to resign, and then declared the local party organizations defunct due to a lack of recognized officers. In other localities, NLD officials who refused to resign from the party were arrested or imprisoned on fabricated charges, and/or recall motions were mounted against them. For example, U Tun Win, member-elect from Min Don township of Magwe Division, was forced to resign as a member of the NLD, and was sent to prison for 3 years for illegally possessing foreign videotapes found at his son's video rental store (see Section 2.a.).

Outside the capital, government pressure was particularly intense. In some cases, members-elect of parliament were required to register at police stations twice per day.

In general the right of association existed only for organizations, including trade associations and professional bodies, permitted by law and duly registered with the Government, such as the Forest Reserve Environment Development and Conservation Association. The one exception to this general rule was the USDA, which the Government has attempted to develop as a nationwide political organization. Few secular nonprofit organizations exist, and those that do exist take special care to act in accordance with government policy. This group included nominally apolitical organizations such as the Myanmar Red Cross and the Myanmar Medical Association. Only 10 political parties are legally in existence, and most of those are moribund.

c. Freedom of Religion.—Most adherents of all religions duly registered with the authorities generally enjoyed freedom to worship as they chose; however, the Government imposed some restrictions on certain religious minorities. In addition in practice the Government systematically restricted efforts by Buddhist clergy to promote human rights and political freedom, and coercively promoted Buddhism over other religions in some ethnic minority areas.

The most recent constitution, promulgated in 1974, permitted both legislative and administrative restrictions on religious freedom, stating that "the national races shall enjoy the freedom to profess their religion . . . provided that the enjoyment of any such freedom does not offend the laws or the public interest." The Government requires religious organizations, like all organizations, to register with it. Although there is a government directive exempting "genuine" religious organizations from registration, in practice only registered organizations can buy or sell property or open bank accounts, which induces most religious organizations to register. Religious organizations register with the Ministry of Home Affairs with the endorsement of the Ministry for Religious Affairs. The State also provides some utilities, such as electricity, at preferential rates to recognized organizations.

The Government routinely monitored religious meetings, like all assemblies; and it subjected religious publications, like all publications, to censorship and control.

There is no official state religion; however, the Government continued to show preference for Theravada Buddhism, the majority religion. State-controlled news media frequently depict junta members paying homage to Buddhist monks, making donations at pagodas throughout the country, officiating at ceremonies to open, improve, restore, or maintain pagodas, and organizing ostensibly voluntary "people's donations" of money, food, and uncompensated labor to build or refurbish Buddhist religious shrines throughout the country. State-owned newspapers routinely featured, as front-page banner slogans, quotations from the Buddhist scriptures. Buddhist doctrine remained part of the state-mandated curriculum in all elementary schools; however, individual children could opt out of instruction in Buddhism. The Government also funded the construction of the International Theravada Buddhist Missionary University in Rangoon, which opened in December 1998; its stated purpose is "to share Myanmar's knowledge of Buddhism with the people of the world."

The Government also has attempted to control the Buddhist clergy, although the clergy have resisted this control. In October 1990, the military junta promulgated Order 6/90, which prohibits any organization of Buddhist clergy other than nine state-recognized monastic orders, which submit to the authority of a state-sponsored State Clergy Coordination Committee ("Sangha Maha Nayaka Committee"—SMNC). It also issued Order 7/90, which authorizes military commanders to try Buddhist clergy before military tribunals for "activities inconsistent with and detrimental to Buddhism," and Order 20/90 which imposes on Buddhist clergy a code of conduct that is enforced by criminal penalties. These edicts remain in effect. The junta also has subjected the Buddhist clergy ("sangha") to special restrictions on freedom of expression and association and, since 1995, has prohibited the ordination as clergy of any member of a political party.

In 1999 the senior abbots of five monasteries around Mandalay protested a new order by the regional military command that forbade Buddhist clergy to leave their township of residence without first surrendering their identity cards and obtaining written permission from local authorities. Persons other than Buddhist clergy generally were not subject to such severe restrictions on movement (see Section 2.d.). In addition more than 100 monks have been imprisoned during the 1990's for supporting democracy and human rights; however, about half of these have been released, while others have died in prison.

Christian and Islamic groups continued to have difficulties in obtaining permission to build new churches and mosques, particularly on prominent sites. In parts of Chin State, authorities reportedly have not authorized the construction of any new churches since 1997. The Government reportedly also has denied permission for churches to be built along main roads in cities such as Myitkina, the capital of Kachin State. In Arakan State in April, authorities reportedly detained 12 Muslim elders for failing to demolish 3 mosques in Dodine village. In other areas of the country, Christian and Muslim groups that have sought to build small churches or mosques on side streets or in other inconspicuous locations usually have been able to gain official approval, despite a time-consuming bureaucracy.

There also were credible reports that government officials and security forces compelled both Buddhists and non-Buddhists to contribute money, food, and uncompensated labor to build, renovate, or maintain Buddhist shrines or monuments. The Government calls these contributions voluntary donations (see Section 6.c.). There also were reports of forced labor being used to dismantle temples and monasteries. For example, on July 27, army troops from the 246th Infantry Division reportedly forced 54 men to dismantle several temples and monasteries in the forced relocation areas in Kun-Hing township; on August 10, the same troops again conscripted 87 workers from the same town, and forced them to build a shelter for the lumber and tin sheets taken from the dismantled monasteries.

Since 1990 government authorities and security forces have promoted Buddhism over Christianity among the Chin ethnic minority of the western part of the coun-

try. Since 1990 government authorities and security forces, with assistance from monks of the Hill Regions Buddhist Missions, coercively have sought to induce Chins to convert to Theravada Buddhism and to prevent Christian Chins from proselytizing. This campaign, reportedly accompanied by other efforts to "Burmanize" the Chin, has involved a large increase in military units stationed in Chin State and other predominately Chin areas, state-sponsored immigration of Buddhist Burman monks from other regions, and construction of Buddhist monasteries and shrines in Chin communities with few or no Buddhists, often by means of forced "donations" of money or labor (see Section 6.c.). Government authorities repeatedly prohibited Christian clergy from proselytizing and beat those who refused to stop preaching. There also were reports of forced conversion.

Since the early 1990's, security forces have torn down or forced villagers to tear down crosses that had been erected outside Chin Christian villages; these crosses often have been replaced with pagodas, sometimes built with forced labor. In parts of Chin State, authorities reportedly have not authorized the construction of any new churches since 1997.

For several years, there have been reports that the Government sought to induce members of the Naga ethnic group in Sagaing Division to convert from Christianity to Buddhism by means similar to those used to convert members of the Chin to Buddhism. In August 1999, the first mass exodus of Naga religious refugees from the country occurred, as more than 1,000 Christians of the Naga ethnic group, from 8 different villages, fled the country to India. These Naga claimed that the army and Buddhist monks tried to convert them forcibly to Buddhism and closed and desecrated churches in their villages.

Religious groups of all faiths were able to establish and maintain links with coreligionists in other countries and travel abroad for religious purposes. However, the Government closely monitored these activities. Foreign religious representatives usually were allowed visas only for short stays but in some cases were permitted to preach to congregations.

The Government has not permitted permanent foreign missionary establishments since the mid-1960's, when it expelled nearly all foreign missionaries and nationalized all private schools and hospitals. However, some elderly nuns and priests working in the country since before independence in 1948 have been allowed to continue their work.

Religious publications, like secular ones, remained subject to censorship. Translations of the Bible and the Koran into indigenous languages could not be imported or printed legally, although this ban is not enforced in many areas. According to the Chin Freedom Coalition, in early 1999, in Tamu township, Sagaing Division, military authorities confiscated 16,000 copies of the Bible printed outside the country in the Chin, Kachin, and Karen languages; these Bibles reportedly remained confiscated at year's end.

Religious affiliation sometimes is indicated on government-issued identification cards that citizens and permanent residents of the country are required to carry at all times. There appear to be no consistent criteria governing whether a person's religion is indicated on his or her identification card. Nationals also are required to indicate their religions on some official application forms, such as passports.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government restricts freedom of movement. Except for limitations in areas of insurgent activity, most citizens could travel freely within the country, but were required to notify their local government of their whereabouts (see Section 1.f.). Urban and rural residents also are subject to arbitrary relocation.

The freedom of movement of opposition political leaders also has been curtailed strictly. Since ostensibly freeing NLD general secretary Aung San Suu Kyi from house arrest in 1995, the junta has allowed her to travel outside the capital only once, on a visit to a monastery. On August 24, she was prevented from traveling to an NLD party meeting in Kungyangon, in the near vicinity of Rangoon, resulting in a 9-day roadside standoff, during which time she was denied access to her political followers. The standoff ended on September 2, when police took Aung San Suu Kyi and her companions into custody and detained them incommunicado at Aung San Suu Kyi's Rangoon residence until September 14. On September 21, the military Government again prevented her from traveling by train to Mandalay and again detained her incommunicado in her house (see Sections 2.b. and 3). The SPDC similarly detained on both occasions other leaders of the NLD, including the Vice Chairman of the NLD, U Tin Oo. Since 1996 security forces also have restricted public movement along the street in front of Daw Aung San Suu Kyi's residence.

The Government carefully scrutinizes prospective travel abroad. This facilitates rampant corruption, as many applicants are forced to pay large bribes (sometimes as high as $3,000, about 1.2 million Kyat; the equivalent of 10 years' salary for the

average citizen) to obtain passports. The official board that reviews passport applications has denied passports on political grounds. All college graduates who obtained a passport (except for certain government employees) are required to pay a special education clearance fee to reimburse the Government for the cost of their education. In February the Government issued new regulations on overseas employment passports that ultimately made it harder for citizens to travel overseas. Citizens who had emigrated legally generally were allowed to return to visit relatives. Some who had lived abroad illegally and had acquired foreign citizenship also were able to return.

Those residents unable to meet the restrictive provisions of the citizenship law, such as ethnic Chinese, Arakanese, Muslims, and others, must obtain prior permission to travel. Since the mid-1990's, the Government also has restricted the issuance of passports to female citizens (see Section 5). In addition the Government prohibits foreign diplomats and foreign employees of U.N. agencies based in Rangoon from traveling outside the capital without advance permission.

Restrictions on foreign travelers have been eased as part of an effort to promote tourism. Burmese embassies now issue tourist visas, valid for 1 month, within 24 hours of application. However, select categories of applicants, such as foreign human rights advocates, journalists, and political figures are denied entry visas regularly unless traveling under the aegis of a sponsor acceptable to the Government and for purposes approved by the Government. The Government also has detained and deported several journalists.

There is a large number of internally displaced persons (IDP's) in the country. NGO's estimate that there could be as many as 1 million minority group members who the SPDC has moved forcibly from their villages and districts and who now live near or along the Thai border. NGO's also estimate that an additional 1 million IDP's also might exist in various other locations throughout the country; however, it is very difficult to confirm specific numbers of IDP's.

For decades successive military regimes have applied a strategy of forced relocation against ethnic minority groups seeking autonomy; these forcible relocations continue, particularly alongside the Thai border. Thousands of villagers continue to flee or be driven from their homes and face numerous abuses (see Sections 1.a., 1.c., 1.g., 2.d., and 6.d.). For example, according to a March www.Shanland.org report and other secondary sources, on January 27, SPDC troops from the 520th Light Infantry Battalion led by Captain Than Maung, reportedly forced 120 households in Ho Phaai Long village, Ho Phaai Long tract, MurngPan township, Shan State, to relocate; in the process, troops arrested many villagers, looted houses, and raped numerous women. However, this incident could not be independently confirmed.

Repressive government policies and the military's brutal treatment of ethnic insurgencies has produced hundreds of thousands of refugees who now primarily reside in Thailand, India, and Bangladesh. There are about 150,000 persons in refugee camps on Burma's borders. Of these, at least 122,000 Karen, Mon, and Karenni resided in refugee camps in Thailand. In addition there were tens of thousands of Shan refugees whom the Thai Government did not confine to camps. On the country's western border, 20,000 Rohingya Muslims remained in refugee camps in Bangladesh (see Section 5).

The Government does not allow refugees or displaced persons from abroad to resettle or seek safe haven and has no policy to grant asylum. There were no reports that persons formally sought asylum in the country during the year. There also were no reports of the forced return of persons to a country where they feared persecution.

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

Despite the overwhelming desire that citizens demonstrated in the 1990 elections for a return to democracy, the regime continued to deny them the right to change their government.

The military junta has waged a decade-long campaign of coercion and intimidation to prevent the parliament elected in 1990 from convening (see Sections 1.c., 1.d., 1.e., and 3.). Measures included detaining over 200 members-elect as "state guests" in 1998. Of these, at least 45 remained in detention at year's end (see Section 1.d.).

Since 1962 active duty military officers have occupied most important positions in both the central Government and in local governments. Since 1988 all state power has been held by a military junta. All members of the junta have been military officers on active duty, and the junta has placed military or recently retired military officers in most key senior level positions in all ministries. By year's end, only 13 of the 41 government Ministers were civilians.

Following the NLD's victory in the 1990 elections, the military junta refused to implement the election results and disqualified, detained, or imprisoned many successful candidates. Many other members-elect of parliament fled the country (see Sections 1.d. and 1.e.).

Rather than accept the will of citizenry as expressed in the 1990 election, the junta convened a national convention in 1993 to draw up principles for a new constitution. The junta handpicked most delegates, and carefully orchestrated the proceedings; even limited opposition views were ignored. The junta tasked the convention with drafting a new constitution designed to provide a dominant role for the military services in the country's future political structure. In 1995 the NLD withdrew from the convention and demanded a revision in working procedures so as to allow debate and meaningful participation by all parties in formulation of a new constitution. Two days after its withdrawal, the NLD was expelled formally. In March 1996, the national convention adjourned. It has not reconvened.

A final draft constitution never has emerged from the national convention. However, at the instigation of the Government, the convention has adopted several provisions that, if incorporated in the constitution, would ensure the large-scale involvement of the military services in all levels of government. These provisions include reserving 25 percent of seats in the parliament for members appointed by the military services and reserving key government posts for military personnel as well. Other provisions prohibited, among other things, anyone who has received any type of assistance from a foreign source or who is "under acknowledgment of allegiance" to a foreigner from participating in the Government. These provisions apparently were designed to exclude Aung San Suu Kyi, who was married to a British citizen.

During the year, the military junta intensified its systematic use of coercion and intimidation to deny citizens the right to change their government. In September 1998, the NLD leadership organized a CRPP on the basis of written delegations of authority from a majority of the surviving members-elect of the 1990 parliament, in view of the junta's continued use of force to prevent the whole parliament from convening. That committee was empowered by those members-elect to act on behalf of the parliament until the parliament was convened. In retaliation the junta has launched a sustained and systematic campaign to destroy the NLD without formally banning it; authorities have pressured many thousands of NLD members and local officials to resign and closed party offices throughout the country. Military intelligence officials also detained over 200 memberselect of parliament, at least 45 of whom remain in detention; many were held without being charged formally (see Section 1.d.). Others have been released, but only after agreeing either to resign from the parliament or to accept their recall by government-managed referendums. Among its other coercive tactics, the Government compels citizens to participate in meetings that criticize NLD memberselect or call for the dissolution of the NLD (see Section 2.b.).

The junta's nationwide campaign in which local authorities pressured constituents to sign statements of no confidence in NLD representatives elected from their districts in 1990 appeared to have been cut back considerably during the year. In prior years, a majority of eligible voters in a number of townships had signed petitions expressing no confidence in NLD members-elect of parliament. These petitions were presented to local Multiparty Democracy General Election Commissions in formal ceremonies staged at mass rallies widely publicized by state-owned media. Both the CRPP in public statements and the NLD in lawsuits it filed to protest these activities (see Section 1.e.) credibly alleged that the Government and USDA officials generally obtained signature of these petitions and participation in these mass rallies by systematic coercion and intimidation (see Section 1.e.). However, in contrast with previous years, very few, if any, members-elect of parliament were recalled during the year.

As a result of these measures, the Government's Multiparty Democracy General Election Commission announced in October 1999, that of 392 NLD members elected to parliament in 1990, only 92 remained both NLD members and members-elect of parliament. As for the rest, 105 had resigned their parliamentary status, 139 had been disqualified by the commission, 27 had resigned from the NLD, and 31 had died.

In contrast with these figures, the CRPP claimed in September to enjoy the support of 433 of the 485 members-elect of parliament.

Late in the year, with encouragement from U.N. Special Representative Ismail Razali (see Section 4), the Government initiated a dialog with Aung San Suu Kyi, which appeared to produce some relaxation in the restrictions on the NLD. In addition the NLD was able to resume some normal activities, and press attacks on the NLD and Aung San Suu Kyi ceased. However, by year's end, the dialog had not produced tangible results.

Women and minorities were underrepresented in the Government and the top ranks of government services. They also were excluded from military leadership. There were no female members of the SPDC, ministers, or Supreme Court judges.

Members of certain minority groups also were denied full citizenship and a role in government and politics (see Section 5).

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

The Government does not allow domestic human rights organizations to exist, and it remained generally hostile to outside scrutiny of its human rights record. Approximately 15 nonpolitical, humanitarian, international NGO's continued project work. A few others established a provisional presence while undertaking the protracted negotiations necessary to set up permanent operations in the country.

The military persecuted some human rights workers during the year. For example, according to the Chin Human Rights Organization, on June 26, the Commander of the 266th Light Infantry Battalion murdered Zo Thang, a field monitor for the NGO, as well as two associates, in Bung Khua village, Chin State (see Section 1.a.). The Chin Human Rights Organization's mandate is to document human rights violations committed by the military junta in Chin State and the northwestern part of the country. The same battalion reportedly also arrested Pi Sai Sung, a 29-year-old Chin farmer whom the SPDC accused of being a sexual acquaintance of the killed human rights officer, and abused her (see Section 1.c.).

The Government continued to refuse to meet with representatives of the U.N. Human Rights Commission (UNHRC), which repeatedly has criticized the Government's human rights record, and continued to deny the UNHRC Special Rapporteur for Burma, Rajsoomer Lallah, entry into the country. In his report to the UNHRC, issued on October 26, Lallah criticized the human rights violations committed against ethnic minorities as a result of the SPDC's policy of forcible relocations and its continued recourse to forced labor (see Sections 2.d., 5, and 6.c.). During the year, the Government allowed two visits by U.N. Special Envoy to Burma, Tan Sri Dato Razali Bin Ismail (see Sections 1.e. and 3).

The Government's restriction on travel by foreign journalists, NGO staff, U.N. agency staff, and diplomats; its monitoring of the movements of such foreigners; its frequent interrogation of citizens about contacts with foreigners; its restrictions on the freedom of expression and association of citizens; and its practice of arresting citizens who passed information about government human rights abuses to foreigners all impeded efforts to collect or investigate information about human rights abuses. Reports of abuses, especially those committed in prisons or ethnic minority areas, often emerged months or years after the abuses allegedly were committed and seldom could be verified with certainty.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The military junta continued to rule by decree and was not bound by any constitutional provisions concerning discrimination.

Women.—Domestic violence against women, including spousal abuse, appears to be relatively infrequent. Married couples often live in households with extended families, where social pressure tends to protect the wife from abuse.

In general women traditionally have enjoyed a high social and economic status and have exercised most of the same basic rights as men. Consistent with traditional culture, women keep their names after marriage and often control family finances. However, women remained underrepresented in most traditional male occupations, and women continued to be barred effectively from a few professions, including the military officer corps. The burden of poverty, which is particularly widespread in rural areas, also fell disproportionately on women.

Women do not receive consistently equal pay for equal work. Women legally were entitled to receive up to 26 weeks of maternity benefits; however, in practice these benefits often were not accorded to women. In an effort to combat trafficking in women, the Government also has begun to discourage women from marrying foreigners and to restrict foreign travel by women. However, it has not enforced these restrictions consistently (see Sections 2.d. and 6.f.).

Prostitution is becoming an increasingly overt problem, particularly in some of Rangoon's "new towns," which are populated chiefly by poor families forcibly relocated from older areas of the capital. The Government and at least one international NGO operate schools and other rehabilitation programs for former prostitutes.

Trafficking in women for the purposes of prostitution also is a serious problem (see Section 6.f.).

There are no independent women's rights organizations. The National Committee for Women's Affairs in the Ministry of Social Welfare is charged with safeguarding women's interests. The Myanmar Maternal and Child Welfare Association, a government-controlled agency, provided assistance to mothers. A professional society for businesswomen, the Myanmar Women Entrepreneurs' Association, which was formed in 1995, provided loans to new businesses and made charitable donations.

Children.—The Government continued to neglect the education of children, allocating a minimal level of resources to public education. In response to this neglect, private institutions have begun to emerge, despite an official monopoly on education. Government expenditures for all civilian education for 1998-99 were equivalent to less than 1 percent of recorded gross domestic product (GDP) during the year and have declined by more than 70 percent in real terms since 1990. According to government studies conducted with U.N. assistance, only 37 percent of children finished fourth grade in urban areas and only 22 percent did so in rural areas. Rates of school attendance and educational attainment decreased during the 1990's, largely due to increasing formal and informal school fees as the junta diverted expenditures from health and education to the armed forces. Teachers' salaries were far below subsistence wages. Increasingly, only relatively prosperous families could afford to send their children to school, even at the primary level. In some areas in the center of the country, where few families could afford unofficial payments to teachers, teachers generally no longer came to work and schools no longer functioned.

Children also suffered greatly from the junta's severe and worsening neglect of health care.

Private health care facilities increasingly became the provider of choice for the relatively prosperous. The junta has cut government expenditures on public health care even more sharply than it cut spending for education. Government expenditures for civilian health care in 1998-99 were equivalent to only 0.3 percent of GDP. Government studies sponsored by U.N. agencies in 1997 found that, on average, 131 of 1,000 children died before reaching the age of 5 years, and that only 1 of 20 births in rural areas was attended by a doctor. Those same studies indicated that, of children under 3 years old, 37 percent were malnourished, and 13 percent were severely malnourished. The World Health Organization considers the country's health care system to be extremely poor.

Child prostitution and trafficking in girls for the purpose of forced prostitution—especially Shan girls who were sent or lured to Thailand—continued to be a major problem (see Section 6.f.). While legislation criminalizing child prostitution and child pornography exists, it is enforced poorly. Reports from Thailand indicated that the rising incidence of HIV infection there has increased the demand for supposedly "safer" younger prostitutes, many of whom come from Burma.

The army conscripts children as young as the age of 14, especially orphans and street children. These children are deployed to training camps where they support the military combat forces. In combat areas, the military forces continued to force children to labor as porters, and often subjected them to beatings (see Sections 1.g., 6.c., and 6.d.).

Religious Minorities.—The great majority of the country's population follows Theravada Buddhism. However, there are minorities of Christians (mostly Baptists, as well as some Catholics and Anglicans), Muslims (mostly Sunni), Hindus, and practitioners of traditional Chinese and indigenous religions. There also are social tensions between the Buddhist majority and the Christian and Muslim minorities, largely due to government preference in practice (although not in law) for non-Buddhists during the period of British colonial rule and for Buddhists since independence.

Non-Buddhists are discriminated against at upper levels of the public sector. Only one non-Buddhist served in the Government at the ministerial level, and the same person, a brigadier general, is the only non-Buddhist known to have held flag rank in the armed forces during the 1990's. The Government actively discourages Muslims from entering military service, and Christian or Muslim military officers who aspire to promotion beyond the middle ranks are encouraged by their superiors to convert to Buddhism.

Members of the Muslim Rohingya minority in Arakan State, on the country's western coast, continued to experience severe legal, economic, and social discrimination. The Government denies citizenship status to most Rohingyas on the grounds that their ancestors allegedly did not reside in the country at the start of British colonial rule in 1824, as required by the country's highly restrictive citizenship law. In 1991, and again in 1997 and 1998, tens of thousands of Rohingya fled from Arakan State into Bangladesh following anti-Muslim violence alleged (although not proven) to have involved government troops. Most of those refugees since have re-

turned, although 20,000 reportedly still remain in Bangladesh. Rohingyas who have returned to Arakan complained of government restrictions on their ability to travel and to engage in economic activity. In addition government authorities in Arakan State reportedly have compelled Muslims to build Buddhist pagodas as part of the country's forced labor program and provide porterage, and have confiscated land and produce, restricted freedom of movement, and engaged in other abuses (see Sections 1.c., 2.d., and 6.c.). In addition, because the Government reserves secondary education for citizens only, Rohingya do not have access to state run schools beyond primary education, and are unable to obtain most civil service positions.

There are credible reports that anti-Islamic booklets were distributed throughout the country by the USDA in 1999. In addition in March 1999 and April 2000, the Government forcibly relocated about 200 Buddhist slum dwellers from Dagon township in Rangoon to Arakan State; this had the dual effect of helping to eliminate slums in Rangoon, while increasing the population of Buddhist citizens in Arakan State. According to credible reports, during the year in Rakhine State, the Government opened several "model villages" for Buddhist families relocated from other areas. The Rohingyas already residing in the area have had their land seized without compensation and were forced to engage in construction and maintenance, including requisitioning food supplies. In addition the Muslim Rohingyas often are forced to build Buddhist pagodas for the new arrivals (see Sections 2.c., 2.d., and 6.c.).

Since 1994, when the progovernment DKBA was organized, there has been armed conflict between the DKBA and the Christian-led KNU. This armed conflict between two nongovernmental Karen organizations has had strong religious overtones. During the mid-1990's, it reportedly was common DKBA practice to torture Christian villagers and kill them if they refused to convert to Buddhism. DKBA treatment of Christians reportedly improved substantially after the DKBA settled down to administering the regions that it had conquered. According to one report, in February a DKBA unit ordered villagers in Khwet Phoe village to destroy a local mosque after arresting and executing five villagers for supporting the KNU. In April residents of Kaw Kyaik village in Karen State protested an order from DKBA units to destroy the local mosque.

In June the authorities claimed in an unconfirmed report that 28 Karenni National Progressive Party insurgents shot and wounded a Catholic priest, Father Abe Lei, and took 4 other persons hostage on June 17. At year's end, there was no available information on what had happened to the hostages.

People with Disabilities.—In principle official assistance to the disabled includes twothirds of pay for up to 1 year of a temporary disability and a tax-free stipend for permanent disability; however, in practice assistance is extremely limited. There is no law mandating accessibility to buildings, public transportation, or government facilities. While there are several small-scale organizations to assist the disabled, most disabled persons must rely on their families to provide for their welfare. Disabled veterans receive available benefits on a priority basis. Because of landmine detonations, there is a high rate of amputee injuries.

National/Racial/Ethnic Minorities.—Wide-ranging governmental and societal discrimination against minorities persists.

Animosities between the country's many ethnic minorities and the Burman majority, which has dominated the Government and the armed forces since independence, continued to fuel active insurgencies that resulted in many killings and other serious abuses. Some frequently reported abuses included killings, beatings, and rapes of Chin, Karen, Karenni, and Shan by mostly Burman army soldiers (see Sections 1.a., 1.c., and 1.g.). During the 1990's, the junta has sought to pacify these ethnic groups by means of negotiated cease-fires, grants of limited autonomy, and promises of development assistance.

The Government continued to discriminate systematically against non-Burmans. National identity cards and passports generally denoted the ethnicity of non-Burmans either explicitly or through the use of a personal title in the ethnic minority language rather than Burmese. Ethnic minority areas that were remote from active insurgent operations, such as the large Karen areas of Irrawaddy Division, experienced tighter controls on personal movement, including more frequent military checkpoints, closer monitoring by military intelligence, and larger military garrisons and hence more informal taxes, than comparable Burman areas.

Ethnic minority groups generally had their own primary languages. However, throughout all parts of the country controlled by the Government, including ethnic minority areas, Burmese remained the sole language of instruction in all state schools. Even in ethnic minority areas, primary and secondary state schools did not offer any instruction in the local ethnic minority language even as a second language. There were very few domestic publications in indigenous minority languages.

In some ethnic minority areas such as Chin State, there continued to be many reports that the army offered financial and career incentives for Burman soldiers to marry Chin women, teach them Burmese, and convert them to Buddhism. Throughout the 1990's, there were many credible reports that the junta resettled groups of Burmans in various ethnic minority areas. Visible evidence of this resettlement can be seen along the Heho-Nyaungshwe road in Shan State and along the Mandalay-Mogok road as it heads into Shan State.

The ethnic minority populations continued to complain that the Government has not addressed their concerns adequately. Economic development among minorities has continued to lag, leaving many persons living at below subsistence levels.

There are ethnic tensions between Burmans and nonindigenous ethnic populations including Indians, many of whom are Muslims, and a rapidly growing population of Chinese, mostly recent immigrants from Yunnan province who increasingly dominate the economy of the northern part of the country. Both groups have tended to be more commercially oriented and hence more prosperous and economically powerful than Burmans, and their members commonly have discriminated based on ethnicity in hiring, buying, and selling.

Since only persons who can prove long familial links to the country are accorded full citizenship, nonindigenous ethnic populations (such as Chinese and Indians) are denied full citizenship and are excluded from government positions. Persons without full citizenship face restrictions in domestic travel (see Section 2.d.). They also are barred from certain advanced university programs in medicine and technological fields.

Section 6. Worker Rights

a. The Right of Association.—The 1926 Trade Unions Act, which remained in effect, permits the formation of trade unions only with the prior consent of the Government; however, free trade unions do not exist in the country, and the junta has dissolved even the government-controlled union that existed before 1988.

There were no strikes during the year. The last reported strike was in December 1997, when workers in a foreign-owned textile factory in Pegu staged a successful 4-day strike.

Because of its longstanding violation of ILO Convention 87 on freedom of association, the 1998 ILO conference cited the Government for its continued failure to implement that convention and criticized both the lack of progress and the absence of cooperation on the part of the Government. In response the Government issued a press release in June 1999, stating that it would "cease participation in activities connected with Convention 87," a step tantamount to withdrawal from the Convention.

The Government also forbids seamen who found work on foreign vessels through its Seafarers' Employment Control Division from contacting or participating in any activities of the International Transport Workers' Federation.

No unions in the country are affiliated internationally.

In 1989 the U.S. suspended the country's eligibility for trade concessions under the Generalized System of Preferences program until steps are taken to afford its labor force internationally recognized worker rights.

b. The Right to Organize and Bargain Collectively.—Workers do not have the right to organize and bargain collectively. The Government's Central Arbitration Board, which once provided a means for settling major labor disputes, exists in name but, in practice, has been dormant since 1988. Township-level labor supervisory committees exist to address minor labor concerns.

The Government unilaterally sets wages in the public sector. In the private sector, market forces generally set wages. However, the Government has pressured joint ventures not to pay salaries greater than those of ministers or other senior employees. Some joint ventures circumvented this with supplemental pay or special incentive systems. Foreign firms generally set wages near those of the domestic private sector but followed the example of joint ventures in awarding supplemental wages and benefits.

There are no export processing zones (EPZ's). However, there are special military-owned industrial parks, such as Pyin-Ma-Bin near Rangoon, which attract foreign investors by offering cheaper labor than is available elsewhere. Another example is the 2,000-acre Hlaingthaya Industrial Zone in Rangoon; at least four companies are known to export operate on its premises (see Section 6.c.). These are tantamount to EPZ's in many respects.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor remains a widespread and serious problem. Although the Penal Code provides for the punishment of persons who impose forced labor on others, there are no known cases of the application of this provision. Throughout the country, international observers

have confirmed that the Government routinely forces citizens to work on construction and maintenance projects. The law does not specifically prohibit forced and bonded labor by children, and forced labor by children occurs.

During the year, the International Labor Organization took several unprecedented steps to address the "widespread and systematic use" of forced labor in the country. On February 28, the Director General of the ILO issued a report to the ILO's Governing Body that concluded that the Government had ignored the recommendations of the ILO Commission of Inquiry regarding forced labor. In June the ILO Conference suspended Burma, barring it from receiving ILO technical assistance or attending ILO meetings, due to the Government's "flagrant and persistent failure to comply" with Convention 29 on forced labor. It also passed a resolution that called upon the ILO Governing Body to recommend to the ILO's members that they review their relations with Burma and take appropriate measures to ensure that those relations do not perpetuate the system of forced labor, if the Government failed to take effective action to amend its practices by November. The Government did not take the required actions and, on November 16, the ILO Governing Body, for the first time in its history, voted to apply these "Article 33" sanctions. In addition to requesting that members review their relations with Burma, these sanctions also require the ILO to advise international organizations working in the country to reconsider any cooperation that they may be engaged with in Burma and to cease any activity that could have the effect of abetting the practice of forced or compulsory labor.

The ILO Conference's action followed an exhaustive 1998 report by an ILO Special Commission of Inquiry into Forced Labor in Burma, which concluded, based on 6,000 pages of documentation, that there was abundant evidence of pervasive use of forced labor in the country. The Special Commission of Inquiry found that women, children, and the elderly were required to perform forced labor; that porters often were sent into dangerous military situations, rarely received medical treatment, and almost never were compensated; that forced laborers frequently were beaten; and that some women performing forced labor were raped or otherwise abused sexually by soldiers (see Section 1.c.).

Many detailed credible reports indicate that in recent years, especially in areas inhabited chiefly by members of the Chin, Karen, Karenni, and Shan ethnic groups, army units have increased their use of forced labor for logistical support purposes, including to build, repair, or maintain army camps and roads to them, as well as to plant crops, cut or gather wood, cook, clean, launder, weave baskets, fetch water for army units and—in the case of young women—to provide sexual services to soldiers. The number of reports of this practice has increased since 1997, when the junta required regional military commanders to become more self-sufficient (see Sections 1.f. and 1.g.).

Authorities continued to impose forced labor chiefly, although not exclusively, on rural populations, and imposed forced labor quotas on villages, households, or persons directly or through village headmen. Government authorities often allowed households or persons to substitute money or food for contributions of labor for infrastructure projects, but widespread rural poverty obliged most households to contribute labor. The State allocated funds to regional and local authorities to pay wages to at least some of the civilians on whom it imposed labor obligations; however, these wages were set at levels below the prevailing wage, and reports indicated that local authorities commonly did not disburse allocated funds to workers. Especially in ethnic minority areas, the army often deployed soldiers to guard persons engaged in forced labor; there also were reports that soldiers often beat and occasionally killed workers (see Sections 1.a. and 1.c.). Government troops also force villagers to eradicate opium poppy fields, after which the government seeks recognition internationally for its counternarcotics efforts.

There are many examples of forced labor. Since the end of 1999, thousands of persons from 19 villages have been working daily to build the Mandalay-Lashio road. Farmers reportedly are fined $1.25 (500 Kyat) if they cannot provide labor. Private transport agencies also are forced to contribute either a car or $6.25 to $12.5 (2,500 Kyat to 5,000 Kyat) per month. Starting in January, USDA members (acting under the authority of the SPDC) forced the town residents to sweep and clean the roads and streets in Ta-Khi-Laek town every Saturday. One person from each house was required to work or pay $2.25 (100 Baht in Thai money) to the USDA. Starting in February residents from the townships of Monywa, Kane, Min-Kin, and Kalewa in Sagaing Division were compelled to construct a new road along the Chindwin River from Monywa to Kalewa. Since May several villages in Mawleik Township of Sagaing Division were forced to provide labor for the repair of the Thet-Ke-Kyin-Homalin highway and of bridges along the way. Households that cannot provide labor are forced to pay $0.75 to $6.75 (300 Kyat to 2,700 Kyat) per household.

There also were reports that the Government used forced labor to construct infrastructure to support tourism. In 1999 government officials used forced labor to build the approach road to the new international airport in Mandalay. Officials reportedly went door-to-door in villages outside Mandalay, ordering each household to contribute either $0.75 (300 Kyat) or one person's labor to the project. Most households contributed labor. Government officials also used forced labor to prepare the historic city of Mrauk-Oo in Arakan State for expected tourist and important visitor arrivals. According to credible sources, in February the SPDC announced plans to develop the Karen hill town of Than Daung Gyi as a tourist "hill resort." Immediately after the announcement, new army battalions moved in, land was confiscated from the town's residents and surrounding villages, and persons started doing forced labor on a road to the hot springs at Ker Weh.

In addition since late 1998, the Government has used large amounts of forced labor on a project to double the country's cultivated land by developing 22 million acres of wetlands and virgin lands. This involved the establishment of "labor villages" to help private entrepreneurs, including foreign investors, to develop these wetlands. In December 1998, government authorities instructed each village tract from 8 townships in Sagaing Division to provide 2 villagers to work on 500 acres of land per township for a project to reclaim about 4,000 acres of virgin land. In addition each household was required to give about $0.50 (200 Kyat) to the authorities to buy food for workers on the project. In 1999 officials of the military's northwest command forced villagers in Sagaing Division's Yinmarbin Township to provide uncompensated labor or else pay more than $2.50 (1,000 Kyat) per person to reclaim 2,000 acres of fallow land. Authorities in another township in Sagaing Division reportedly forced villagers to clear 1,000 acres of land or pay a fine of more than $8.75 (3,500 Kyat) per household. Authorities in Irrawaddy Division ordered residents of a village both to clear over 100 acres of land as part of a wetlands reclamation project, and to pay for equipment needed to clear the land.

There also were credible reports that government officials and security forces compelled both Buddhists and non-Buddhists to contribute money, food, and uncompensated labor to build, renovate, or maintain Buddhist shrines or monuments. For example, in Wuntho Township of Sagaing Division, the authorities forced villagers from eight Ma-Gyi-Bin village tracts to provide labor for building a 108-foot pagoda. If a household cannot provide labor, then that household is obliged to provide $3.50 (1,400 Kyat) plus a 2.2 pounds of rice for each worker that it could not provide. Five townships (Katha, Ingaw, Banmauk, HtiGyan, and Pin-Le-Bu) in the same area also were forced to transport 500,000 bricks each for the pagoda. Similarly, in Twantay township, Rangoon Division, authorities forced villagers to guard the ancient Danoke Pagoda, which has been under renovation, and to gather wood, fetch water, and perform other tasks for soldiers involved in the project. In Bogalay township, Irrawaddy Division, authorities forced villagers to construct 32 miles of road between Pe-Chaung village and Kadone village for the use of Buddhist pilgrims. This work reportedly was done at the request of the Pe-Chaung monastery. In a predominantly Islamic Maungdaw District in Arakan State, authorities required villagers to build a Buddhist pagoda in Dail Fara (see Section 2.c.).

There also were reports that forced labor was used to dismantle temples and monasteries (see Section 2.c.).

The army continued to force citizens—including women and children—to work as porters in military actions against ethnic insurgents. This practice continued to lead to mistreatment, illness, and death (see Sections 1.a., 1.c., and 1.g.). Both the 1999 report of the ILO's Director General and reports by NGO's including Amnesty International described dozens of cases of forced porterage. According to local reports, in Northern Rakhine State all of the men and boys of a village (between the ages of 7 and 35) contribute 10 days per month of labor to the military. Reportedly local villages must supply males every 2 weeks to serve as porters and to carry food and ammunition toward the border with Bangladesh to military camps. Rohingyas claim that their group is the only one in the area whose members are forced to serve as porters for the army, and that the nearby model villages that are populated by Buddhist Burmans from the cities are exempt from portering, forced labor, and forced contributions of foodstuffs (see Sections 2.d. and 5).

Parents routinely called upon their children to help fulfill their households' forced labor obligations, without government opposition (see Section 6.d.).

There were numerous, detailed, and credible reports that forced labor, including forced child labor, was used directly in growing and harvesting some crops, chiefly for army units.

Widespread forced labor, including forced child labor, continued to contribute materially to the construction and maintenance not only of irrigation facilities important to the cultivation of some export crops including rice, but also of roads and

some railroads important for the transportation of exports to ports. Forced labor, including forced child labor, has contributed materially to the construction of industrial parks subsequently used largely to produce manufactured exports including garments. According to two eyewitness accounts, forced labor was used to develop the Hlaingthaya Industrial Zone in Rangoon (see Section 6.b.). There have been many credible reports that forced labor, including forced child labor, has been used widely since 1998 to clear and drain virgin lands and wetlands for the cultivation of crops many of which, according to public descriptions of the Government's economic plans, are intended largely for export.

In July 1998, the ILO Commission of Inquiry reported that forced labor had been used to dig and cultivate shrimp farms, particularly in Rakhine State and Sagaing Division.

The Ministry of Home Affairs also operates forced prison labor camps for porterage, quarries, agriculture, livestock farms, roads and infrastructure, and other activities. Reportedly inmates sent to labor camps have sentences that range from 6 months to 10 years, and most are nonviolent offenders. The Government's use of prison labor reportedly has increased significantly in recent years. Reportedly, the prison labor camp system is the main recruiting ground for the military's most severely mistreated forced laborers (such as porters who die en route and civilians who are sent into mine fields). The ICRC reports that the mortality rate of prisoners in labor camps is much too high (see Section 1.c.).

The authorities reportedly round up street children, provide them with military training, and forcibly conscript them (see Sections 5 and 6.d.).

Trafficking in women and girls to neighboring countries for the purpose of forced prostitution remained a serious problem (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Although the law sets a minimum age of 13 for the employment of children, in practice the law is not enforced. In the past few years, child labor has become increasingly prevalent and visible. Working children are highly visible in cities, mostly working for small or family enterprises, and in family agricultural activities in the countryside. Children working in the urban informal sector in Rangoon and Mandalay often start work at young ages. Children are hired at lower pay rates than adults for the same kind of work. In the urban informal sector, child workers are found mostly in food processing, selling, refuse collecting, light manufacturing, and as tea shop attendants. According to government statistics, 6 percent of urban children work, but only 4 percent of those earn wages. Despite a compulsory education law, almost 50 percent of children never enroll in school, and only 40 percent of them complete the 5-year primary school course (see Section 5).

The law does not prohibit specifically forced and bonded labor by children; while bonded labor is not practiced, forced labor by children occurs. The military Government not only tolerates child labor, but also uses children as porters in infrastructure development and in providing other services to military forces (see section 6.c.). There have been several reports that the authorities often round up orphans and street children in Rangoon and other cities and then give them military training (see Section 6.c.). In combat areas, children have been forced to serve as porters, where beatings and other mistreatment reportedly occur.

Households tend to satisfy forced labor quotas by sending their least productive workers (usually children), and government authorities have accepted such workers in satisfaction of those quotas. Children often have been seen building or repairing roads and irrigation facilities. In recent years, there have been growing numbers of reports that military units in various ethnic minority areas either forced children to perform support services, such as fetching water, cleaning, cutting bamboo, or cultivating food crops, or allowed households or villages to use children to satisfy army orders to perform such services (see Sections 1.f. and 6.c.).

Trafficking in girls to neighboring countries for the purpose of forced prostitution remained a serious problem (see Sections 5 and 6.f.).

There are credible reports that insurgents also used women and children as porters. Some former KNU troops known as God's Army reportedly are led by child soldiers.

e. Acceptable Conditions of Work.—Only government employees and employees of a few traditional industries were covered by minimum wage provisions. The minimum daily wage for salaried public employees is $0.25 (100 Kyats) for what is in effect a 6-hour workday. Various subsidies and allowances supplement this sum. Neither the minimum wage nor the higher wages earned even by senior government officials provides a worker and family with a decent standard of living. Low and falling real wages in the public sector have fostered widespread corruption. In the private sector, urban laborers earn about $0.50 per day (200 Kyat), while rural agricul-

tural workers earn about half that rate. Some private sector workers earn substantially more; a skilled factory worker earns about $12 per day (4,800 Kyat).

Surplus labor conditions, a poor economy, and lack of protection by the Government continue to dictate substandard conditions for workers. The 1964 Law on Fundamental Workers Rights and the 1951 Factories Act regulate working conditions. There is a legally prescribed 5-day, 35-hour workweek for employees in the public sector and a 6-day and a 44-hour workweek for private and state enterprise employees, with overtime paid for additional work. The law also allows for a 24-hour rest period per week, and workers have 21 paid holidays per year. However, in practice such provisions benefited only a small portion of the country's labor force, since most of the labor force was engaged in rural agriculture.

Numerous health and safety regulations exist, but in practice the Government has not made the necessary resources available to enforce the regulations. Although workers may in principle remove themselves from hazardous conditions, in practice many workers cannot expect to retain their jobs if they do so.

f. Trafficking in Persons.—Although there are laws—including laws against abduction—that prohibit some aspects of trafficking in persons, no law is known specifically to prohibit trafficking, and trafficking in women and children is a severe problem.

Burma is a source country for thousands of women and young girls who are trafficked into the commercial sex industries of neighboring countries. There are reliable reports that many women and children in border areas, where the Government's control is limited, were forced or lured into working as prostitutes in Thailand and China. In fact, trafficking and exploitation near the Thailand border sometimes is condoned by local government officials. It is unknown how many young women have been induced or coerced into working as prostitutes, but a common practice is to lure young women to Thailand with promises of employment as a waitress, domestic servant, or factory worker. Occasionally European and Asian prostitutes can be found in Mong La in Special Region 4 of Shan State.

Child prostitution of girls, especially from the Shan ethnic minority sent or lured to Thailand, continued to be a major problem.

Government efforts to stop trafficking in young women are limited and relatively ineffective, despite sporadic arrests. There are regulations forbidding girls under age 25 from crossing the border unless accompanied by a guardian. In recent years the Government has made it difficult for women to obtain passports or marry foreigners in order to reduce the outflow of women both as victims of trafficking and for other reasons (see Sections 1.f. and 2.d.). However, most citizens who were forced or lured into prostitution crossed the border into Thailand without passports. There also is evidence of fraud. It is illegal to leave the country without government authorization. The Government has adopted the Bangkok Accord and Plan of Action Against Trafficking; there also is an interagency task force on trafficking.

A number of NGO's offer poverty alleviation and education programs designed to counter trafficking.

CAMBODIA

Cambodia is a constitutional monarchy. Political stability, achieved through the coalition government formed following the 1998 national elections, generally continued through year's end. Hun Sen of the Cambodian People's Party (CPP) is Prime Minister, Prince Norodom Ranariddh of the National United Front for a Neutral, Peaceful, Cooperative, and Independent Cambodia (FUNCINPEC) is President of the National Assembly, and Chea Sim of the CPP is President of the Senate. King Norodom Sihanouk remains the Constitutional monarch and Head of State. Most power lies within the executive branch and, although its influence continues to grow within the coalition structure, the National Assembly does not provide a significant check to executive power. The Khmer Rouge no longer is a political or military threat, but one other antigovernment group led a violent attack against the Government during the year. The judiciary is not independent; it frequently is subject to legislative and executive influence, and suffers from corruption.

The National Police, an agency of the Ministry of Interior, have primary responsibility for internal security, but the Royal Cambodian Armed Forces (RCAF), including the military police, also have domestic security responsibilities. Government efforts to improve police and RCAF performance and to demobilize the military forces remained hampered by budgetary limitations. Members of the security forces committed numerous documented human rights abuses.

Cambodia is a poor country. It has a market economy in which approximately 80 percent of the population of 11.7 million engage in subsistence farming, with rice as the principal crop. Economic deprivation and poor health characterize life for most citizens. Annual per capita gross domestic product is approximately $280. Average life expectancy is only approximately 50 years. Foreign aid is an important component of national income. The economy grew at a modest rate of 4.5 percent during the year. The country still has difficulty in attracting foreign investment and mobilizing domestic savings to support economic development.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. The military forces and police were responsible for several extrajudicial killings and failed to stop lethal violence by citizens against criminal suspects; the Government rarely prosecuted the perpetrators of such killings, and impunity remains a problem. There was one confirmed report of a politically motivated killing but, unlike past years, the Government arrested the suspected perpetrator. There were credible reports that members of the security forces tortured, beat, and otherwise abused persons in custody, often to extract confessions. Prison conditions remained harsh, and the Government continued to use arbitrary arrest and prolonged pretrial detention. Courts prosecuted some members of the security forces for human rights abuses; however, impunity for many who commit human rights abuses remained a serious problem. National and local government officials generally lacked the political will and financial resources to act effectively against members of the security forces suspected of responsibility for human rights abuses. Democratic institutions, especially the judiciary, remained weak. The judiciary is subject to influence by the executive branch and is marred by inefficiency, a lack of training, a shortage of resources, and widespread corruption related to low wages. Politically related crimes rarely were prosecuted. Citizens without defense counsel often effectively were denied the right to a fair trial. Societal discrimination against women remained a problem. Domestic violence against women and abuse of children are common. Discrimination against the disabled is a problem. The ethnic Vietnamese minority continued to face widespread discrimination by the Khmer majority, and this enmity was exploited by the political opposition.

Trade unions have become more numerous and active; the Government eased the process of union registration and improved Labor Law enforcement. However, enforcement of the Labor Law and regulations, including protections for workers' rights to organize, remained a problem. Forced labor in the commercial sex industry also is a problem.

Trafficking in women and children for the purpose of forced prostitution is a serious problem.

Mob violence, although none was ethnically directed, resulted in some vigilante-style killings. Land mines killed or wounded more than 700 persons.

Government efforts to bring senior Khmer Rouge leaders to justice for genocide and war crimes committed from 1975 through 1979 were ongoing underway at year's end.

Prison conditions improved in some locations and there was increased resolution of land disputes during the year. The Government took disciplinary action against corrupt judges and prosecutors.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—The military forces and police committed several extrajudicial killings that were nonpolitical in nature. Mob violence also resulted in several killings during the year. The U.N. Commission on Human Rights (UNCHR) reported that there was at least one killing by a local government official that was at least in part politically motivated.

In May in Kratie province at least three persons were killed by soldiers after attending a gathering at a military base; they were found dead in shallow graves, blindfolded and with their hands tied behind their backs. Domestic human rights groups alleged that the victims were disgruntled former soldiers or part of an antigovernment group, the Khmer Serei (Free Khmer), who had been deceived into surrendering to government forces. The Government claimed that the victims were bandits, but did not arrest any suspects in connection with the killings by year's end.

Police or military forces acquiesced in or failed to prevent mob violence against suspected criminals, which resulted in killings. On July 21, an angry mob beat Song Veasna to death after he was arrested in Phnom Penh for stealing a motorcycle. The mob then poured gasoline over his body and set it on fire. At least one policeman

was injured trying to stop the mob, but the Government took no action to arrest the perpetrators. On August 19, Rin Bros, an alleged serial rapist had his genitals cut off and was beaten to death after an angry mob overpowered police and forcibly removed him from police custody in Battambang province. The Government took no action to arrest the perpetrators.

There was one report of ethnically motivated killings in April, when ethnic Vietnamese fisherman killed three government officials (see Section 5).

On June 3, Pak Choeun and his wife, Doung Meas, were killed while staying in a shelter at their rice field in Kampot province. The FUNCINPEC party had recently nominated Pak Choeun as a candidate for the upcoming commune elections. After investigation, the Government arrested the chief of the local commune, who subsequently confessed to planning the crimes in part because of the political competition the victim would bring in the commune election.

On November 24, a violent attack occurred against several government installations during which at least four persons were killed and over 1 dozen were injured (see Section 1.d.). The Cambodian Freedom Fighters (CFF), an antigovernment insurgency group, claimed responsibility for the attack. The Government subsequently arrested several persons with alleged ties to the CFF. At year's end, the Government's investigation into the CFF organization continued.

The Government has not prosecuted most of those responsible for the numerous political or extrajudicial killings committed during the term of the previous government (from 1993 to 1998), and reported by the UNCHR in 1997 and 1998.

Through November 747 civilians and military personnel were killed or wounded by land mines deployed by the Khmer Rouge or various government forces during previous conflicts. The number of such casualties declined by approximately 22 percent from 1999.

Former Khmer Rouge officials Ta Mok and Kiang Kek Iev ("Duch"), accused of mass killings and other crimes, remained in jail. Government efforts continued to bring these and other senior Khmer Rouge officials to justice for their alleged crimes committed from 1975 through 1979 (see Section 1.e.).

In October the appeal of a life sentence meted out in 1999 to Nuon Paet, a former Khmer Rouge commander, for his role in the 1994 train ambush in Kampot province that resulted in the deaths of 3 foreigners and at least 13 citizens was denied, and he remains in custody. In January Chhouk Rin, another former Khmer Rouge commander allegedly involved in the ambush, was arrested, but he was acquitted after trial in July based on an amnesty provision in the law under which he was charged. Sam Bith, an RCAF officer also charged for his role in the ambush, had not been arrested by year's end.

b. Disappearance.—There were no reports of politically motivated disappearances. One local human rights nongovernmental organization (NGO) reported that the whereabouts of five persons were unknown following their detention during the year by local police or security officials in several provinces. By year's end, all remained missing, and government and NGO efforts to establish their whereabouts continued.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and physical abuse of prisoners; however, torture, beatings, and other forms of physical mistreatment of persons held in police or military custody continued to be a serious problem. The problem is compounded further by a climate of impunity, whereby perpetrators of torture and abuse frequently are protected from prosecution or disciplinary action by local government authorities, despite some central government efforts to curtail or eliminate violations of prisoners' rights and to address problems of accountability.

There were credible reports that military and police officials used physical and psychological torture and severely beat criminal detainees, particularly during interrogation.

According to the UNCHR, the municipal police in Phnom Penh beat or tortured persons routinely, although less frequently than during previous years. Dozens of detainees interviewed in several provinces reported regular beatings in police custody. One domestic human rights NGO received 24 formal complaints of torture and recorded 118 other cases of new physical assaults through year's end. There were no known reports of mistreatment at the Youth Rehabilitation Center during the year.

There were credible reports that local authorities harassed members of the opposition party (see Section 2.b.). Police also injured two workers in labor demonstrations (see Section 6.a.).

Prison conditions remained harsh, and government efforts to improve prison conditions and implement new regulations were hampered by lack of funds and weak enforcement. However, conditions continued to improve due to construction and renovation of some prison buildings, the timely disbursement of monthly government

allocations for food and operating costs, and the implementation of new prison regulations that require the application of international standards of detention. Human rights organizations cited a number of serious problems, including overcrowding, health problems, food and water shortages, malnutrition, and poor security. Use of shackles and the practice of holding prisoners in small, dark cells continued in some prisons after escape attempts. Government ration allowances for purchasing prisoners' food remain inadequate, exacerbating their malnutrition.

The Government continued to allow international and domestic human rights groups to visit prisons and prisoners and to provide human rights training to prison guards. However, NGO's reported occasional limited cooperation from provincial authorities (see Section 4).

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the Government continued to arrest and detain citizens arbitrarily. A penal code drafted by the U.N. Transitional Authority for Cambodia in 1992 remains in effect, as does the 1993 Criminal Procedure Law. The Criminal Procedure Law provides for adequate protection for criminal suspects; however, in practice the Government sometimes ignored these provisions. One human rights NGO recorded 35 complaints of unlawful detention and arrest by police, military, or local government authorities during the year. In November in the immediate aftermath of an attack by an armed antigovernment insurgent group, the Government detained dozens of persons without a warrant; most were released without charge within hours (see Section 1.a.).

Although lengthy detention without charge is illegal, suspects often are held by authorities for long periods before being charged or brought to trial or released. According to an August report by a domestic human rights NGO, at least 28 persons had been detained before trial in excess of the 6-month statutory maximum in Banteay Meanchey province, and some had been in prison up to 17 months. According to the UNCHR, such prolonged detention largely is a result of a growing prison population and the limited capacity of the court system. Accused persons legally are entitled to a lawyer; however, in practice they often have limited access to legal representation. Prisoners are held routinely for several days before gaining access to a lawyer or family members. Although there is a bail system, many prisoners, particularly those without legal representation, often have no opportunity to seek release on bail.

There are no political detainees.

The Government does not use forced exile, and no persons were in self-imposed exile during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the Government does not respect this provision in practice. The courts are subject to influence by the executive, and there is widespread corruption among judges, virtually none of whom receives a living wage.

The court system consists of lower courts, an appeals court, and a Supreme Court. The Constitution also mandates a Constitutional Council, which is empowered to review the Constitutionality of laws, and a Supreme Council of Magistracy, which appoints, oversees, and disciplines judges. The composition of both of these bodies is viewed widely as biased toward the CPP, resulting in complaints by other political parties of its institutional dominance. There is a separate military court system.

Trials are public. Defendants have the right to be present and to consult with an attorney, to confront and question witnesses against them, and to present witnesses and evidence on their own behalf. However, trials typically are perfunctory, and extensive crossexamination usually does not take place. The serious shortage of attorneys—especially outside Phnom Penhremains a significant impediment to broader implementation of the right to counsel in practice. Persons without the means to secure defense counsel often are effectively denied the right to a fair trial. The introduction in 1998 into the legal system of newly trained lawyers, who often received supplemental training by NGO's, continued to result in significant improvements for those defendants provided with counsel, including a reduced pretrial detention period and improved access to bail.

Defendants also are entitled by law to the presumption of innocence and the right of appeal. However, because of pervasive corruption, defendants often are expected to bribe the judge for a favorable verdict, thereby effectively eliminating the presumption of innocence. Citizens' rights to appeal sometimes are limited by the logistical difficulties in transferring prisoners from provincial prisons to the appeals court. Many appeals thus are heard in the absence of the defendant.

A serious lack of resources and poor training contribute to corruption and inefficiency in the judicial branch, and in practice the Government does not ensure due process. For example, judges often have no legal training and often lack copies of the laws upon which they are expected to rule. As a result of these weaknesses, citi-

zens often effectively were denied a fair trial in jurisdictions without regular access to defense lawyers or international judicial assistance programs. In April, citing deficiencies in the judicial system, the King signed a royal decree that established a judicial reform council to develop and implement judicial reform measures. In the first action of its kind, the Supreme Council of Magistracy investigated a number of complaints against court officials and took disciplinary action against five judges and one prosecutor during the year.

The courts often pressure victims of crimes to accept small cash settlements from the accused instead of seeking prosecution. When a case does make its way to court, a judge sometimes determines the verdict before the case is heard, often on the basis of a bribe paid by the accuser or the defendant. Sworn, written statements from witnesses and the accused usually are the extent of evidence presented in trials. Such statements by the accused sometimes are coerced through beatings or threats from investigation officials, and illiterate defendants often are not informed of the content of written confessions that they are forced to sign. In cases involving military personnel, military officers often exert pressure on judges to have the defendant released without a trial.

Legislation enacted in August 1999 removed official immunity for crimes committed by government authorities and has resulted in some successful prosecutions of police and military officials for their crimes. Nevertheless, court delays or corrupt practices often allow those accused of crimes to flee or otherwise escape prosecution, effectively leading to impunity for some government officials who commit crimes. The courts prosecuted some members of the security forces for human rights abuses, but immunity for those who commit human rights abuses remains a problem. Both national and local government officials generally continued to lack the political will and financial resources to act effectively against military or security officials suspected of being responsible for human rights abuses.

There is ongoing cooperation between the Government, foreign government donors, and NGO's to improve the legal system, although some assistance programs in this area suspended in 1997 have not resumed.

The military court system suffers from deficiencies similar to those of the civilian court system. Moreover, the legal distinction between the military and civil courts often is ignored in practice; several persons arrested for crimes that appear to have no connection with military offenses have been detained for trial by the military court.

The Government and the United Nations continued working during the year to create a special tribunal to achieve credible justice and determine accountability for crimes committed during the Khmer Rouge regime in a fashion consistent with the Constitution and international standards of justice. After a series of negotiations and diplomatic initiatives, the Government and the U.N. reached agreement in principle in July on a legal and judicial framework to bring senior Khmer Rouge leaders to justice. The Government thereafter revised pending legislation creating the tribunal and completed consultations with the National Assembly's legislative commission in November. The draft law awaited National Assembly action and the King's signature at year's end. Ta Mok and Kiang Kek Iev ("Duch"), former officials of the Khmer Rouge regime, remained in legal pretrial detention at year's end.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution contains provisions protecting the privacy of residence and correspondence and includes a provision against illegal search; however, the police routinely conducted warrantless searches and seizures. There were no reports that the Government monitored private electronic communications.

Citizens generally were free to live where they wished; however, there were continued reports of land disputes between residents, local authorities, business persons, and military officials, although their frequency decreased substantially from the previous year. Since the forced collectivization during Khmer Rouge rule and the return of thousands of refugees, land ownership is often unclear, and adequate land titles do not exist. Moreover, with the end of the Khmer Rouge insurgency, the rush to gain possession of former Khmer Rouge lands on or near potentially lucrative crossborder trade routes exacerbated the land ownership problem caused by lack of documentation.

In response to the prevalence of land disputes, several provinces created land-dispute settlement committees chaired by one of the deputy provincial governors; representatives of local NGO's and the military forces frequently attended committee meetings. These committees successfully resolved numerous land disputes during the year although some encountered occasional difficulties in resolving disputes involving military officials. The Government drafted a land law with the help of inter-

national organizations and NGO's; however, at year's end, it had not been passed by the National Assembly.

In January the Banteay Meanchey provincial court unsuccessfully attempted to mediate a land dispute that had arisen in 1999 after local military officials and other persons claimed legal title to land in the town of Poipet on the border with Thailand. After some of the 800 resident families refused offers of compensation, and refused to remove their houses, the court ordered their eviction, and local security forces occupied the land and destroyed the houses. More than half were relocated to a nearby village; however, others continued to protest their eviction in a makeshift camp near the National Assembly in Phnom Penh at year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression, press, and publication, and the Government generally respects these rights in practice; however, there continued to be some problems. The Constitution implicitly limits free speech by requiring that speech not adversely affect public security. The Constitution also declares that the King is "inviolable." The Press Law provides journalists with a number of rights, including a prohibition on prepublication censorship and protection from imprisonment for expressing opinion. However, the Press Law also includes a vaguely worded prohibition on publishing articles that affect national security and political stability. There were no reports that journalists practiced selfcensorship. There were a large number of news items critical of the Government and included frequent vituperative personalized criticism of the Prime Minister, the President of the National Assembly, and other senior officials.

Although limited in circulation, newspapers are a primary source of news and expression of political opinion. All major political parties have reasonable and regular access to the print media. The press remained somewhat partisan, but the only major newspapers that received substantial financial support from a political party were a few opposition newspapers. The number of Khmer-language newspapers remained roughly the same as the previous year. There are approximately 16 Khmerlanguage newspapers published regularly. Of these, 11 are considered to be progovernment journals, 4 are considered to support the opposition Sam Rainsy Party (SRP), and one is considered to be antimonarchy. In addition there is one Frenchlanguage daily, one Englishlanguage daily, and two other English newspapers published regularly. Many of the Khmerlanguage newspapers frequently publish articles translated from the English-language newspapers.

Most newspapers criticize the Government frequently, and Prime Minister Hun Sen and National Assembly President Prince Ranariddh frequently came under strong attack by opposition newspapers. There were instances of government intimidation or retribution against newspapers for reporting critical of the Government. In February the Ministry of Information warned two opposition newspapers, the Voice of Khmer Youth and the Khmer Conscience, that they would be suspended for publishing articles critical of the King and for inciting hatred against ethnic Vietnamese. In both cases, the newspapers avoided suspension after the editors published apologies consistent with the requirements of the Press Law. In April the Government suspended a weekly newspaper, Cambodia News Bulletin, for 30 days due to its "systematic defamation" in publishing a series of articles critical of government corruption and mismanagement. In July the same newspaper was suspended for republishing an article first published in the South China Morning Post (SCMP), a Hong Kong SAR (Peoples' Republic of China) newspaper. The article erroneously reported that a possible successor to the throne was not the King's own son. The SCMP editor later apologized and corrected the error. In October the Government suspended a newspaper, Bakorng, for 30 days due to its publication of an article critical of the royal family and impugning the King's intelligence.

In May the Government confiscated issues of the country's first pornographic magazine, Angkor Thom Sophakmogkol (Big Angkor Happiness), and declared it an indecent publication.

In November the Ministry of Information approved a subdecree that specified professional requirements for new newspaper and magazine publishers, and introduced a mandatory licensing system requiring newspapers to renew their licenses annually and magazines to renew their licenses every 2 years. The subdecree was criticized by some journalists as a potential limitation on press freedom and as an invitation to self-censorship; by year's end, however, there were no reports that the subdecree was implemented inappropriately.

The Government, the military forces, and political parties continued to dominate the broadcast media. The governmentsponsored television network broadcast live telecasts of National Assembly sessions at the initiative of Prince Ranariddh, the National Assembly president. According to a report by the UNCHR, the procedures

for licensing and allocation of radio and television frequencies to the media were not impartial.

In March the Government banned the radio broadcast of the playing of three songs that it claimed degraded women. In April the Government announced a ban on television programs that featured what it claimed were provocatively dressed women; however, no licenses were affected by the announcement by year's end.

National radio and television stations regularly broadcast some human rights, social action, public health, and civil society programming produced by domestic NGO's.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly, and the Government generally respected this right in practice. Numerous groups assembled peacefully, including workers protesting labor conditions or wages, political opposition activists supporting a tribunal for former senior leaders of the Khmer Rouge regime or criticizing flood relief efforts, students protesting border encroachments, prison guards rallying to demand higher wages, moto-taxi drivers protesting high gasoline prices, and various groups protesting land seizures, all without incident. On occasion, counterdemonstrations by other citizens who supported the Government disrupted the protests and sometimes resulted in scuffles that caused minor injuries to some participants.

In June the national Government stated that local officials were responsible for the resolution of land disputes, effectively ending nearly all land-dispute protests at the National Assembly.

The Government requires a permit to be obtained in advance of a march or demonstration. The Government often did not issue a requested permit, or took no action on a permit application; however, these actions had no practical effect since most such assemblies were held anyway. There were no incidents in which security forces disrupted or ended marches or demonstrations.

In May disaffected members of the SRP and local police destroyed a memorial structure that the SRP had erected illegally in front of the National Assembly. In August, following diplomatic intervention, the structure was reestablished at an alternate site.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. By year's end, the National Assembly had not debated or acted on a revised draft NGO law, which retained some registration and reporting requirements for domestic NGO's and associations but eliminated many provisions from earlier drafts that were previously opposed by the NGO community.

The Government does not coerce or forbid membership in political organizations.

There were some reports of local government interference with offices of the Sam Rainsy Party (SRP), and a group of disaffected members of the opposition SRP caused minor damage to the home of SRP leader Sam Rainsy's in April.

The UNCHR and domestic human rights organizations reported that generally members of the SRP conducted their activities freely and without government interference throughout the country; however, there were some cases in which members of the SRP complained of being harassed by local officials. In March charges were dismissed against two persons with ties to the SRP arrested for their roles in the 1998 rocket attack against the Prime Minister's motorcade, and they were released from custody. A third suspect, Sok Yoeun, fled the country in 1999 and remained in prison in Thailand pending extradition.

Membership in the Khmer Rouge, which previously conducted an armed insurgency against the Government, is illegal.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. The Constitution also prohibits discrimination based on religion, and minority religions experience little or no official discrimination. Buddhism is the state religion and over 95 percent of the population is Buddhist. Most of the remainder is made up of ethnic Cham Muslims, who generally are well integrated into society.

The law requires all religious groups, including Buddhists, to submit applications to the Ministry of Cults and Religious Affairs in order to construct places of worship and to conduct religious activities. Religious groups have not encountered significant difficulties in obtaining approvals for construction of places of worship, but some Muslim and Christian groups report delays by some local officials in acknowledging that official permission has been granted to conduct religious meetings in homes. Such religious meetings generally take place unimpeded despite delay or inaction at the local level, and no significant constraints on religious assembly have been reported.

Foreign missionary groups generally operate freely throughout the country and have not encountered significant difficulties in performing their work. However,

there reportedly are some constraints on evangelizing by Christians at the local levelespecially in areas of new Christian religious activitybut these generally are resolved satisfactorily by intervention with provincial or central government authorities. Government officials have expressed appreciation for the work of many foreign religious groups in providing much needed assistance in education, rural development, and training. At the same time, government officials also have expressed some concern about foreign groups using the guise of religion to become involved in illegal or political affairs.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government does not restrict domestic or international travel, although the presence of land mines and bandits makes travel in some areas of the country dangerous.

Monks may move internally without restriction.

All refugee camps at the border with Thailand were closed during 1999 after all Cambodian refugees returned. There were no reports of refugees being forced by Thai authorities to return to Cambodia involuntarily, according to the U.N. High Commissioner for Refugees (UNHCR), nor were there any reports of persecution or discrimination against those who returned from any country. Internally displaced persons also were allowed to resettle in other areas of the country.

The Government allows noncitizens to apply to the UNHCR for refugee status. The Government continued to cooperate with the UNHCR and other humanitarian organizations to prepare for and assist in the resettlement of the refugees who returned from Thailand. The resettlement process largely was completed during the year, and UNHCR closed its provincial offices. The Government has not formulated a policy regarding asylees or first asylum, and it did not provide asylum during the year.

There were no reports that the Government forced persons to return to a country where they feared persecution. However, the Government deported to Vietnam some Vietnamese citizens who were arrested for planning armed attacks against the government of Vietnam.

Section 3. Respect for Political Rights: The Right of Citizens

to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and most citizens exercised this right by participating in the 1998 national elections. Suffrage is universal and voluntary for all citizens at the age of 18. In July 1998, in the first national elections since 1993, the CPP won a plurality of votes. However, the electoral campaign and its aftermath were marred by protests, voter intimidation, and partisan violence, some of it government-directed. Despite such incidents, the formation of the new Government reflected the will of the electorate. Most international and observer groups certified the election as acceptable.

The coalition Government formed in late 1998 between the CPP and FUNCINPEC, the two parties that won the largest number of votes and National Assembly seats in the 1998 election, renewed political stability. The coalition agreement provided for roughly equal power sharing between the parties, with Hun Sen of the CPP as Prime Minister and Prince Ranariddh of FUNCINPEC as president of the National Assembly. The coalition agreement also provided for the creation of a Senate, which was formed in March 1999 with Chea Sim of the CPP as president. The Senate's function is to review and provide advice on the laws passed by the National Assembly; the National Assembly retains final authority over whether to modify legislation based on the Senate's recommendations.

Although growing in influence, the legislature remained weak in comparison with the executive branch. The coalition Government appointed the provincial governors and their deputies, who generally are divided between the CPP and FUNCINPEC parties, as well as district officials. Commune-level officials were appointed by the previous government; most of these officials are appointees from the previous regimes, the People's Republic of Kampuchea and the State of Cambodia. Elections for new commune councils were not held during the year as planned, but are expected to be held in early 2002. The Government completed drafts of the communal election law and commune administration law during the year, but the National Assembly had not debated and enacted the laws by year's end; the election law requires a preparatory period of at least 11 months between passage of the law and the date of the commune election.

Traditional cultural practices inhibit the role of women in government, and women are underrepresented in government and politics. However, women took an active part in the 1998 national election. There are 10 women among the 122 members of the National Assembly, 8 women among the 61 members of the Senate, and 3 female state secretaries in the Cabinet, which includes a Ministry of Women's and

Veterans affairs. There are several members of ethnic and religious minorities in the Cabinet and the National Assembly (see Section 5).

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

The large domestic and international human rights community remained active and engaged in diverse activities. Numerous human rights organizations and the UNCHR conducted monitoring activities and human rights training for provincial officials, military officers, villagers, the legal community, and other groups. These organizations operated relatively freely throughout the country. There are approximately 40 NGO's involved in human rights activities, but only a small portion were involved actively in organizing training programs or investigating abuses. The Government generally cooperated with human rights workers in performing their investigations, but some domestic NGO's reported occasional limited cooperation from some provincial authorities in conducting inspections of prison conditions.

In April, following widespread media criticism that a local human rights NGO was harboring illegal workers from Vietnam, the Government stated that the NGO should be held responsible for the subsequent disappearance of the illegal workers. One staff member of the NGO was detained briefly and questioned by police, but the Government took no official action against the NGO or its members (see Section 5).

In September 1999, the Government and the UNCHR agreed to an extension until March 2002 of the UNCHR's activities in the country, although a formal memorandum of understanding had not been signed by year's end. The UNCHR maintains a head office in Phnom Penh and has six provincial offices. The position of the U.N. Special Representative for Human Rights was vacant much of the year; the newly appointed representative made his first trip to the country in November and met with government representatives at all levels, as well as with representatives of political parties and NGO's.

The government-established Cambodian Human Rights Committee in 1999 published the results of only a few of its investigations of the human rights abuses that had been reported by the UNCHR in previous years. The committee, which was established in 1998, also is charged with improving the administration of justice and drafting a law to establish an independent permanent national human rights commission. By year's end, the commission had not been established.

Section 5. Discrimination Based on Race, Sex, Religion,
Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, color, language, religious beliefs, or political views. Although the Government does not engage in discrimination systematically, it sometimes fails to protect these rights in practice.

Women.—Domestic and international NGO workers report that violence against women, including rape and domestic violence, is common. Although accurate statistics are not available, one local NGO reported 138 incidents of rape and domestic abuse through October. Authorities normally decline to become involved in domestic disputes, and the victims frequently are reluctant to complain. Rape is unlawful, as is assault. Spousal rape and domestic abuse are not recognized as separate crimes.

Prostitution and trafficking in women are serious problems (see Sections 6.c. and 6.f.). Due in part to budgetary limitations, the Government has not enforced effectively a 1996 law against prostitution and trafficking in women although the Government devoted greater attention to the problem during the past year and initiated several prosecutions. Despite sporadic government crackdowns on brothel operators in Phnom Penh, prostitution continues to flourish. A survey by a local human rights NGO found that 40 percent of women and girls who work as prostitutes do so voluntarily, while 60 percent have been forced to work as prostitutes or have been deceived into prostitution. The NGO also estimated that there are up to 55,000 sex workers in the country. At year's end, the Government had begun preparation of legislation to decriminalize and regulate prostitution as part of a package of legal measures designed to address the problem of sexual trafficking of women and children (see Section 6.f.).

On March 29, a Poipet brothel owner was sentenced to 12 years in prison for the 1998 beating death of a prostitute; this was regarded widely as the first successful prosecution of a crime against a sex worker.

The Constitution contains explicit language providing for equal rights for women, equal pay for equal work, and equal status in marriage. In practice women have equal property rights with men, have the same status in bringing divorce proceedings, and have equal access to education and some jobs. However, cultural tra-

ditions continue to limit the ability of women to reach senior positions in business and other areas.

According to NGO reports, women comprise 52 percent of the population, 60 percent of agricultural workers, 85 percent of the business work force, 70 percent of the industrial work force, and 60 percent of all service sector workers. Women often are concentrated in lowpaying jobs in these sectors and largely are excluded from management positions.

There are a large number of active women's NGO's that train poor women and widows and address social problems such as spousal abuse, prostitution, and trafficking. An active women's media center NGO produces and broadcasts programming on women's issues. NGO's provide shelters from women in crisis.

Children.—The Constitution provides for children's rights, and ensuring the welfare of children is a specific goal in the Government's political program. The Government relies on international aid to fund most social welfare programs targeted at children, resulting in only a modest flow of funds to ameliorate problems that affect children.

Children are affected adversely by an inadequate educational system. Education is free and compulsory through grade 9; however, many children leave school to help their families in subsistence agriculture. Despite an extensive government school construction program, schools are overcrowded and lack sufficient equipment. Less than 5 percent of primary school teachers have completed high school. The Government does not deny girls equal access to education but in practice families with limited resources often give priority to educating boys.

Children frequently suffer from malnutrition and the inadequacy of the health care system. Infant mortality was reported most recently at 89.4 per thousand, and 12 percent of children do not live to the age of 5 years. Child mortality from preventable diseases is high.

Child abuse is believed to be common, although there are no statistics available on the extent of the problem. Poverty and domestic violence often drive children to live on the streets; domestic NGO's estimate there are more than 10,000 street children in Phnom Penh alone, who are easy targets for sexual abuse and exploitation.

Although sexual intercourse with a minor under the age of 15 is illegal, child prostitution and trafficking in children were common (see Sections 6.c. and 6.f.). In July 1999, the Government adopted a 5year plan against child sexual exploitation that emphasizes prevention through information and protection through law enforcement. To combat sex tourism, the Government during the year prosecuted at least three cases in which foreigners were charged with pornography violations or pedophilia.

People with Disabilities.—The Government does not require that buildings or government services be accessible to the disabled. According to the Government, approximately 1 in 250 citizens is missing at least one limb. This statistic reflects the continuing effects of land mine detonations. Programs administered by various NGO's have brought about substantial improvements in the treatment and rehabilitation of amputees. However, amputees face considerable societal discrimination, particularly in obtaining skilled employment.

Religious Minorities.—Muslims are the largest religious minority and experience little or no discrimination in practice; however, occasional tensions were reported in past years among the various branches of Islam; these groups receive monetary support from groups in Saudi Arabia, Kuwait, Malaysia, or Indonesia depending on the tenets of the particular branch.

The small Christian community has not experienced serious or systematic discrimination; however, occasional tensions were reported when Christian evangelists attempted to remove Buddhist images or religious items in private homes. Christian missionary groups have not encountered significant difficulties in performing their work.

National/Racial/Ethnic Minorities.—Citizens of Chinese and Vietnamese ethnicity long have constituted the largest ethnic minorities. Ethnic Chinese citizens are well accepted in society. However, fear and animosity continue among many Khmer citizens toward ethnic Vietnamese, who are seen as a threat to the Cambodian nation and culture. The rights of minorities under the 1996 nationality law are not explicit; constitutional protections are extended only to "Khmer people," that is, Cambodians.

Unlike in previous years, there were no reports of ethnic violence supported by opposition politicians, during which ethnic Vietnamese citizens or residents were killed. Nonetheless, political opposition and student groups continued to make strong anti-Vietnamese statements during the year; they complained of political control, border encroachments, and other problems for which they held ethnic Vietnamese persons responsible.

In March a domestic human rights NGO was criticized in the local Khmer press for sheltering, and then release of 34 illegal Vietnamese residents who had been working in a Phnom Penh garment factory (see Section 4).

On March 27, more than 200 demonstrators in Phnom Penh demanded the eviction of 500 ethnic Vietnamese persons living as squatters inside the compound of a Buddhist temple. The demonstration was fueled by the injury of a monk during an earlier rock-throwing clash at the temple; monks from the temple claimed that the Vietnamese squatters insulted Buddhism by conducting prostitution, karaoke, and gambling on the temple premises. In April the squatters left the compound peacefully after the Government arranged for most of them to live on land in nearby Kandal province.

On April 12, a group of over 20 ethnic Vietnamese fisherman killed 3 government fisheries officials in Kandal province and wounded 3 others during a late-night government raid on illegal fishing practices on the Tonle Sap river. The Government subsequently arrested three Vietnamese fisherman for the crimes, and their cases are under prosecution.

On June 28, a hand grenade exploded under a house located in an ethnic Vietnamese area but caused no damage or injuries. Police speculated that the incident could have been the result of a personal dispute or could have been an attempt to frighten the ethnic Vietnamese residents in the area. Unlike in previous years, there were no reports of persons killed or injured in antiVietnamese violence.

Section 6. Worker Rights

a. The Right of Association.—The 1997 Labor Law provides workers with the right to form professional organizations of their own choosing, without prior authorization, and all workers are free to join the trade union of their choice; however, the Government's enforcement of these rights was uneven. In the wake of 1999 union complaints that the procedures for registration were burdensome, the Government took additional steps to ease registration procedures during the year. Membership in trade unions or employee associations is not compulsory, and workers are free to withdraw from such organizations; however, the Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation (MOSALVY) has accepted the charter of at least one union that requires workers to obtain permission before they may withdraw. The Labor Law does not apply to civil servants, including teachers, judges, military personnel, or household servants. Personnel working in air and maritime transportation are not fully subject to the law, but are free to form unions.

Most workers are subsistence rice farmers and have little knowledge of trade unions. Only a small fraction (estimated at less than 1 percent) of the labor force is unionized, and the trade union movement, still in its infancy, is very weak. Unions are highly concentrated in the garment and footwear industries, where approximately 5 to 10 percent of the 100,000 to 120,000 workers are union members. Although there is an expanding service sector, most urban workers are engaged in small-scale commerce, self-employed skilled labor, or unskilled day labor. The Labor Law requires unions and employer organizations to file a charter and lists of officers with the MOSALVY. The Ministry has registered 114 factory unions and 5 national labor federations since the Labor Law went into effect in 1997, including 57 unions during the year. Although all unions collect dues from members, none have been able to operate without outside sources of support. None of the unions has the capacity to negotiate with management as equals.

One labor federation maintains an affiliation with the opposition SRP. Three other registered labor federations have historical ties to the Government or individuals within the Government. One major labor federation and several unaffiliated factory unions are completely independent.

During the year, the Government issued regulations clarifying the Labor Law in a number of areas pertaining to freedom of association. The new regulations included procedures for the registration of labor unions with their registration materials that eliminated the requirement for union leaders to obtain "letters of no criminal record" prior to registration. The Government also improved election procedures for workers' representatives on the tripartite labor advisory committee.

Despite these advances, the Government's enforcement of provisions that protect the right of association was weak. The Government's enforcement efforts were hampered by a lack of resources, little knowledge of the law by factory managers, and a lack of qualified labor inspectors. Unions also suffer from a lack or resources, training, and experience. There were a number of credible complaints about antiunion harassment by employers, including the dismissal of union leaders during the year. In at least one case, a factory defied a MOSALVY order to reinstate dismissed union leaders. The Government never has prosecuted or punished an employer for antiunion activity. The MOSALVY often finds in favor of employees, but

rarely uses its legal authority to penalize employers who defy its orders. The MOSALVY often advises employees in such situations to sue in court, which labor unions claim is unnecessary, costly, and ineffective.

The Labor Law provides for the right to strike and protects strikers from reprisal. There were 76 strikes during the year, the vast majority of which took place without the 7-day prior notice required by law. The Government allowed all strikes and demonstrations, including widespread garment industry strikes in June, in which demonstrators caused property damage at several locations. Two workers suffered injuries at the hands of the police during violent labor demonstrations during the year, but police intervention generally was minimal and restrained, even in cases in which striking workers caused property damage. There have been several credible reports of workers being dismissed on spurious grounds after organizing or participating in strikes. In some cases, strikers have been pressured by employers to accept compensation and leave their employment.

Unions may affiliate freely, but the law does not address explicitly their right to affiliate internationally.

b. The Right to Organize and Bargain Collectively.—The Labor Law provides for the right to organize and bargain collectively; however, the Government's enforcement of these rights was uneven. Wages are set by market forces, except for civil servants, for whom wages are set by the Government.

Since passage of the Labor Law in 1997, there has been confusion over the overlapping roles of labor unions and elected shop stewards. The Labor Law provides unions the right to negotiate with management over wages and working conditions and allows unions to nominate candidates for shop steward positions. However, the law provides shop stewards the right to represent the union to the company director and to sign collective bargaining agreements. Legal ambiguities also exist in the process for unions to nominate shop stewards. In practice most factories elected shop stewards before a union was present in the enterprise; thus, for most of the year, unions had no legally enforceable right to negotiate with management in situations in which there were nonunion shop stewards present in the enterprise. In addition the law specifically protects elected shop stewards from dismissal without permission from the MOSALVY, but grants no such protection to elected union leaders. However, in November the MOSALVY issued a new declaration that gave trade unions roles that are comparable to those of shop stewards and extended protection from dismissal to certain union officers within an enterprise.

Very little collective bargaining takes place. There are only two collective bargaining agreements registered with the Government. In addition to difficulties in defining the bargaining unit, collective bargaining is inhibited by the weak capacity and inexperience of unions.

There are no export processing zones.

c. Prohibition on Forced or Compulsory Labor.—The Labor Law prohibits forced or compulsory labor, including forced labor by children; however, the Government does not enforce its provisions adequately. Involuntary overtime remained widespread. Workers faced fines, dismissal, or loss of premium pay if they refused to work overtime.

Trafficking in women and children for the purpose of forced prostitution is a serious problem (see Sections 5 and 6.f.).

There were no reports of bonded labor during the year.

Conditions in the commercial sex industry indicate both forced labor and the trafficking of persons (see Section 6.f.). Although there are no comprehensive surveys of the country's commercial sex industry, it thrives openly; many commercial sex workers are under the age of 18. An NGO survey in 1995 of prostitution indicated that 31 percent of female prostitutes were between the ages of 12 and 17 years. Up to half the girls involved were sold into prostitution by their families, then forced to work as prostitutes. The International Labor Organization (ILO) reported that many rural families allow their daughters to travel to cities for jobs described as honest and well paid, but which in reality lead to exploitative and slaverylike situations. There have also been reports of children who were kidnaped and forced to work in the illegal sex trade (see Sections 6.b. and 6.f.). Officials of the Government took action in February to rescue underage or trafficked women from prostitution, but do not do so consistently.

The Law on the Exploitation and Sale of Humans establishes a jail sentence of 15 to 20 years for any person convicted of trafficking in persons under the age of 15 (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Law establishes 15 years as the minimum age for employment, and 18 as the minimum age for hazardous work. The law permits children between 12 and 15 to engage in "light work" that is not hazardous to their health and that does not affect

school attendance. The Labor Advisory Committee is responsible for defining what constitutes work that is hazardous to the health, safety, and morality of adolescents, as well as consulting with the Ministry to determine which types of employment and working conditions constitute "light work." However, the committee has not yet done so for any industry.

The Ministry is hampered by inadequate resources, staff, and training. Law enforcement agencies have sufficient authority to combat child prostitution, but do not do so in a sustained, consistent manner. Some observers note that existing regulations do not address the problem of child labor in the informal sector adequately.

Children under 15 account for over half the population. About 17 percent of children between the ages of 5 and 17 work. More than half of these are over the age of 14, and 89 percent are engaged in agriculture. Only 4 percent of working children are engaged in industrial work, including brick factories and rubber plantations.

In October a British Broadcasting Corporation television documentary drew great attention to what in fact were exaggerated allegations of widespread child labor in the garment industry. Several employees at one factory claimed to have misrepresented their ages by presenting inaccurate Government-issued documents in order to meet the factory's minimum age standard of 18 years of age. In fact child labor is not prevalent in the industry; however, there are instances of young workers who misrepresent their ages to gain employment in factories, including the garment factories. Most garment factories have policies that set the age of employment above the legal minimum of 15 years. The most serious child labor problems are in the informal sector.

The ILO's IPEC (International Program for the Elimination of Child Labor) reported in 1999 that more than 15 percent of prostitutes were from 9 to 15 years of age, and that 78 percent of these girls were Vietnamese; the remainder were citizens.

With assistance from the ILO, the MOSALVY established a child labor unit to investigate and suppress child labor. In 1997 the Government, in conjunction with the ILO and NGO's, also approved a national action plan on child labor. In 1992 the Government ratified ILO Convention 105 (abolition of child labor) and Convention 138 (minimum age), and the Ministry has disseminated information about its content to employers. The MOSALVY had not defined worst forms of child labor, but the Ministry was preparing a report at year's end on the content of ILO Convention 182 for eventual submission to the National Assembly. It conducted four workshops to educate legislators on the matter. The Government worked with the ILO on a strategy for implementing Convention 182, which would include defining the worst forms of child labor.

e. Acceptable Conditions of Work.—The Labor Law requires the MOSALVY to establish minimum wages based on recommendations by the Labor Advisory Committee. The minimum wage varies regionally. Responding to unprecedented pressure from the labor movement, the Ministry formally exercised its minimum wage authority for the first time in July, when it approved a $45 per month minimum wage; however, it applied only to the garment and footwear sector. It defines a month as 26 8-hour days, after training. Garment factories almost universally observe the minimum wage, or pay higher wages. There is no minimum wage for any other industry.

Typically, garment workers earn relatively high wages, between $45 and $100 per month. However, prevailing monthly wages in the garment sector and many other professions are insufficient to provide a worker and family with a decent standard of living. Civil service salaries also are far below market levels, requiring government officials to secure outside sources of income.

The Labor Law provides for a standard legal workweek of 48 hours, not to exceed 8 hours per day. The law stipulates timeand-one-half for overtime, and double time if overtime occurs at night, on Sunday, or on a holiday. The Government does not enforce these standards effectively. Despite reminders from the Government concerning hours of work, workers in many garment factories complain that overtime is excessive or involuntary, or that they are required to work 7 days per week.

Some factories do not pay the legally mandated premiums for overtime (150 percent) and night or holiday work (200 percent) properly, and there is legal ambiguity over which hours constitute night work. Another common complaint is that management violates the law by paying the overtime rate only for the salary component of workers' pay, leaving piece rates unchanged regardless of the number of hours worked.

Regulations on working hours outside the garment industry very rarely are enforced.

The Labor Law states that the workplace should have health and safety standards adequate to ensure workers' wellbeing. The Government enforces existing

standards inconsistently, in part because it lacks staff, equipment, and training. Labor inspection workers also are paid poorly. Work related injury and health problems are common. Conditions in smallscale factories and cottage industries are generally poor and often do not meet international standards. The Government has issued several instructions on workplace standards, and more detailed regulations await approval by the labor advisory committee before they may be promulgated. Penalties are specified in the Labor Law, but there are no specific provisions to protect workers who complain about unsafe or unhealthy conditions. Workers who remove themselves from unsafe working conditions risk loss of employment.

f. Trafficking in Persons.—The 1996 Law on the Exploitation and Sale of Humans establishes a jail sentence of 15 to 20 years for any person convicted of trafficking in persons under the age of 15; however, the Government does not enforce the law effectively due in part to budget limitations and a lack of implementing regulations. The country is a source, destination, and transit country for the trafficking in persons.

Trafficking in women and children for the purpose of forced prostitution remained a serious problem. Although prosecutions of traffickers increased, and the Government devoted greater attention to trafficking during the year, prosecution of traffickers has been rare.

Surveys conducted by domestic NGO's in 1995 indicated that from 40 to 50 percent of young women who were trafficked were victimized by a close relative or friend of the family for money or on promises of a better life. Poverty and ignorance in villages is a major factor in contributing to the trafficking problem. One international NGO estimated that 30,000 Cambodian women were trafficked to neighboring countries.

The ILO's IPEC (International Program for the Elimination of Child Labor) reported in 1999 that more than 15 percent of prostitutes were from 9 to 15 years of age, and that 78 percent of these girls were Vietnamese; the remainder were Cambodians.

On August 13, police raided a hotel and freed seven Romanian and Moldovan women who allegedly were trafficked into the country's sex trade. The proprietor of the hotel initially was arrested for illegally detaining the women; however, the court subsequently declined to prosecute and released the suspect.

On August 30, 2 Taiwan residents and 6 Cambodians were arrested for human trafficking after a raid on a Phnom Penh hotel found 20 Cambodian women who police suspected were to be sent to Taiwan as sex workers under the guise of marrying men from Taiwan. There were unconfirmed press reports that women were lured from Cambodia to work in the sex industry in other Asian countries.

In March the Government inaugurated a program jointly administered by the Ministry of Women's Affairs and the International Organization for Migration to train about 2,000 government officials in legal and socio-economic issues related to trafficking and migration problems.

Child prostitution and trafficking in children were common. There were reliable reports that children were lured from or kidnaped in some provinces and forced into the illegal sex trade, both in Cambodia and abroad. Other children were smuggled into Thailand to become beggars.

In July 1999, the Government adopted a 5-year plan against child sexual exploitation that emphasized prevention through information and protection through law enforcement. In September 1999, the Prime Minister instructed the Cabinet to develop additional measures to fight trafficking of women and children, including speedy promulgation of subdecrees and signing bilateral extradition treaties to bring traffickers to justice.

In April the Government and a group of international NGO's announced a program to train police, prosecutors and judges to more effectively enforce the laws protecting children, especially the laws against sexual exploitation of children through trafficking and otherwise. This program was designed as part of the Government's 5-year plan.

The increase in the number of foreign tourists during the year raised concerns of government and NGO officials that the tourist-driven child sex trade also would increase. The Government prosecuted at least three cases during the year in which foreigners were charged with child pornography or indecent acts against minors.

CHINA

The People's Republic of China (PRC) is an authoritarian state in which the Chinese Communist Party (CCP) is the paramount source of power. At the national and

regional levels, Party members hold almost all top government, police, and military positions. Ultimate authority rests with members of the Politburo. Leaders stress the need to maintain stability and social order and are committed to perpetuating the rule of the CCP and its hierarchy. Citizens lack both the freedom peacefully to express organized opposition to the Party-led political system and the right to change their national leaders or form of Government. Socialism continues to provide the theoretical underpinning of Chinese politics, but Marxist ideology has given way to economic pragmatism in recent years, and economic decentralization has increased the authority of regional officials. The Party's authority rests primarily on the Government's ability to maintain social stability, appeals to nationalism and patriotism, Party control of personnel, media, and the security apparatus, and the continued improvement in the living standards of most of the country's almost 1.3 billion citizens. The Constitution provides for an independent judiciary; however, in practice the Government and the CCP, at both the central and local levels, frequently interfere in the judicial process, and the Party and the Government direct verdicts in many high-profile political cases.

The security apparatus is made up of the Ministries of State Security and Public Security, the People's Armed Police, the People's Liberation Army, and the state judicial, procuratorial, and penal systems. Security policy and personnel were responsible for numerous human rights abuses.

The country is making a gradual transition from a centrally planned to a market-based economy. Although state-owned industry remains dominant in key sectors, the Government has privatized many small and medium state-owned enterprises (SOE's) and allowed private entrepreneurs increasing scope for economic activity. The country has large industrial and agricultural sectors and is a leading producer of coal, steel, textiles, and grains. Major exports include electronic goods, toys, apparel, and plastics. Trade and foreign investment are helping to modernize an already rapidly growing economy. The official gross domestic product (GDP) growth rate through the third quarter of the year was just over 8 percent—a decrease from the double-digit growth rates of the early 1990's, but slightly above the 1999 figure. Increased growth during the year was largely the result of foreign trade, continued heavy infrastructure investment, and a small increase in domestic demand.

The economy faces growing problems, including state enterprise reform, unemployment, underemployment, and regional economic disparities. Rural unemployment and underemployment combined are estimated to be over 30 percent. Tens of millions of persons have left their homes in rural areas in search of better jobs and living conditions in the cities; demographers estimate that between 80 and 130 million persons make up this "floating population," with many major cities counting 1 million or more such persons. Urban areas also are coping with millions of state workers idled on partial wages or unemployed as a result of industrial reforms. In the industrial sector, continued downsizing in state-owned enterprises prompted 2 million layoffs in the first half of the year, bringing the total number of jobless urban residents to over 20 million in an urban workforce of about 240 million. The number of job-seeking migrant workers from rural areas adds significantly to this total. Industrial workers throughout the country continued to organize sporadically to protest layoffs and to demand the payment of overdue wages and benefits. However, rising living standards, greater independence for entrepreneurs, and the expansion of the nonstate sector have increased workers' employment options and have markedly reduced state control over citizens' daily lives. In 1999 a constitutional amendment officially recognized the role of the private sector in the economy, and private firms now contribute 30 to 40 percent of yearly GDP growth. The total number of citizens living in absolute poverty continues to decline; estimates range from the official figure of 42 million to the World Bank figure of 150 million. However, the income gap between coastal and interior regions, and between urban and rural areas, is wide and growing. Urban per capita income for 1999 was $705 (an increase of 8 percent over the previous year), but rural per capita income was $266 (an increase of only 2 percent over the previous year).

The Government's poor human rights record worsened, and it continued to commit numerous serious abuses. The Government intensified crackdowns on religion and in Tibet, intensified its harsh treatment of political dissent, and suppressed any person or group perceived to threaten the Government. However, despite these efforts, many Chinese had more individual choice, greater access to information, and expanded economic opportunity. Nonetheless by year's end, thousands of unregistered religious institutions either had been either closed or destroyed, hundreds of Falun Gong leaders had been imprisoned, and thousands of Falun Gong practitioners remained in detention or were sentenced to reeducation-through-labor camps or incarcerated in mental institutions. Various sources report that approximately 100 or more Falun Gong practitioners died as a result of torture and mistreatment in cus-

tody. Controls on religious practice and freedom of expression also were intensified in Tibet and remained tight in Xinjiang. Only a handful of political dissidents remained active publicly. The Government's respect for religious freedom deteriorated markedly during the year, as the Government conducted crackdowns against underground Christian groups and Tibetan Buddhists and destroyed many houses of worship. The Government significantly intensified its campaign against the Falun Gong movement, which it accused in October of being a reactionary organization, as well as against "cults" in general. A number of qigong groups were banned. The Government continued to commit widespread and welldocumented human rights abuses in violation of internationally accepted norms. These abuses stemmed from the authorities' extremely limited tolerance of public dissent aimed at the Government, fear of unrest, and the limited scope or inadequate implementation of laws protecting basic freedoms. The Constitution and laws provide for fundamental human rights; however, these protections often are ignored in practice. Abuses included instances of extrajudicial killings, the use of torture, forced confessions, arbitrary arrest and detention, the mistreatment of prisoners, lengthy incommunicado detention, and denial of due process. In May the U.N. Committee Against Torture issued a report critical of continuing serious incidents of torture, especially involving national minorities. Prison conditions at most facilities remained harsh. In many cases, particularly in sensitive political cases, the judicial system denies criminal defendants basic legal safeguards and due process because authorities attach higher priority to maintaining public order and suppressing political opposition than to enforcing legal norms. The Government infringed on citizen's privacy rights. The Government maintained tight restrictions on freedom of speech and of the press and increased its efforts to control the Internet; self-censorship by journalists continued. The Government severely restricted freedom of assembly and continued to restrict freedom of association. The Government continued to restrict freedom of religion and intensified controls on some unregistered churches. The Government continued to restrict freedom of movement. Citizens do not have the right peacefully to change their Government. The Government does not permit independent domestic nongovernmental organizations (NGO's) to monitor publicly human rights conditions. Violence against women (including coercive family planning practices—which sometimes include forced abortion and forced sterilization); prostitution; discrimination against women; trafficking in women and children; abuse of children; and discrimination against the disabled and minorities are all problems. Particularly serious human rights abuses persisted in Tibet and Xinjiang. The Government continued to restrict tightly worker rights, and forced labor in prison facilities remained a serious problem. Child labor exists and appears to be a growing problem in rural areas as adult workers leave for better employment opportunities in urban areas. Trafficking in persons is a serious problem.

Since December 1998, the authorities severely punished, on charges of subversion, at least 25 core leaders of the China Democracy Party (CDP). During the year, the crackdown on the China Democratic Party continued with the arrest or sentencing of Liu Shizun, Dai Xuezhong, Zhu Zhengming, Chen Zhonghe, Xiao Shichang, Li Guotao and others. During the year, the Government also used laws against subversion and endangering state security to threaten, arrest and imprison a wide range of political dissidents and activists, including former Government officials, nongovernmental organization (NGO) founders and activists, activists for artistic freedom, and independent advocates for legal reform.

Although the Government denies that it holds political or religious prisoners and argues that all those in prison are legitimately serving sentences for crimes under the law, an unknown number of persons, estimated at several thousand, are detained in violation of international human rights instruments for peacefully expressing their political, religious, or social views. Persons detained at times during the year included political activists; leaders of unregistered religious groups; journalists; authors; intellectuals; labor leaders; and members of the Falun Gong movement, among others. Some minority groups, particularly Tibetan Buddhists and Muslim Uighurs, came under increasing pressure as the Government clamped down on dissent and "separatist" activities. In Tibet the Government carried out a severe and wide-ranging crackdown on Tibetan religious practices, which showed some signs of moderation at year's end, and continued its "patriotic education campaign" aimed at controlling the monasteries and expelling supporters of the Dalai Lama. In Xinjiang authorities maintained tight restrictions on fundamental freedoms in an effort to control independence groups.

The authorities released a few political prisoners before their terms were over, notably Liu Wensheng, Chen Lantao, Li Wangyang, Zhang Jingsheng, Yu Zhijian, and Lin Hai. However, at year's end several thousand others—including Bishop An Shuxin, Chen Longde, Han Chunsheng, Li Bifeng, Liu Jingsheng, Qin Yongmin,

Shen Liangqing, Zha Jianguo, Wang Youcai, Pastor Xu Yongze, Fang Jue, Xu Wenli, Yang Qinheng, Zhang Lin, Zhang Shanguang, Zhao Changqing, Zhou Yongjun, Ngawang Choephel, Abbot Chadrel Rinpoche, Jigme Sangpo, and Ngawang Sangrol (see Tibet addendum)—remained imprisoned or under other forms of detention for the peaceful expression of their political, social, or religious views. Some of those who completed their sentences and were released from prison were kept under surveillance and prevented from taking employment or otherwise resuming normal lives. There were also reports of the increasing surveillance of dissidents.

Unapproved religious groups, including Protestant and Catholic groups and members of nontraditional religious groups, continued to experience varying degrees of official interference, repression, and persecution. The Government continued to enforce 1994 State Council regulations requiring all places of religious activity to register with the Government and come under the supervision of official, "patriotic" religious organizations. There were significant differences from region to region, and even locality to locality, in the attitudes of government officials toward religion. In some areas, authorities guided by national policy made strong efforts to control the activities of unapproved Catholic and Protestant churches; religious services were broken up and church leaders or adherents were harassed, and, at times, fined, detained, beaten, and tortured; many houses of worship also were destroyed. In November and December, authorities in and around the coastal city of Wenzhou, Zhejiang Province, razed or confiscated hundreds of churches or places of worship. At year's end, some religious adherents remained in prison because of their religious activities. House church groups in the northeast reported more detentions and arrests than in recent years, and authorities in Henan cracked down on underground Protestant churches. Several Protestant house church groups were banned. In many regions with high concentrations of Catholics, relations between the Government and the underground church loyal to the Vatican remained tense. In other regions, registered and unregistered churches were treated similarly by the authorities and reported little or no day-to-day interference in their activities. The number of religious adherents in many churches, both registered and unregistered, continued to grow at a rapid pace. The situation in Tibet was particularly poor, as the Government intensified and expanded its campaign aimed at lamas, monks, and nuns with sympathies to the Dalai Lama.

The Government strictly regulates the establishment and management of publications, controls the broadcast media, censors foreign television broadcasts, and at times jams radio signals from abroad. During the year, several publications were shut down or disciplined for publishing material deemed objectionable by the Government, and journalists, authors, and researchers were harassed, detained, and arrested by the authorities. Despite the continued expansion of the Internet in the country, the Government increased its efforts to monitor and control content on the Internet. Several new regulations regarding the Internet were issued, and many web sites, including politically sensitive web sites and foreign news web sites, were shut down or blocked by the authorities.

During the year, the Government worked to make progress towards correcting systemic weaknesses in the judicial system and making the system more accountable to public scrutiny. New regulations aimed at making the Supreme People's Court and the Procuratorate and the police more professional and accountable went into effect. Senior officials openly acknowledged abuses such as using torture to extort confessions and admitted that extorting favors from suspects and nepotism remained serious problems. However, new regulations and policies passed in the past few years have not brought the country's criminal procedures into full compliance with international standards, and the law routinely is violated in the cases of political dissidents and religious leaders and adherents. The judiciary is not independent.

Despite intensified suppression of organized dissent, some positive trends continued. Social groups with economic resources at their disposal continued to play an increasing role in community life. As many as 15 million persons had access to the Internet at year's end, although the Government increased its attempts to control the content of material available on the Internet. Most average citizens went about their daily lives without significant interference from the Government, enjoying looser economic controls, increased access to outside sources of information, greater room for individual choice, and more diversity in cultural life. However, the authorities were quick to suppress any person or group, whether religious, political, or social, that they perceived to be a threat to government power or to national stability, and citizens who sought to express openly dissenting political and religious views continued to live in an environment filled with repression.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—The official press reported a number of extrajudicial killings, but no nationwide statistics are available. During the year, deaths in custody due to police use of torture to coerce confessions from criminal suspects continued to be a problem. For example, in Xinjiang Abduhelil Abdumijit was tortured to death in custody, according to foreign press reports. The deaths in custody of Falun Gong practitioners were a significant new development. Various sources report that approximately 100 or more Falun Gong adherents died during the year in police custody; many of their bodies reportedly bore signs of severe beatings or torture, or were cremated before relatives could examine them (see Section 1.c.). For example, in March Zhang Zhenggang was detained by police in Jiangsu and beaten into a coma. Zhang died 5 days later, and family members were not allowed to examine his body prior to cremation. In April Li Huixi, a Falun Gong follower in Shouguang City, Shandong, reportedly was beaten to death by public security officers while in custody. Li's body was cremated without an autopsy before his family was informed of his death. Falun Gong practitioner Li Zaiji died on July 7 while serving a sentence in a reform-through-labor camp in Jinlin. Although the official cause of death was listed as dysentery, family members who examined his body reported numerous wounds and bandages. During the year, several members of underground house churches reportedly also died while in custody, sometimes after being beaten by prison authorities. According to press reports, Liu Haitao was arrested at an underground Protestant church in Henan on September 4 and died in October in the Xiayi County Detention Center after being beaten and denied medical treatment.

According to press reports, in June, more than 2,300 inmates at the Shangrao labor camp staged a protest over forced overtime labor. After prison officials called in over 500 armed police to suppress the strike, a riot occurred. Three persons were killed, and over 70 were injured in the incident (see Section 1.c.).

There continued to be numerous executions carried out after summary trials. Such trials can occur under circumstances where the lack of due process protections borders on extrajudicial killing.

b. Disappearance.—There were no new reports of disappearances. However, the Government still has not provided a comprehensive, credible accounting of those missing or detained in connection with the suppression of the 1989 Tiananmen demonstrations.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture; however, police and other elements of the security apparatus employ torture and degrading treatment in dealing with some detainees and prisoners. Senior officials acknowledge that torture and coerced confessions are chronic problems but have not taken sufficient measures to end these practices. Former detainees and the press credibly reported that officials used electric shocks, prolonged periods of solitary confinement, incommunicado detention, beatings, shackles, and other forms of abuse against some detained men and women. During the year, there were numerous credible reports of abuse of Falun Gong practitioners by the police and other security personnel, including police involvement in beatings, detention under extremely harsh conditions, and torture (including by electric shock and by having hands and feet shackled and linked with crossed steel chains). Persons detained pending trial were particularly at risk during pretrial detention due to systemic weaknesses in the legal system or lack of implementation of the revised Criminal Procedure Law. Reports of torture increase during periodic "strike hard" campaigns in which police are encouraged to achieve quick results against crime. According to Amnesty International, during campaigns against prostitution, female migrant laborers may be detained and subjected to rape and abuse in custody.

During the year, deaths in custody due to police use of torture to coerce confessions from criminal suspects continued to be a problem. Human rights monitors reported a number of unconfirmed but credible cases of torture. According to one report, Li Lusong of Lanxian County, Shanxi Province, went to local party officials to complain about the dilapidated facilities at the village primary school. Li was kicked and beaten by the police. He later posted comments critical of corruption. After he posted the comments, local police detained him and used a stun gun and pliers to pull out his tongue and cut it off with a knife. In December 1999, the Peoples' Daily reported that a suspect died in police custody in Anhui Province after refusing to admit to being a thief. Various sources report that approximately 100 or more Falun Gong adherents died during the year while in police custody. Many of their bodies reportedly bore signs of severe beatings or torture, and statements by released Falun Gong detainees regularly attest to mistreatment. Many of the bodies of Falun

Gong practitioners who died in police custody were cremated before relatives could examine them.

The Government has stated that "the Chinese judiciary deals with every complaint of torture promptly after it is filed, and those found guilty are punished according to law." The press has reported that such punishments were carried out. In April the newspaper Liaoning Daily reported that several policemen were punished for "extorting confessions with torture and causing fatal consequences." On April 5, the China Prosecutorial Report reported cases of forced confessions in Kunming. On April 16, the newspaper Legal Daily reported that the Guizhou Provincial Higher People's Court sentenced one police officer from Zunyi City to death and another to life imprisonment in connection with the killing of murder suspect Xiong Xianlu in 1998; Xiong was tortured to death. Reports such as these created the impression that torture remained a widespread problem. As part of its campaign to address police abuse, the Government in 1998 for the first time published national torture statistics, along with 99 case studies, in a volume entitled "The Law Against Extorting a Confession by Torture." The book, which was published by the Supreme People's Procuratorate, stated that 126 persons had died during police interrogation in 1993 and 115 in 1994. Most cases of torture are believed to go unreported.

Police also beat persons being arrested and persons in detention. Dissident Cai Guihua reported that he was beaten by police while being arrested prior to the June 4 anniversary of the Tianamen Square massacre (see Section 1.d.). Eyewitnesses have reported frequent abuse of Falun Gong protesters as they were being detained.

In May the U.N. Committee Against Torture issued a report expressing concern about continuing allegations of serious incidents of torture, especially involving Tibetans and other national minorities. It recommended that the country incorporate a definition of torture into its domestic law in full compliance with international standards, abolish all forms of administrative detention (Including reeducation-through-labor), investigate promptly all allegations of torture, and provide training courses on international human rights standards for police, among other things (see Section 4).

In late 1999, according to credible reports, the Government started confining some Falun Gong adherents to psychiatric hospitals. At year's end, according to Falun Gong, hundreds of practitioners were confined to mental hospitals. Authorities also confined other persons accused of nonviolent political crimes and other offenses to mental hospitals. In mid-December labor activist Cao Maobing was detained and admitted against his will to a psychiatric hospital in Yancheng, Jiangsu Province, where he reportedly also was forced to take medication against his will (see Section 6.a.). In December 1999, authorities in Henan Province committed Xue Jifeng to a mental hospital after he attempted to establish an independent labor union to support workers harmed in a financial fraud. He was held until June (see Section 6.a.). Wang Wanxing, who protested in Tiananmen Square in 1992, continued to be held in a psychiatric hospital on the outskirts of Beijing. Another labor dissident, Wang Miaogen from Shanghai, disappeared in 1999, and some observers believe that he is being held in a psychiatric hospital. During the year, reports began to surface in the press about a woman who was detained by Guangzhou police and sent to a psychiatric hospital in June 1999 because she appeared upset after having had her luggage stolen, and she lacked an identity card. The woman, who was not identified, was raped repeatedly by male inmates at the psychiatric hospital before her husband was able to secure her release approximately 24 hours later. At the couple's insistence, police investigated the rapes, but vital evidence was destroyed prior to the investigation, and only one of the accused had been tried to date (see Section 1.d.). The woman's attempt to win damages was rejected by one court.

There were reports during the year that police sometimes used excessive force to break up demonstrations. In May up to 2,000 unpaid workers reportedly protested at their factory and at local government offices in Liaoyang, Liaoning Province; the demonstration eventually was dispersed violently by the police. Dozens were reported to be injured, and three persons were arrested (see Sections 2.b. and 6.a.). Activist Cai Guihua reportedly was beaten and roughed up by the police on May 31 and June 3.

Conditions in penal institutions for both political prisoners and common criminals generally are harsh and frequently degrading. Conditions in administrative detention facilities (including reeducation-through-labor camps and custody and repatriation centers (see Section 1.d.) are reportedly similar to those in prisons. Prisoners and detainees often are kept in overcrowded conditions with poor sanitation, and their food is often inadequate and of poor quality. Many detainees reportedly rely on supplemental food and medicines provided by relatives; however, some prominent dissidents reportedly are not allowed to receive supplemental food or medicine from relatives. According to released political prisoners, it is standard practice for polit-

ical prisoners to be segregated from each other and placed with common criminals. There are credible reports that common criminals have beaten political prisoners at the instigation of guards. Guards in custody and repatriation centers reportedly rely on "cell bosses" to maintain order; these individuals frequently beat other detainees and have been known to steal their possessions. However, prominent political prisoners sometimes receive better treatment. The 1994 Prison Law was designed in part to improve treatment of detainees and increase respect for their legal rights. The Government's stated goal is to convert one-half of the nation's prisons and 150 reeducation-through-labor camps into "modernized, civilized" facilities by the year 2010. According to credible sources, persons held in new "model" prisons receive better treatment than those held in other prison facilities. (For prison conditions in Tibet, see Tibet addendum.)

Adequate, timely medical care for prisoners continues to be a serious problem, despite official assurances that prisoners have the right to prompt medical treatment if they become ill. Nutritional and health conditions can be grim. At year's end, political prisoners who reportedly had difficulties in obtaining medical treatment, despite repeated appeals on their behalf by their families and the international community, included Xu Wenli, Gao Hongmin, Qin Yongmin, Wang Youcai, Chadrel Rinpoche, Chen Lantao (who was released in April), Chen Longde, Chen Meng, Fang Jue, Hu Shigen, Kang Yuchun, Liu Jingsheng, Ngawang Sangdrol, Wang Guoqi, and Zhang Shanguang. Yu Dongyue, who defaced the portrait of Mao Zedong in Tiananmen Square during the 1989 student protests, reportedly is suffering severe mental illness from repeated beatings and mistreatment in a Hunan prison. Zhou Yongjun (the first chair of the Federation of Autonomous Student Unions), is serving a 3-year reeducation-through-labor sentence after returning to China from New York in 1998 and is reportedly suffering from rhinitis and fever. Ngawang Choephel, who is serving an 18-year sentence for espionage, reportedly suffers from liver, lung, and stomach ailments, and possibly tuberculosis. Labor activist Zhang Shanguang, serving a 10-year sentence for disclosing news of labor demonstrations to Radio Free Asia, was not permitted to see family members regularly in spite of suffering from serious tuberculosis. According to credible reports, Fang Jue is in very poor health. Xu Wenli, who tested positive for hepatitis B during a prison hospital examination, was denied treatment for the disease in 1999 despite repeated pleas by his family. He was said to be in poor health in November. Xu also reportedly was in need of dental care. An Fuxing, a China Democracy Party member and veteran of the Tiananmen prodemocracy movement, contracted hepatitis B at Liaoyuan prison and died from the illness in April. Hua Di, a Stanford researcher, whose 15-year prison sentence on charges of providing missile program secrets to persons abroad was overturned in mid-March, was reconvicted on November 23 and sentenced to 10 years in prison. He is suffering from cancer and was denied release on medical parole in April. Prison officials in Xinjiang have not allowed family members of businesswoman and prominent Uighur activist Rebiya Kadeer to visit or to bring her medicine for heart disease since her arrest on August 11, 1999. She is said to be in poor health, suffering from painful feet, blurred vision, and impaired hearing. There are also allegations that she had been abused physically. Officials reportedly have denied repeated requests for her to be hospitalized.

According to one credible report in 1998, there have been instances in which women in reeducation-through-labor camps found to be pregnant while serving sentences were forced to submit to abortions (see Section 1.f.).

Forced labor in prison is common. According to press reports, in June more than 2,300 inmates at the Shangrao labor camp staged a strike to protest against forced overtime for the intensive labor of ore milling. After camp officials called in over 500 armed police to suppress the strike, a riot occurred. Three persons were killed and more than 70 were wounded in the incident (see also Sections 1.a. and 6.c.). Persons may be detained without trial in custody and repatriation centers, in order to "protect urban social order." Until they are repatriated, those detained may be required to pay for the cost of their detention and repatriation by performing forced labor while in detention.

The Government does not permit the independent monitoring of prisons or reeducation-through-labor camps, and prisoners remain largely inaccessible to international human rights organizations. Talks with the International Committee of the Red Cross (ICRC) on an agreement for ICRC access to prisons remain stalled. After a 1year suspension of unofficial dialog between a prominent businessman and human rights monitor and the Ministry of Justice, the Ministry resumed providing information regarding prisoners in March. The monitor was invited to visit the country 3 times during the year and received information regarding more than 20 prisoners, most of whom had been released prior to the completion of their original sentences. Prison visits with family members and others are monitored closely.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention remain serious problems. The law permits the authorities in some circumstances to detain persons without arresting or charging them, and persons may be sentenced administratively to up to 3 years in reeducation-through-labor camps and other similar facilities without a trial. Because the Government tightly controls information, it is impossible accurately to determine the total number of persons subjected to new or continued arbitrary arrest or detention. The Government reported in 1999 that prosecutors had censured police officers 70,992 times in 1998 for detentions that exceeded the legal time limit. According to estimates, thousands of persons remain incarcerated, charged with other criminal offenses, detained but not charged, or sentenced to reeducation-through-labor. Although the crime of being a "counterrevolutionary" was removed from the Criminal Code in 1997, by year's end 2000 as many as 1,000 persons remained in prison for the crime, and another 600 were serving sentences under the State Security Law, which covers the same crimes as the repealed section on "counterrevolution." Official government statistics report that there are some 230,000 persons in reeducation-through-labor camps. It has been estimated that as many as 1.7 million persons per year were detained in a form of administrative detention known as custody and repatriation before 1996; the number of persons subject to this form of detention reportedly has been growing since that time (see Section 1.c.).

Wang Wanxing, who protested in Tiananmen Square in 1992, continued to be held in a psychiatric hospital on the outskirts of Beijing (see Section 1.c.). In mid-December, labor activist Cao Maobing was detained and admitted against his will to a psychiatric hospital in Yancheng, Jiangsu Province, where he reportedly also was forced to take medication against his will (see Section 6.a.); he remained in the facility at year's end. According to reliable reports, the Government confined hundreds of Falun Gong adherents to psychiatric hospitals.

The Criminal Procedure Law, which was amended in 1997, abolished an often criticized form of pretrial detention known as "shelter and investigation" that allowed police to detain suspects for extended periods without charge. Nonetheless in some cases police still can detain unilaterally a person for up to 37 days before releasing him or formally placing him under arrest. Once a suspect is arrested, the revised law allows police and prosecutors to detain him for months before trial while a case is being "further investigated." Under the revised Criminal Procedure Law, detained criminal suspects, defendants, their legal representatives, and close relatives are entitled to apply for a guarantor to enable the suspect or defendant to await trial out of custody. In practice the police, who have sole discretion in such cases, usually do not agree. Few suspects are released on bail or put in another noncustodial detention pending trial.

The Criminal Procedure Law stipulates that authorities must notify a detainee's family or work unit of his detention within 24 hours. However, in practice timely notification remains a serious problem, especially in sensitive political cases. Under a sweeping exception, officials need not provide notification if it would "hinder the investigation" of a case. In January 1999, Che Hongnian, who had been held incommunicado for nearly 3 months, was sentenced to 3 years of labor in Shandong Province, apparently for writing a letter asking how to contact a human rights organization in Hong Kong. His appeal was denied 2 months later. Police continue to hold individuals without granting access to family or a lawyer, and trials continue to be conducted in secret (see Section 1.e.).

A major flaw of the new Criminal Procedure Law is that it does not address the reeducation-through-labor system, which permits authorities to sentence detainees administratively without trial to terms of 1 to 3 years in labor camps. Local Labor Reeducation Committees, which determine the term of detention, may extend an inmate's sentence for an additional year. According to the latest available official statistics, there were some 230,000 persons in reeducation-through-labor camps in 1997. Defendants legally are entitled to challenge reeducation-through-labor sentences under the Administrative Litigation Law. Persons can gain a reduction in, or suspension of, their sentences after appeal, but appeals usually are not successful because of problems such as short appeal times and inadequate legal counsel, which weaken the effectiveness of the law in preventing or reversing arbitrary decisions. There have been cases of individuals successfully appealing their reeducation sentences through the courts, although the exact number of successful cases is unknown. Persons sentenced to reeducationthrough-labor during the year included activist Yao Zhenxiang.

The new Criminal Procedure Law also does not address custody and repatriation, which allows the authorities to detain persons administratively without trial to "protect urban social order." Persons who may be detained under this provision include the homeless, the unemployed, petty criminals, and those without permission

to live or work in urban areas; such persons may be returned to the locality in which they are registered. If the location to which they are to be repatriated cannot be determined, or if they cannot be repatriated for financial reasons, such persons may be sent to "resettlement farms." Those unable to work may be sent to "welfare centers." Until they are repatriated, those detained may be held in custody and repatriation centers and may be required to pay for the cost of their detention and repatriation by performing forced labor while in detention. Relatives and friends of detainees in these centers reportedly are often able to secure a detainee's release by paying a fee. Provincial regulations on custody and repatriation in some cases have expanded the categories of persons who may be detained. In Beijing, for example, those who may be detained specifically include the mentally ill and mentally disabled, and "those who should be taken into custody according to Government regulations." Many other persons are detained in similar forms of administrative detention, known as custody and education (for prostitutes and their clients) and custody and training (for minors who have committed crimes). Persons reportedly may be detained for long periods under these provisions, particularly if they cannot afford to pay for their release (see Sections 1.c., 1.d., 1.e., 2.d., 5, 6.c., 6.d., and 6.f.).

By one estimate, more than 1.7 million persons per year are detained under custody and repatriation or similar regulations. According to the NGO Human Rights in China, the reasons for such detentions rarely are made clear to detainees. There are reports that persons with documentation allowing them to live or work in urban areas have been detained illegally under these provisions; but, because they are not entitled to a trial, they have little recourse if the detaining officials cannot be persuaded to allow their release. Some reportedly are forced to confess that they were living and working without permits in the urban area in which they were detained, despite having the appropriate documentation; in some cases, such documentation reportedly is destroyed.

In theory the Administrative Litigation Law of 1989 permits a detainee to challenge the legality of administrative detention, but the lack of timely access to legal counsel inhibits the effective use of this law. Persons serving sentences in the criminal justice system can request release under Article 75 of the Criminal Procedure Law or appeal to the Procuratorate but have no recourse to the courts to challenge the legality or length of criminal detention. There are documented cases in which local officials and business leaders illegally conspired to use detention as a means of exerting pressure in commercial disputes involving foreign businessmen. There also have been cases in which foreign businessmen had their passports confiscated during such disputes.

A campaign initiated by the Government in 1998 to eliminate the China Democracy Party (CDP), a would-be opposition party, broadened and intensified during 1999 and continued throughout the year. This campaign has resulted in the arrest, detention, or confinement of scores of persons. Since December 1998, at least 25 core leaders of the CDP have been sentenced to long prison terms on subversion or other charges. In what some experts have described as an attempt by authorities to tarnish the public image of the democracy movement, during the year Chinese officials accused a number of democracy activists of soliciting prostitutes, distributing pornographic videos, petty theft, or other crimes unrelated to their political activities. On January 3 in Changsha, Tong Shidong, and Liao Shihua were sentenced to 10 and 6 years in prison, respectively, on charges of subversion. Both were members of the CDP; Tong, a professor, was accused of founding a branch of the CDP at Hunan University. In February CDP cofounder Xu Wenli's assistant, Liu Shizun, was sentenced to 6 years for subversion. Also in February, the second highest ranking member of the Shanghai branch of the CDP, Dai Xuezhong (who was arrested in January), was sentenced to 3 years in prison for allegedly hiring three persons to commit an assault with a knife. During the trial, Dai was not allowed to testify in his own defense. In August Dai's brother was sentenced to 3 years' reeducation-through-labor after he publicly protested Dai Xuezhong's sentence. In April a court in Hangzhou sentenced CDP activist Zhu Zhengming to 10 years in prison for subversion. In July after a 90 minute trial, Chen Zhonghe, founder of the Hubei branch of the CDP, and Xiao Shichang were sentenced to 7 years and 5° years in prison respectively on subversion charges. In early July, Liu Xianbin, a leading member of the CDP, was arrested in Beijing. In late September, Nie Minzhi, an elderly CDP member from Zhejiang Province, was reportedly detained and sentenced administratively to 1 year in a reeducation-through-labor camp. In early December, CDP activists Wang Zechen and Wang Wenjiang reportedly were sentenced in Anshan to 6 years and 4 years in prison, respectively, on charges of subverting state power. The two were arrested in June 1999 and tried in November.

During the year, the authorities also used laws on subversion, endangering state security, and common crimes to arrest and imprison a wide range of political dis-

sidents, activists, and others; some were affiliated with the CDP. Shanghai dissidents Li Guotao, Cai Guihua, Yao Zhenxiang, Fu Shenping, and Dai Xuewu were taken into custody on many occasions throughout the year. Prior to the June 4 anniversary of the Tiananmen Square massacre, Li Guotao was rearrested in Shanghai and charged with spreading reactionary publications, instigating disturbances, and disturbing the social order (apparently in connection with a letter he and others sent to the Mayor of Shanghai, protesting the arrest of dissident Dai Xuewu and requesting his release); on June 28 he was sentenced to 3 years' reeducation-through-labor for demanding the release of CDP members. Dai Xuewu, the brother of imprisoned dissident Dai Xuezhong, also was arrested in Shanghai prior to the June 4 anniversary of the Tiananmen Square massacre and charged with the theft of a cell phone; in August he was sentenced without a trial to 3 years of reeducation-through-labor. Prior to the June 4 anniversary of the 1989 Tiananmen Square massacre, police in some cities also took steps to prevent planned commemorations. In Shanghai police reportedly detained five leading activists from May 31 to June 5, including Cai Guihua, Li Guotao, Dai Xuewu, and Fu Shenping. The police reportedly beat and roughed up Cai Guihua on May 31 and June 3. In Xian police reportedly harassed dissidents planning to commemorate the June 4 anniversary and detained two persons. Press reports stated that police in Beijing also detained three democracy activists and a Protestant activist on June 4. On June 4, graduate student Jiang Xulin reportedly was arrested after putting up a poster on the campus of Beijing University that urged an investigation into the Tiananmen Square massacre and asked that political prisoners be released and victims' families be compensated. Also on June 4, police arrested Shen Zhidao, a supporter of the CDP, in Tiananmen Square while he attempted to commemorate the 1989 Tiananmen Square massacre. He unfurled several banners bearing slogans in the Square prior to being arrested. In August Chinese police in Jiangsu arrested Shen Chang, the leader of a qigong group, and charged him with organizing gatherings aimed at disturbing social order and tax evasion (see Section 2.c.). In September a court in Hebei sentenced the cofounder of the environmental NGO China Development Union, Qi Yanchen, to 4 years in prison for subversion for writing that China would have to introduce political reform in order to avoid widespread social unrest. The article at issue appeared in the prodemocracy e-mail newsletter VIP Reference (see Sections 1.f. and 2.a.). However, in January Song Yongyi, a visiting librarian and academic researcher from Dickinson College, whom authorities detained in August 1999 and charged with "the purchase and illegal provision of intelligence to persons outside China," was released from prison and allowed to return to his home overseas in January (See Section 2.a.).

Other dissidents also were detained, for varying periods, during the year. From January 12 to January 14, police detained and questioned dissident Yao Zhenxiang in Shanghai; he was not charged. According to press reports, on January 23 and 24, police detained Yao and several other dissidents (including Li Guotao, Wang Jianhua, Cai Guihua, and Zhou Qibing) to prevent them from attending another dissident's trial.

In early April, a crackdown on dissidents in Shanghai began. As of early October, authorities imprisoned the following Shanghai dissidents (some more than once before being sentenced to longer terms): Dai Xuezhong (scheduled for release in 2002); Yao Zhenxiang (scheduled for release in 2002); Dai Xuewu (scheduled for release in 2003); and Li Guotao (scheduled for release in 2003).

Police sometimes detained relatives of dissidents (see Section 1.f.).

Persons critical of official corruption or malfeasance also frequently were threatened, detained, or imprisoned. Ma Wenlin, a 58-year-old lawyer in Shaanxi who had organized 5,000 peasants to urge authorities to reduce taxes and to punish village cadres who were guilty of beating villagers, remained in prison on charges of disrupting social order; a court sentenced him to 5 years in prison in November 1999. In March a court sentenced Ma Zhe, a poet and advocate for artistic freedom, to 5 years' imprisonment for attempting to overthrow Communist Party power. In April a court sentenced An Jun, organizer of an independent NGO critical of official corruption, to 4 years' imprisonment for subversion.

Minority activists continued to be targets of the police. In March a court sentenced Uighur businesswoman Rebiya Kadeer to 8 years in prison for passing "state intelligence" information to foreigners. The "state intelligence" she was accused of attempting to pass consisted of newspaper articles published in the official press and a list of individuals whose cases had been handled by judicial organs. Police arrested Kadeer, her son, and her secretary while they were on their way to meet a visiting foreign delegation in August 1999. Authorities administratively sentenced Kadeer's son and secretary to 2- and 3-year terms respectively, in November 1999. In November they denied Kadeer's appeal (see Section 5).

Local authorities used the Government's anticult campaign to detain and arrest large numbers of religious practitioners (see Section 2.c.); house church groups in the northeast reported more detentions and arrests than in recent years. For example, in August police arrested 130 members of a house church in Fangcheng, Henan Province, after they met with 3 foreign members of a Protestant fellowship. According to reports, 85 church members were charged with "using an illegal cult to obstruct justice."

Journalists also were detained or threatened during the year, often for reporting on subjects that met with the Government's or the local authorities' disapproval (see Section 2.a.). In July Zhuhai police arrested five journalists, including two from Hong Kong and two from Macau, who were attempting to report on peasant protests against a land redevelopment scheme. In August local police arrested Ma Xiaoming, a Shaanxi television station reporter who had reported on a case involving 12,000 peasants who brought a lawsuit against their township government. Ma was arrested to prevent him from meeting with a foreign newspaper reporter.

During the year, there were press reports about a woman who was detained by Guangzhou police in June 1999 on the specious grounds of lacking identity documents and sent to a psychiatric hospital, where she was repeatedly raped by male patients before her release about 24 hours later. At her insistence, police investigated the rapes, but vital evidence was destroyed prior to the investigation and only one of the accused had been tried. The woman's attempt to win damages has been rejected by one court (see Section 1.c.).

The State Compensation Law provides a legal basis for citizens to recover damages for illegal detentions. Although many citizens remain unaware of this 1995 law, there is evidence that it is having a growing, if still limited, impact. Throughout the year, the official press published numerous articles to raise public awareness of recent laws meant to enhance the protection of citizens' rights, including the Criminal Procedure Law, the State Compensation Law, the Administrative Procedure Law, and others. Many citizens have used the State Compensation Law during the year to sue for damages.

There were no reports that the Government forcibly exiled citizens; however, the Government continued to refuse reentry to the country to citizens who were dissidents and activists. The Government's refusal to permit some former reeducation-through-labor camp inmates to return to their homes constitutes a form of internal exile (see Section 2.d.).

e. Denial of Fair Public Trial.—The Constitution states that the courts shall, in accordance with the law, exercise judicial power independently; however, in practice the judiciary is subject to policy guidance from both the Government and the Communist Party, whose leaders use a variety of means to direct courts on verdicts and sentences in politically sensitive cases. At both the central and local levels, the Government and particularly the CCP frequently interfere in the findings of the judicial system and dictate court decisions. Corruption and conflicts of interest also affect judicial decisionmaking. Judges are appointed by the people's congresses at the corresponding level of the judicial structure, which can result in local politicians exerting undue influence over the judges they appoint. During a 1998 conference at a Beijing university, according to informed sources, one expert estimated that more than 70 percent of commercial cases in lower courts were decided according to the wishes of local officials rather than the law. State-run media have published numerous articles calling for an end to such "local protectionism" and for the development of a judiciary independent of interference by officials.

The Supreme People's Court (SPC) stands at the apex of the court system, followed in descending order by the higher, intermediate, and basic people's courts. There are special courts for handling military, maritime, and railway transport cases.

Corruption and inefficiency in the judicial system are endemic. The Government continued a self-proclaimed "unprecedented internal shakeup" of the judiciary, designed to combat corruption and improve efficiency, which began in 1998. In February the SPC issued new regulations tightening conflict of interest guidelines for judges. Judges who violate prohibitions against accepting money or other gifts from litigants or who privately meet with litigants may be found guilty of malpractice under the new regulations. Other regulations banned former judges from trying cases in their old courtrooms. Likewise the Procuratorate announced 10 new rules designed to minimize corruption in and to foster cost-consciousness among the procuratorates. The Procuratorate also announced it would select candidates for some 7,200 vacancies through a system of national examinations. In August the SPC announced it would open 12 leading prosecutorial posts for competition. In an attempt to reduce pretrial corruption, early in the year Beijing courts set up a new office to handle pretrial procedures previously handled by judges. Under the new

system, parties would have more difficulty influencing judges because they would no longer have advance notice of who the judge in the case would be. The SPC also implemented a self-examination and responsibility system to hold presidents of higher people's courts responsible for the actions of their subordinates. In 1999 authorities sanctioned 10 presidents of higher people's courts for acts of corruption by their subordinates. During the year, 1,450 court employees were punished for misconduct. In 1999, according to the SPC, 15,748 government officials and businesspersons were sentenced for corruption. Two officials at the ministerial level, 65 at the prefecture or department level, and 367 persons holding posts at the county or division level also were sentenced for corruption. The Procurator General told the National People's Congress in March that, although procurator abuses were down 60.2 percent in 1999, 544 procuratorial officials were disciplined, and 55 were convicted on criminal charges.

Corruption among the police also is a problem. One overseas human rights group reported in 1999 that there had been some 9,000 reported cases of mishandling of justice discovered in 1998 and that 1,200 police officers had been charged with criminal offenses. Authorities continued a nationwide crackdown on police corruption and abuses. Government statistics released in 1999 showed that in 1998 corruption prosecutions increased 10 percent, to over 40,000 investigations and 26,000 indictments of officials. In late 1999, National People's Congress (NPC) Standing Committee Chairman Li Peng issued a warning on police corruption. Several high-ranking Party officials also were prosecuted on corruption charges during the year.

The Government also took steps to correct systemic weaknesses in the judicial system and to make it more transparent and accountable to public scrutiny. The law requires that all trials be held in public; however, in practice, many trials are not. In 1999 the Supreme People's Court issued regulations requiring all trials to be open to the public, except for those involving state secrets, personal privacy, or minors; divorce cases in which both parties request a closed trial; and cases involving commercial secrets. Several courts reportedly opened their proceedings to the public. Under the new regulations, "foreigners with valid identification" are to be allowed the same access to trials as citizens. However, requests by at least one foreign mission to send an observer to politically sensitive trials consistently have been ignored by the Government. Moreover none of the numerous trials involving political dissidents were open to the general public. The legal exception for cases involving state secrets, privacy, and minors has been used to keep such proceedings closed to the public and closed even to family members in some sensitive cases (see Section 1.d.).

However, since 1998 many trials have been broadcast, and court proceedings have become a regular television feature. In July courts in Shanghai become the first to publish verdicts on the Internet. According to official statistics, the courts nationwide heard 539,000 criminal cases in 1999, an increase of 12.27 percent over 1998, and sentenced more than 600,000 offenders, up 14.02 percent from 1999. The Supreme People's Court released statistics showing that courts at all levels acquitted 5,878 defendants in 1999 due either to lack of evidence or to a conclusion that the charges filed did not amount to a crime.

The first Lawyers' Law, designed to professionalize the legal profession, took effect in 1996. Subsequently the Ministry of Justice drafted relevant regulations to standardize professional performance, lawyer-client relations, and the administration of lawyers and law firms. The regulations also granted lawyers formal permission to establish law firms, set educational requirements for legal practitioners, encouraged free legal services for the general public, and provided for the disciplining of lawyers. Government officials state that there are insufficient lawyers to meet the country's growing needs. In March 1999 Justice Minister Gao Changli stated that the country had over 110,000 lawyers. According to official reports, there were some 9,000 law offices as of 1999. The Justice Ministry set a target of 150,000 lawyers, 30,000 notaries, and 40,000 grassroots legal service centers by 2000. According to the All-China Lawyers Association, the country fell short of that goal. Notaries have much more power than their counterparts in the West, and Justice Ministry officials announced in September that the country would change its system of notaries within 10 years so that notaries would no longer be Government employees, would have to have a bachelor's degree, and would be required to take 40 hours of professional training each year.

Lawyers are organizing private law firms that are self-regulating and do not have their personnel or budgets determined directly by the State. More than 60 legal aid organizations (many of which handle both criminal and civil cases, including those stemming from disputes over compensation to workers) have been established around the country, and the Ministry of Justice has established a nationwide legal services hot line. Beijing and other city police departments have set up hot lines for citizens to complain about police misconduct. In March Beijing authorities

claimed that their hot line received nearly 120 calls per day. However, neither prosecutors nor judges are required to have law degrees or legal experience, and qualification standards traditionally have been low. Only 9 percent of judges had received higher education, and many are not well versed in the law. During the year, the authorities undertook additional efforts to improve the training and professionalism of judges and lawyers. After July 1, in a effort to distance judges from prosecutors, judges in Beijing shed their military style uniforms, including epaulets and caps, in favor of robes or suits. The National People's Congress also approved separate draft amendments to the 1995 laws on judges and prosecutors in July. One amendment requires judicial or prosecutorial appointees to be law school graduates who have practiced law for at least 2 years, or postgraduates who have practiced law for at least 1 year. Another required heads of courts and procuratorates, members of judicial committees of courts and procuratorates, and heads of judicial panels to have passed relevant examinations.

Police and prosecutorial officials often ignore the due process provisions of the law and of the Constitution. For example, police and prosecutors can subject prisoners to severe psychological pressure to confess, and coerced confessions frequently are introduced as evidence. In March the top prosecutor, Procurator General Han Zhubin, admitted that abuses such as using torture to extort confessions, extorting favors from suspects, and nepotism remained serious problems. In May 1998 he also acknowledged that some prosecutors used interrogation rooms like "prison cells" to hold suspects beyond the legal detention period. In 1999 Han's office received 812,821 complaints; 342,017 were related to prosecutors. The Criminal Procedure Law forbids the use of torture to obtain confessions, but one weakness of the law is that it does not expressly bar the introduction of coerced confessions as evidence. For example, Zhuo Xiaojun is being held in Fuzhou; after a confession extracted under torture and a prolonged trial with many irregularities, he was sentenced to death for two murders committed 10 years ago. Traditionally defendants who failed to show the correct attitude by confessing their crimes received harsher sentences. The conviction rate in criminal cases is over 90 percent, and trials generally are little more than sentencing hearings. In practice criminal defendants only are assigned an attorney once a case has been brought to court; some observers have noted that at this point, it is too late for an attorney to assist a client in a meaningful way, since the verdict often has been decided already. The best that a defense attorney generally can do for a client is to get a sentence mitigated. In most politically sensitive trials, the courts handed down guilty verdicts immediately following proceedings that rarely lasted more than several hours. There is an appeals process, but appeals rarely reverse verdicts.

The revised Criminal Procedure Law was designed to address many of these deficiencies and give defense lawyers a greater ability to argue their clients' cases. It abolishes a form of pretrial detention called "shelter and investigation," puts limits on nonjudicial determinations of guilt, and establishes a more transparent, adversarial trial process. It also provides for earlier and greater access for defendants to legal counsel and the abolition of a regulation that allowed summary trials in certain cases involving the death penalty. The amended law gives most suspects the right to seek legal counsel shortly after their initial detention and interrogation. However, police often use loopholes in the law to circumvent a defendant's right to seek counsel, and political activists in particular still have significant problems obtaining competent legal representation of their own choosing. In some cases, defendants and lawyers in politically sensitive cases reportedly have not been allowed to speak during trials. The amended Criminal Procedure law still falls short of international standards in many respects. For example, it has insufficient safeguards against the use of evidence gathered through illegal means such as torture. Its appeals process fails to provide sufficient avenue for review, and there are inadequate remedies for violations of defendants' rights. Despite the abolition of shelter and investigation, in some cases police still unilaterally can detain a person for up to 37 days before releasing him or formally placing him under arrest. Once a suspect is arrested, the revised law allows police and prosecutors to detain him for months before trial while a case is being "further investigated." Few suspects are released on bail pending trial. Also, in "state secrets" cases, the revised Criminal Procedure Law authorizes officials to deny suspects access to a lawyer while their cases are being investigated. The definition of state secrets is broad and vague, and subject to independent interpretation by police, prosecutors, and judges, throughout the different stages in a criminal case. Uncertainty regarding the scope and application of this statute has created concern about a detainee's right to legal assistance.

The new Criminal Procedure Law also does not address certain shortcomings in the legal system. Under the law, there is no right to remain silent, no right against double jeopardy, and no law of evidence. The mechanism that allows defendants to

confront their accusers is inadequate; according to one expert, only 1 percent to 5 percent of trials involve witnesses.

While the new Criminal Procedure Law represents some improvement over past practice, despite its flaws, anecdotal evidence indicates that its implementation remains uneven and far from complete, especially in politically sensitive cases. Differing interpretations of the law taken by different judicial and police departments have contributed to contradictory and incomplete implementation. The Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, the Ministry of State Security, the Ministry of Justice, and the Legal Work Committee of the National People's Congress in 1998 issued supplementary implementing regulations to address some of these weaknesses. During the year, the Government continued its efforts to educate lawyers, judges, prosecutors, and especially the public on the provisions of this and other new laws. In 1999 the Ministry of Justice announced that 500,000 ministry officials would undergo training over the next 3 years as part of "a massive effort to improve the quality of all judicial workers in the country." Also in 1999, the President of the Supreme People's Court announced that all senior judges in the nation's courts would attend training courses within the next 3 years, with an emphasis on new laws and regulations.

Trials continue to be conducted in secret. In July 1999, Wang Yingzheng, a 19-year-old activist in Jiangsu Province, was tried in secret for writing an article criticizing official corruption. Wang's family was not notified of the trial until several weeks afterward. In June 1999 labor activist He Chaohui also was tried in a closed courtroom in Hunan. According to Amnesty International, two sisters who owned a bookstore were sentenced to prison terms in January for distributing Falun Gong literature. The sisters reportedly were arrested in July 1999, held incommunicado for 3 months, and tried in secret (see Section 2.c.).

Defendants frequently have found it difficult to find an attorney willing to handle sensitive political cases. Government-employed lawyers still depend on official work units for employment, housing, and other benefits, and therefore many may be reluctant to represent politically sensitive defendants. In January 1999 dissident Wang Ce was tried and defended himself, reportedly because lawyers recommended by the court refused to take his case. In February he was sentenced to 4 years in prison. In December 1998, authorities blocked attempts by prominent dissidents Wang Youcai and Qin Yongmin to hire lawyers of their own choosing. There were no new reports of the Government revoking the licenses of lawyers representing political defendants, as it sometimes has done in the past. However, Liu Jian, a criminal defense attorney, reportedly was detained in July 1998 after most of the witnesses he had called refused to testify at the trial of a local official charged with taking bribes; Liu was charged with "illegally obtaining evidence" and was detained for 5 months. Liu reportedly was held incommunicado for 10 days and was beaten and tortured in detention in an effort to force a confession. He eventually pled guilty in exchange for a light sentence, but his criminal record prevents him from practicing law.

Lawyers who try to defend their clients aggressively continue to have problems with police and prosecutors, leading to complaints and threats of harassment by law enforcement officials. Lawyers' professional associations have called for better protection of lawyers and their legitimate role in the adversarial process.

The lack of due process is particularly egregious in death penalty cases. There are 65 capital offenses in the law. They include financial crimes such as counterfeiting currency, embezzlement, and corruption. During the year, several mid- or high level officials were sentenced to death for embezzlement or corruption; one, Hu Changqing, vice governor of Jiangxi Province, was executed in February. The trial of 11 officials in the Xiamen corruption scandal was conducted in secret. Seven of the officials were sentenced to death, and four were sentenced to life in prison. Persons may be sentenced to death for other property crimes as well; among those reportedly executed during the year was a man from Yunnan Province, convicted of setting a forest fire. A higher court nominally reviews all death sentences, but the time between arrest and execution is sometimes days or less, and reviews consistently result in the confirmation of sentences. Minors and pregnant women are expressly exempt from the death sentence, and only those theft cases involving banks or museums warrant capital punishment. Amnesty International (AI), in a report issued in January 1999, said the group independently recorded 2,701 persons sentenced to death in 1998, with 1,769 executions confirmed. AI stated that its figure for executions was based on public reports and represented only a fraction of death sentences and executions. AI believes that actual figures were higher because not all death penalties or executions are reported, and the authorities can manipulate such information. The number of executions that were reported in the Xinjiang Uighur Autonomous Region was particularly high; according to AI, scores of

Uighurs, many of whom were reportedly political prisoners, were sentenced to death and executed in Xinjiang since 1997. The Government regards the number of death sentences it carries out as a state secret. However, in March the President of the SPC told the NPC that, in 1999, the Court had heard 5,768 appeals, including appeals to death sentences, an increase of 23.43 percent over 1998. The Central Commission of Political Science and Law announced on October 16 that 515 persons were executed nationwide between early September and October 15.

Persons can also receive long prison sentences for financial crimes after very short trials; according to a press report, on May 30, businessman Mou Qizhong was sentenced to life in prison for foreign exchange fraud after a 1day trial in November 1999.

The shortcomings of the justice system have begun to spur public debate among lawyers, law professors, and jurists, and some have continued to press for legal reform. During the year, scholars wrote numerous articles focused on the absence of legal provisions specifically guaranteeing a suspect's right to remain silent as one of the main reasons for legal abuses. Under the law, a suspect has the duty to "answer truthfully," whether or not the answer is self-incriminatory. One article explained that under existing laws, suspects are often coerced into "truthfully" admitting their guilt, resulting in forced confessions becoming more common. Some legal experts called for a system of supervision during investigations, including the right to have a lawyer present during interrogation, as the only way to protect suspects from torture and forced confessions. Others called for the creation of new regulations setting out the right of the accused to remain silent and a system of accountability for judicial personnel. Major newspapers and legal journals throughout the year called for the introduction of a British or American system of discovery, the abolition of coerced confessions, a legal presumption of innocence, an independent judiciary, and improved administrative laws giving citizens more recourse against the Government. In April the Beijing newspaper Legal Daily published an article on torture that concluded the practice was due to police officials not having adequate legal or human rights training and holding antiquated ideas about a presumption of guilt. In July Shanghai lawyers publicly called for the establishment of the right of the accused to remain silent in a criminal investigation.

There are signs that citizens are beginning to use the court system and the new legal remedies available to them to protect their rights and seek redress for a variety of government abuses; a growing number are using legal recourse against government malfeasance. The Beijing Higher People's Court released statistics in April stating that when citizens sued the Government, citizen plaintiffs won in 23 percent of cases (832 of 3,632) from 1990–1999. In addition a large percentage of such cases are settled out of court. The term "administrative omission" refers to cases in which government organizations do not respond or delay response to applications lodged by citizens. According to statistics by the SPC, the number of administrative omission lawsuits filed by individuals against Government organizations increased by 7.6 times between 1990 and 1998. However, while some plaintiffs have successfully filed suit against the Government, decisions of any kind in favor of dissidents remain rare. In particular appeals of prison sentences by dissidents rarely are granted. In 1999 appeals by Lin Hai, Lai Jingbao, and Fang Jue all were denied.

In recent years, credible reports have alleged that organs from some executed prisoners were removed, sold, and transplanted. Officials have confirmed that executed prisoners are among the sources of organs for transplants but maintain that consent is required from prisoners or their relatives before organs are removed. There is no national law governing organ donations, but a Ministry of Health directive explicitly states that buying and selling human organs and tissues is not allowed. The courts traditionally issue several death sentences before the annual lunar New Year holiday and other holidays. According to Hong Kong press reports, these executions have increased the demand for organs from executed prisoners. More than 40 wealthy individuals in need of transplants reportedly traveled to a hospital in Guangzhou and paid up to $300,000 (RMB 2.5 million) each for livers harvested from executed criminals. There are no reliable statistics on how many organ transplants occur each year using organs from executed prisoners, but, according to press reports, hundreds of persons from other Asian countries who are unable to obtain transplants at home travel to the country each year for organ transplants. Recipients report paying various amounts for the transplants, and some have reported that treatment may be terminated or delayed for a lack of funds or a delay in payment.

Government officials deny holding any political prisoners, asserting that authorities detain persons not for their political or religious views, but because they violate the law. However, the authorities continued to confine citizens for political and reli-

gious reasons. It is estimated that thousands of political prisoners remain incarcerated, some in prisons and others in labor camps.

The 1997 amended Criminal Code replaced "counterrevolutionary" offenses, which often, in the past, had been used against the Government's political opponents, with loosely defined provisions barring "crimes endangering state security." At year's end, there were as many as 1,000 individuals in prisons serving sentences for "counterrevolution" crimes. Persons detained for such offenses included Hu Shigen, Kang Yuchun, Yu Zhijian, Yang Lianzi, Zhang Jingsheng (released in June), and Sun Xiongying. Several foreign governments urged the Government to review the cases of those charged with counterrevolution, since the crime was no longer on the books, and release those who had been jailed for nonviolent offenses under the old statute. Officials have indicated that a case-by-case review of appeals filed by individual prisoners is possible under the law, and there is one known case of a successful appeal. However, the Government indicated that it would neither initiate a broad review of cases nor grant a general amnesty, arguing that "crimes" covered by the Law on Counterrevolution still are considered crimes under the State Security Law. According to the Government, 600 persons were imprisoned under the State Security Law in 1998–99. Those charged with counterrevolutionary crimes continue to serve their sentences.

The authorities sentence persons administratively without trial to terms of 1 to 3 years in reeducation-through-labor camps. According to international press reports, some 230,000 persons are serving sentences in reeducation-through-labor camps. By one estimate, 1.7 million persons per year may also be detained under custody and repatriation or similar regulations, which allow "undesirable" persons in urban areas to be detained administratively or returned to their registered place of residence (see Section 1.d.). Defendants legally are entitled to challenge reeducationthrough-labor sentences under the Administrative Litigation Law. Persons can gain a reduction in, or suspension of, their sentences after appeal, but appeals usually are not successful because of problems such as short appeal times and inadequate legal counsel that weaken the effectiveness of the law in preventing or reversing arbitrary decisions.

Amnesty International has identified 211 cases of persons who remain imprisoned or on medical parole for activities related to the 1989 Tiananmen protests alone; other NGO's estimate as many as 2,000 persons remain in prison for their actions at that time.

The Government released some political prisoners early. Software businessman Lin Hai, jailed for Internet subversion, was released in September 1999; June 4 activist Chen Lantao was paroled 7 years early in April; Zhao Fengping also was released in April; Tiananmen Square activist Liu Wensheng was released from a prison in northern Gansu in August; and Yu Zhijian, who defaced the portrait of Mao Zedong in Tiananmen Square during the 1989 student protests, was released in September; Cai Guihua was released in January, detained several times during the year, and paroled in December; and Xu Guoxing was released during the year. Yue Dongyue, who also defaced Mao's portrait, had his sentence reduced during the year from 20 years to 18 years. However, many others, including Chadrel Rinpoche, Fan Zhongliang, Han Chunsheng, Li Bifeng, Jigme Sangpo, Ngawang Choephel, Ngawang Sangdrol, Qin Yongmin, Shen Liangqing, Zha Jianguo, Wang Youcai, Xu Wenli, Xu Yongze, Yang Qinheng, Zhang Lin, Zhang Shanguang, Zhao Changqing, and Zhou Yongjun remained imprisoned or under other forms of detention during the year. Political prisoners generally benefit from parole and sentence reduction at significantly lower rates than ordinary prisoners. In addition authorities summarily tried and sentenced political dissidents to long prison terms.

Criminal punishments can include "deprivation of political rights" for a fixed period after release from prison, during which the individual is denied rights of free speech and association. Former prisoners also can find their status in society, ability to find employment, freedom to travel, and access to residence permits and social services severely restricted. Economic reforms and social changes have ameliorated these problems for nonpolitical prisoners in recent years. However, former political prisoners and their families still frequently are subjected to police surveillance, telephone wiretaps, searches, and other forms of harassment, especially when prominent foreigners visit the country. They also may encounter difficulty in obtaining or keeping employment and housing (see Section 1.f. and 2.d.).

f. Arbitrary Interference With Privacy, Family, Home, Correspondence.—The Constitution states that the "freedom and privacy of correspondence of citizens are protected by law." Despite legal protections, authorities often do not respect the privacy of citizens in practice. Although the law requires warrants before law enforcement officials can search premises, this provision frequently has been ignored; moreover, the Public Security Bureau and the procuratorate can issue search warrants on

their own authority. Authorities often monitor telephone conversations, fax transmissions, e-mail, and Internet communications of citizens, foreign visitors, businessmen, diplomats, and journalists, as well as dissidents, activists, and others. The security services routinely monitor and enter the residences and offices of foreigners and persons dealing with foreigners to gain access to computers, telephones, and fax machines. All major hotels have a sizable internal security presence. Authorities also open and censor domestic and international mail. Han Chunsheng, a Voice of America (VOA) listener who allegedly sent over 20 letters critical of the Government to a VOA mailbox, remains in prison on an 8-year sentence for counterrevolutionary incitement and propaganda. Government security organs monitor and sometimes restrict contact between foreigners and citizens.

In urban areas, many persons still depend on government-linked work units for housing, healthcare, permission to have a child, approval to apply for a passport, and other aspects of ordinary life. However, the work unit and the neighborhood committee, which originally were charged with monitoring activities and attitudes, have become less important as means of social or political control; government interference in daily personal and family life continues to decline for the average citizen. A growing number of residents in cities are buying their own apartments, further weakening the work unit. In some cities, the system of government-linked housing is being rapidly dismantled.

Some dissidents are under heavy surveillance and routinely have their telephone calls with foreign journalists and diplomats monitored. The authorities blocked some dissidents from meeting with foreigners, particularly during politically sensitive periods. On April 1, the Government prevented Ding Zilin, an organizer of relatives of victims of the Tiananmen massacre, from meeting with the widow of noted author Edgar Snow after learning that Mrs. Snow wished to donate money to Ding Zilin's organization. Ding was also prevented from leaving her home to meet Mrs. Snow; on April 2, security agents filmed Mrs. Snow's visit to her husband's tomb nearby. On April 3, Su Bingxian, an elderly intermediary who had agreed to convey Mrs. Snow's donation to Ding Zilin, was detained outside of Ding's apartment and held for 1 day. In June the authorities also reportedly surrounded Ding Zilin's apartment on the anniversary of the Tiananmen Square massacre to prevent persons from joining her to commemorate it. Police ordered the sister of one jailed dissident not to meet with a foreign diplomat on the eve of a high level foreign official's visit to China. Although the authorities released Bao Tong, a former Zhao Ziyang aide in 1997, they continue to monitor his activities closely with constant surveillance, at times preventing him from meeting with others and interfering with his telephone service. Officials threatened Bao when he questioned Communist Party policy or complained about invasions of his personal freedom. Other dissidents also have reported harassment by the authorities. Dissidents in Shanghai have been warned not to meet with certain persons, talk to reporters, or write or fax articles. Such harassment appears to be common among Tiananmen-era activists. Authorities also harassed and monitored the activities of relatives of dissidents. For example, security personnel keep close watch on relatives of prominent dissidents, particularly during sensitive periods. Dissidents and their family members routinely are warned not to speak with the foreign press. Security personnel followed Wei Xiaotao, the brother of Wei Jingsheng, to meetings with Western reporters and diplomats on numerous occasions.

Government harassment prevents Tiananmen Square massacre-era activist Tang Yuanjun and other present and former dissidents and their relatives from obtaining and keeping steady employment. The Government continued to freeze bank accounts kept by Ding Zilin containing funds to help the families of Tiananmen massacre victims, an action criticized by dissidents within the country and human rights organizations abroad. In January officials detained Lu Wenhe, who had traveled from abroad carrying $25,000 (RMB 200,000) intended for Ding Zilin's fund, for 3 days and confiscated the money. By year's end, the money had not been returned. In July 1999, public security officials forced Li Ling, another activist, to withdraw $25,000 (RMB 200,000) from a bank account in her name that had been sent to her from abroad; the money, which was intended to help victims of the Tiananmen Square massacre and their families, was confiscated. The money had not been returned by year's end. Police sometimes detained the relatives of dissidents (see Sections 1.d. and 2.a.).

There is evidence that official poverty alleviation programs and major state projects, such as the Three Gorges Dam and environmental/reforestation projects, include forced relocation of persons.

The authorities continue to systematically jam VOA radio broadcasts, but the effectiveness of this interference varies considerably by region, with audible signals of the VOA and other short-wave broadcasters reaching most parts of the country

(see Section 2.a.). Government jamming of Radio Free Asia (RFA) appears to be more effective (see Section 2.a.).

The Government continued to encourage the expansion of the Internet; however, it also increased monitoring of the Internet during the year and placed restrictions on information available on the Internet. The Government introduced new regulations during the year that restricted citizens' right to privacy on the Internet, and monitored e-mail transmissions. Other regulations, which came into effect in 1997, provide for fines and other unspecified punishments to deal with violators. Internet control regulations are reissued occasionally. Enforcement generally drops off after a few months. The latest iteration of Internet regulations, issued on October 1, continues to prohibit a broad range of activities that can be interpreted as subversion or slandering the state (see Section 2.a.). During the year, the Government attempted to block e-mail from overseas Internet service providers used by dissident groups. There have been reports that the Government is attempting to develop an e-mail filtration system to block antigovernment e-mail messages from entering the country. The Government also blocked access to politically sensitive web sites at various times (see Section 2.a.).

The Government continued to implement comprehensive and often intrusive family planning policies. The State Family Planning Commission (SFPC) formulates and implements policies with assistance from the Family Planning Association, which has 83 million members in 1.02 million branches nationwide. Officials have predicted that the population will reach almost 1.6 billion in the year 2030 if current birth rates continue. Most demographers estimate fertility at 2.0 to 2.3 births per woman (although the official figure is 1.8), indicating that the "one-child policy" is not applied uniformly to couples. A strict one-child policy applies in the cities but not in the countryside, where 70 percent of citizens live. According to one senior family planning official, only 60 million of the country's 300 million children under age 14 are from single-child families. Couples in urban areas are affected most by family planning guidelines, seldom receiving permission to have more than one child, although urban couples who themselves were only children may have two children. In general economic development and other factors such as small houses and high education expenses have reached a level where couples in major urban centers often voluntarily limit their families to one child. There were reports that, due to the success of the one-child policy in urban areas, the Government was beginning to relax its policies in the cities. In May 1999, the official press reported that although couples in Beijing were still limited to one child, effective October 1, 1999, they would no longer be required to obtain a family planning certificate before having their child. At year's end, the effect of this change was unknown. Such policies reportedly also have been adopted in some other areas. In Shanghai, Zhejiang Province, and parts of Guizhou Province, couples who met certain criteria were reportedly allowed to have a child without government permission. It is illegal for unmarried women to bear children, and unmarried women cannot get permission to have a child. In order to delay childbearing, the Marriage Law sets the minimum age at marriage for women at 20 years, and for men at 22 years; marrying 2 or more years later is encouraged.

Outside the cities, exceptions to the "one-child policy" are becoming the norm. The average number of children per family in rural areas is slightly over two. Although rules can vary somewhat by Province, in rural areas, couples generally are allowed to have a second child if the first is a girl, an exception that takes into account both the demands of farm labor and the traditional preference for boys. Families whose first child is disabled also are allowed to have another child. Ethnic minorities, such as Muslim Uighurs and Tibetans, are subject to less stringent population controls. Minorities in some rural areas are permitted to have as many as four children, but authorities increasingly are pressuring minorities to limit births. AI reports that, while members of the Uighur minority in Xinjiang are allowed to have 2 children in urban areas and 3 in rural areas, there has in fact been pressure for them to have only one. In remote areas, such as rural Tibet, there are no effective limits, but Tibetan government employees and Party members are encouraged to have only one child.

Population control policy relies on education, propaganda, and economic incentives, as well as on more coercive measures, including psychological pressure and economic penalties. For example, all workers at a factory or other work unit might lose a bonus if one worker has a child without permission. The national family planning policy is implemented through provincial and local regulations. According to local regulations in at least one province, women who do not qualify for a Family Planning Certificate that allows them to have a child must use an intrauterine device (IUD) or implant. The regulations further require that women who use an IUD undergo quarterly exams to ensure that it remains properly in place. If a couple has

two children, those regulations require that either the man or woman undergo sterilization. According to a credible report, the number of couples undergoing sterilization procedures after giving birth to two children increased significantly in at least one inland Province. Rewards for couples who adhere to family planning policies include monthly stipends and preferential medical and educational benefits. Disciplinary measures against those who violate policies can include fines (sometimes called a "fee for unplanned birth" or a "social compensation fee"), withholding of social services, higher tuition costs when the child goes to school, demotion, and other administrative punishments that sometimes result in loss of employment. Fines for giving birth without authorization vary, but they can be a formidable disincentive. According to the State Family Planning Commission (SFPC) 1996 Family Planning Manual, over 24 million fines were assessed between 1985 and 1993 for children born outside family planning rules. In Quanzhou, Fujian Province, the fine for violating birth quotas is three times a couple's annual salary, to be paid over a 12 to 13 year period. In Shanghai the fine is also three times the combined annual salary of the parents. In Zhejiang Province, violators are assessed a fine of 20 percent of the parents' salary paid over 5 years. According to Guizhou provincial family planning regulations published in July 1998, families who exceed birth quotas are to be fined two to five times the per capita annual income of residents of their local area. The regulations also stipulate that government employees in Guizhou who have too many children face the loss of their jobs. In many provinces, penalties for excess births in an area also can be levied against local officials and the mother's work unit, thus creating multiple sources of pressure. In Guizhou, for example, regulations state that officials in an area in which birth targets are not met cannot be promoted in that year. Unpaid fines sometimes have resulted in confiscation or destruction of homes and personal property by local authorities. In June 1999 Anhui Province promulgated amended family planning rules that stated that each couple "is encouraged" to have only one child, that second births are "strictly controlled," and that "unplanned births are forbidden." Women of childbearing age are required periodically to undergo pregnancy tests, and couples are required to "practice effective contraceptive measures." Couples already having a child are required to adopt long-term birth control measures. In the cases of families that already have two children, one of the parents "is encouraged to undergo sterilization." In addition the rules state that "unplanned pregnancies must be aborted immediately."

However, over the past few years, authorities have initiated experiments to relax family planning targets in several counties. The integration of family planning with poverty alleviation and education efforts is one sign of this trend. Experimental relaxed targets in Yi Chun County, Shanxi Province, Chude in Hubei Province, and Longshen in the Gaunxi Autonomous Region have met and sometimes exceeded the official target and also have produced a more normal sex ratio at birth than in other areas. In Yicheng County, couples who have observed the rule of not marrying early and waiting 3 years to have their first child are permitted to have a second child after age 30. According to a foreign press report, over the past few years more than 600 counties covering about half the country's population have adopted more liberal policies in seeking to maintain low birth rates; Zhejiang Province reportedly has abandoned "birth quotas" of county-by-county permissible births each year, and other countries have set up "whispering rooms" in family planning offices where women can talk privately with doctors about their birth control options. Other jurisdictions, such as Minglan village in Yandu County, have reportedly followed the earlier example of Beijing and other cities, abolishing birth permits and allowing couples to decide on their own when to have a baby. Beijing reportedly encourages local officials to initiate and fund their own projects on family planning.

Penalties for family planning violators, including high fines, have led to widespread underreporting of rural births, making population statistics unreliable. By some estimates, official statistics may underreport the annual number of births by as much as 25 percent. Local officials, caught between pressures from superiors to show declining birth rates and from local citizens to allow them to have more than one child, frequently make false reports. For example, in July the Yunnan Ribao reported a local doctor in Xuanwei falsely had reported 700 births of twins in order to account for families having multiple children. In April the government-sponsored Chinese Academy of Social Sciences issued a book showing discrepancies in birth figures. According to that book, in 1998 the State Statistics Bureau reported 19.91 million births in China, while the State Family Planning Agency maintained there were only 13.83 million births, a difference of more than 30 percent.

Central government policy formally prohibits the use of force to compel persons to submit to abortion or sterilization; however, intense pressure to meet family planning targets set by the Government has resulted in documented instances in which family planning officials have used coercion, including forced abortion and steriliza-

tion, to meet government goals. During an unauthorized pregnancy, a woman often is paid multiple visits by family planning workers and pressured to terminate the pregnancy. According to a senior family planning official, 10 million persons are sterilized each year and not all voluntarily. In 1998 a former Fujian Province local family planning official stated that local authorities in a Fujian town systematically used coercive measures such as forced abortion and sterilization, detention, and the destruction of property to enforce birth quotas. After the Fujian allegations were made public, the SFPC sent a team led by a senior official to investigate the charges. In a meeting with foreign diplomats, the senior official did not deny that abuses may have occurred but insisted that coercion was not the norm, nor government policy, nor sanctioned by central authorities in Beijing. There were reports that, after the central government's investigation, local officials in Fujian scaled back the intensity of their family planning enforcement efforts. Senior officials repeatedly have said that the Government "made it a principle to ban coercion at any level." They acknowledge that problems persist and insist on the Government's determination to address such problems. The SFPC has issued circulars nationwide prohibiting family planning officials from coercing women to undergo abortions or sterilization against their will. Under the State Compensation Law, citizens also can sue officials who exceed their authority in implementing family planning policy, and in a few instances, individuals have exercised this right.

Corruption related to family planning fines is a widespread problem. In 1999 the press reported that one city in Henan Province had punished 879 Party members and government officials for corruption in family planning.

In late 1998, the United Nations Population Fund (UNFPA) on an experimental basis launched a 4-year pilot project in 32 counties to address family planning and reproductive health issues solely through the use of voluntary measures, emphasizing education, improved reproductive health services, and economic development. The SFPC worked closely with the UNFPA to prepare informational materials and to provide training for officials and the general public in the project counties. Although it was still too early for an overall assessment of this program, visits to selected counties by foreign diplomats indicate that progress in implementing the program has been mixed. Some counties have made appreciable progress in implementing the program, while others have made relatively little. Notably, some counties have informed the general public about the UNFPA program and have eliminated the system of strict, government-assigned birth quotas (allowing couples to choose without authorization when to have their first child); other counties have not yet done so, or have only begun to do so. In Sichuan Province a couple can legally have a second child without applying for permission if they meet all the requirements; however, regulations and implementation vary from town to town. The Government has welcomed foreign delegations to inspect the UNFPA project counties. Although access to these areas has varied from province to province, foreign diplomats visited several counties during the year.

Regulations forbid the termination of pregnancies based on the sex of the fetus, but because of the traditional preference for male children, particularly in rural areas, many families have used ultrasound to identify female fetuses and terminate pregnancies. The use of ultrasound for this purpose is prohibited specifically by the Maternal and Child Health Care Law, which came into effect in 1995 and mandates punishment of medical practitioners who violate the provision. According to the SFPC, a handful of doctors have been charged under this law. Government statistics put the national ratio of male to female births at 114 to 100; the World Health Organization estimates the ratio to be 117 to 100. The statistical norm is 106 male births to 100 female births. These skewed statistics reflect both the underreporting of female births so that parents can keep trying to conceive a boy, and the abuse of sonograms leading to the termination of pregnancies based on the sex of the fetus. Female infanticide, abandonment, or the neglect of baby girls that results in lower female survival rates are also factors (see Section 5). The staterun media is paying increasing attention to unbalanced birth ratios, and the societal problems, such as trafficking in women, which they cause (see Section 6.f.). In the cities, the traditional preference for sons is changing; in the rural areas the practice continues. In July the Liaoshen Evening News reported that in a township of Liaoyang County, Liaoning Province, the male to female sex ratio was 306/100 for second children born between 1992 and 1999. After operating for 7 years, an illegal sex determination clinic was exposed when an outraged citizen called the Liaoyang City mayor's hot line.

There reportedly have been instances in which pregnant prisoners in reeducationthroughlabor camps were forced to submit to abortions (see Section 1.c.).

The Maternal and Child Health Care Law requires premarital and prenatal examinations to determine whether couples have acute infectious diseases or certain

mental illnesses (not including mental retardation), or are at risk for passing on debilitating genetic diseases. The Ministry of Health implements the law, which recommends abortion or sterilization in some cases, based on medical advice. The law also provides for obtaining a second opinion and states that patients or their guardians must give written consent for such procedures (see Section 5). At least five provincial governments have implemented local regulations seeking to prevent persons with severe mental disabilities from having children. In August 1998 the Government issued an "explanation" to provincial governments clarifying that no sterilization of persons with genetic conditions could be performed without their signed consent.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution states that freedom of speech and of the press are fundamental rights to be enjoyed by all citizens; however, the Government restricts these rights in practice. During the year, the Government maintained tight restrictions on freedom of speech and of the press. The Government interprets the Communist Party's "leading role," as mandated in the preamble to the Constitution, as circumscribing these rights. The Government does not permit citizens to publish or broadcast criticisms of senior leaders or opinions that directly challenge Communist Party rule. The Party and Government continue to control many—and, on occasion, all—print and broadcast media tightly and use them to propagate the current ideological line. According to official statistics, in 1998 the country had 2,053 newspapers, and 7,999 magazines and trade publications. It also published 7.24 billion copies of books representing 7,999 titles. All media employees are under explicit, public orders to follow CCP directives, and "guide public opinion," as directed by political authorities. Both formal and informal guidelines continue to require journalists to avoid coverage of many politically sensitive topics. The State Security Law forbids journalists from divulging "state secrets." These public orders, guidelines, and statutes greatly restrict the freedom of broadcast journalists and newspapers to report the news and lead to a high degree of self-censorship.

The Government's harsh propaganda campaign against the Falun Gong, begun in 1999, continued and intensified during the year. There were also smaller propaganda campaigns against superstition.

The Government strictly regulates the establishment and management of publications. As in previous years, the Government continued to close down publications and punish journalists for printing material deemed too sensitive. Newspaper editors may be suspended and sent to the Propaganda Bureau for "rectification," after which they can generally return to work in the publishing industry. With the Government's consent and even open support, the press continued to publish stories related to citizen's rights, legal reform, official corruption, and official misconduct and gross abuses, particularly by law enforcement officials. However, newspapers cannot report on corruption without government and Party approval, and publishers published such material at their own risk. Senior officials issued a new call for tighter controls on the media and related fields in the period preceding the country's entry into the World Trade Organization. According to Western press reports, in August Jiang Zemin, at the annual leaders conference in Beidaihe, reportedly indicated that more media organizations, including web sites, would be asked to undergo government-controlled mergers in order to ensure control by Party and government censors. Jiang indicated the existing ban on new permits for magazines and publishing houses would stay in place and that authorities would place tighter controls on freelance contributors to newspapers, magazines, and web sites, as well as freelance production houses for television units. At year's end, it was not clear that such policies had been effectively implemented.

Journalists were harassed, detained, and threatened during the year, often for reporting on subjects that met with the Government's or local authorities' disapproval, including corruption. In January the editor in chief of Southern Weekend, a newspaper known for its daring investigative reporting and critical editorials, was reassigned by Communist Party officials. After his departure, the newspaper's content reportedly became less critical of the Government than it had been previously. In March the government newspaper Weekly was shut down by the authorities after it published sensitive information regarding military strategy against Taiwan. In September Qi Yanchen was convicted in Hebei of subversion for writing an article for the prodemocracy e-mail newsletter VIP Reference. In July Zhuhai police arrested five journalists, including two from Hong Kong and two from Macau, who were attempting to cover peasant protests against a land redevelopment scheme. In August local police arrested Ma Xiaoming, a Shaanxi television station reporter who had reported on a case involving 12,000 peasants who brought a lawsuit against their township government. Ma was arrested to prevent him from meeting with a

foreign newspaper reporter. On August 11, poet and editor of the literary journal Tendency, Huang Beiling (also known by his pen name of Bei Ling), was arrested in Beijing and charged with illegal publishing. Authorities also seized several hundred copies of the most recent edition of Tendency, which the authorities stated has "political problems." Huang's brother and sometime partner in Tendency, Huang Feng, was detained on August 18, possibly in connection with his efforts to obtain his brother's release. Huang Beiling was released on August 25, and returned to his home abroad. According to the local press, in November several persons accused of printing and distributing Falun Gong literature were arrested in Chaoyan, Liaoning Province.

In January, according to one report, the Government announced that it had closed down 27 newspapers, some for violations of press regulations or printing fabricated or sensational stories. In June authorities reportedly issued a new directive that required the media to uphold the party line and in July demoted or fired about 12 editors of publishing houses for ignoring the directive.

In April 1999, journalist Gao Qinrong reportedly was sentenced to 13 years in prison after writing a story that appeared in 1998 on corruption in connection with the construction of an irrigation system in Shanxi Province.

The publishing industry consists of three kinds of book businesses: about 500 government-sanctioned publishing houses, smaller independent publishers that cooperate with official publishing houses to put out more daring publications, and an underground press. The 500 government-approved publishing houses are the only organizations legally permitted to print books. The Government exerts control by issuing a limited number of publishing licenses, which are required for each edition of a book. A Party member at each publishing house monitors the content of the house's publications and uses the allocation of promotions, cars, travel, and other perks to encourage editors to exercise "proper" judgment about publications. Overt intervention by the State Publications Administration and Party Propaganda Bureau is strictly post-publication. Independent publishers take advantage of a loophole in the law to sign contracts with Government publishing houses to publish politically sensitive works. These works generally are not subjected to the same multilayered review process as official publications of the publishing houses.

Underground printing houses, which are growing in number, publish the books that are the most popular with the public. These underground printing houses are the main targets of a campaign initiated at the end of 1998 to stop all illegal publications (including pornography and pirated computer software and audiovisual products), which has had the effect of restricting the availability of politically sensitive books. Many street vendors who sell sensitive works apparently have a tacit understanding with the authorities that they will look the other way when the vendors sell other illegal (i.e. pornographic or pirated) publications if the vendors do not sell politically sensitive books. Many pirated works are printed by police- or militaryaffiliated organizations, which often are not targeted for investigation. While government efforts have made it somewhat more difficult to find these books, they still are available. Pirated software, music compact discs, and video compact discs also are available widely and openly.

In January Li Zhe and Wang Huimin, two distribution managers at Beijing's wholesale book market, were arrested for editing and publishing a book which exposed official corruption. In June the Beijing Publishing Group announced its decision to cancel its plans to publish of novel "Waiting," by Ha Jin, a Chinese author living abroad. The book, which won foreign literary awards, was criticized publicly by a Beijing university professor as unpatriotic and for casting the country and its citizens in a bad light. Poet Bei Ling and Director of the PEN American Center Michael Roberts claim that there has been a tightening of the publishing rules during the year, that 15 publishing houses were closed and that a popular sexually explicit book was banned.

In early August, customs officials seized thousands of copies of a book being manufactured in the country by a foreign publishing company for publication abroad. The book contained photographs of world leaders, including the Dalai Lama. The Government claimed that its ban on politically sensitive works extended to items bound for export. Soon after this incident, 10,000 copies of a book of Tibetan art, published by the same foreign publisher for publication abroad, were seized as well. In early September, the books with the offending photograph of the Dalai Lama were released.

Some dissidents continued to speak out despite the Government's restrictions on freedom of speech. In late March, just prior to the annual meeting of the U.N. Commission on Human Rights in Geneva, former CCP member Bao Tong issued a letter criticizing the country's human rights policies. Prior to the June 4 anniversary of the Tiananmen Square massacre, Li Guotao was rearrested in Shanghai and

charged with spreading reactionary publications, instigating disturbances, and disturbing the social order (apparently in connection with a letter he and others sent to the mayor of Shanghai protesting the arrest of dissident Dai Xuewu and requesting his release). On June 28 he was sentenced to 3 years' reeducation-through-labor for demanding the release of CDP members.

Several groups actively commemorated the June 4 anniversary of the Tiananmen massacre. On May 29, nine dissidents in Liaoning jointly wrote a letter to Jiang Zemin, urging the authorities to reverse the verdict on the June 4 incident. On May 31, a group of 108 surviving victims and family members of victims of the Tiananmen Square massacre released a letter through a human rights organization based outside of the country that demanded that Li Peng be prosecuted for his actions in relation to the massacre. According to the Information Center for Human Rights and Democracy, on June 1, Liu Xiaobo appealed for the release of political prisoners and apologies to the families of the victims of the Tiananmen Square massacre. On June 4, 50 dissidents in Chongqing, Henan, and Hebei staged a 24hour hunger strike to commemorate the massacre. In an open letter to Jiang Zemin, Tiananmen massacre victims' family rights activist Ding Zilin requested the return of funds earmarked for her group that were seized by police in January. However, the Government continued to threaten, arrest and imprison persons expressing their freedom of speech and press. In January 20-year old democracy activist Wang Yingzheng was found guilty of attempting to overthrow state power and sentenced to 4 years in prison for writing an open letter to Jiang Zemin denouncing corruption in China's ruling class. Also in January, Wang Hansheng and his wife, Xu Xianglan, were sentenced to 6 and 8 years in prison respectively for printing Falun Gong books and posters. In his March letter, Bao Tong noted heavy surveillance and interference with his privacy as a result of his continued activism (see Sections 1.f. and 2.d.); he also noted that his freedom of speech has been threatened by the authorities. Police sometimes detained relatives of dissidents (see Section 1.f.). In May ads and other programs featuring the popular Taiwanese singer Ah Mei (Chang Huei-Mei) were banned, after she sang at the inauguration of the new Taiwanese President, Chen Shui-Bian. In July government film censors blacklisted popular actor-director Jian Wen because his Cannes Film Festival award winning film "Demons at the Doorstep" was judged to be unpatriotic in its depiction of the Japanese occupation. In October Beijing authorities criticized the award of the Nobel Prize for Literature to Gao Xingjian, an exile who is a French citizen and gave no indication they would lift a ban on his works.

The Government kept tight control over the foreign press during the year and continued efforts to prevent foreign media "interference" in internal affairs. The authorities continued to jam, with varying degrees of success, Chinese- and Tibetanlanguage broadcasts of the Voice of America and Radio Free Asia (RFA). English-language broadcasts on VOA generally are not jammed, unless they immediately follow Chinese-language broadcasts, in which case portions of English-language broadcasts may be jammed. In the absence of an independent press, overseas broadcasts such as VOA, BBC, RFA, and Radio France International have a large audience, including activists, ordinary citizens, and even government officials. In May 1999 the press reported that Shanghai authorities had issued a notice that restricted pager services and Internet service providers, among others, from transmitting "political information" or information that could harm social stability.

There are no privately owned television or radio stations, and all programming must be approved by the Government. Commercial program producers are seeking to expand the limits of broadcast content.

Despite tighter government control of the press, information about the nation and the world continued to flow into the country at an increasing rate. Residents in Guangdong and other southern Provinces have wide access to Hong Kong television programs and newspapers. Throughout the country, a lively tabloid sector is flourishing. Radio talk shows remain popular, and, while avoiding the most politically sensitive subjects, they provide opportunities for citizens to air grievances about public issues. Despite licensing requirements and other restrictions, a small but rapidly growing segment of the population has access to the Internet. Most of the population has the means to own and use short-wave radios. The Government does not place restrictions on their use.

During the year, the Government continued to encourage expansion of the Internet and other communications infrastructure and put more official information online, and the number of sites increased from 25 to 2,400; however, the Government increased monitoring of the Internet during the year and placed restrictions on information available on the Internet. Internet use is expanding exponentially, creating a potentially powerful channel of information to the computer literate. It is estimated that nearly 15 million persons were connected to the Internet as of year's

end, but estimates vary, with some considerably higher. However, increasing regulations, controls, and restrictions on the Internet by the Government during the year has led to self-censorship, and had a chilling effect. In recent months a number of prodemocracy web sites were closed, Internet cafes were shut down, and web site operators were arrested. However, the number of web sites and Internet cafes grew dramatically during the year, and on some bulletin boards and web sites, frank discussions of the need for political reform took place.

In early January, press reports stated that authorities in Shanghai ordered corporate Internet users to register with the police "to strengthen the protection and safety of computers and information." On January 26, the Government issued the Computer Information Systems Internet Secrecy Administrative Regulations, which criminalized the posting and dissemination of "state secrets" on the Internet. However, the definition of "state secrets" remains vague. The new regulations also stated that operators of Internet chat rooms could be held liable for their content, and that web sites are required to submit to examination and approval by government secrecy offices. A November press report indicated that separate regulations on allowable content for Internet bulletin boards and chat rooms were also published. Another press report noted that additional regulations on bulletin boards were published on December 5.

Internet control regulations are reissued occasionally. Enforcement of such regulations generally wanes after a few months. Regulations issued on October 1 continued to prohibit a broad range of activities that could be interpreted as subversion or as slandering the state. There is no effective enforcement of 1997 State Council regulations requiring those involved in international networking to apply for licenses and provide details regarding the scope and nature of their activities. The State Council also promulgated a comprehensive list of prohibited Internet activities, including using the Internet to "incite the overthrow of the Government or the Socialist system" and "incite division of the country, harming national unification." The regulations, which came into effect in December 1997, provide for fines and other unspecified punishments to deal with violators.

On September 26, new regulations on Measures for Managing Internet Content Provision were passed. The new regulations seem to be a codification of existing regulations and govern who can own Internet businesses, what can be published on the Internet, and who has oversight over Internet businesses; they also require all Internet content providers to be licensed and give such businesses 60 days to provide information about the businesses to the Ministry of Information Industry to obtain licenses. The regulations reportedly require Internet content providers to keep files of what they post and who reads it for 60 days, and ban subversive information (including endangering state secrets or national security), information that advocates cults and superstition, that is harmful to the country's reputation, or that is harmful to reunification efforts. The regulations also reportedly included requirements that Internet service providers "record the times that users log on to the Internet, users' account numbers, Internet addresses or domain names, and the telephone numbers dial in from" and defined illegal content to include news or information that is harmful to the country's reputation, disrupts social stability, disrupts efforts at reunification, or that advocates cults and superstition. Some observers view the new regulations at least in part as an attempt to shift the burden of policing the Internet to the Internet service providers rather than the authorities.

The Government has specially trained police units to monitor and increase control of Internet content and access. In July the state press announced the establishment of an Internet police force in central Anhui Province, stating that similar police forces would be established in 20 other provinces. According to various sources, such Internet police forces were set up in 20 provinces. During 1999 central authorities and public security police in 16 provinces began work on strengthening the administration of Internet cafes, which had been required to register in 1999. Internet cafes also are required to curtail access to information on the Internet that is prohibited by law or regulation, and to monitor and report on customers who use the terminals. There are frequent reports of raids and crackdowns on Internet cafes; according to press reports, during 1 week in early February, 127 unregistered Internet cafes were shut down in Shanghai.

In 1999 one human rights group reported a national police directive ordering special police units to monitor Internet bulletin boards for "reactionary" notices. According to the directive, if such a posting were discovered, police were to contact the bulletin board service to seek assistance in tracing the message. Bulletin boards that did not stop such "seditious" messages from being posted would be shut down. A spokesman for the Government denied the existence of any such directive. However, some bulletin boards were shut down in 1999. Content on some bulletin boards has been removed, sometimes on a daily basis. In May 1999 the press reported that

Shanghai authorities issued a notice that restricted pager services and Internet access providers, among others, from transmitting "political information" or information that could harm social stability. In October 1999, the Government issued State Council Order Number 273, which required firms using encryption products or equipment with encryption technology to register with the Government by January 31, 2000. The order provided that after the initial registration, firms using encryption technology would be required to provide the names, phone numbers, and e-mail addresses of all persons using such technology. In addition the order limited the import or sale of foreign encryption technology. At year's end, these regulations had not been enforced. In 1999 the Government announced the creation of a new committee charged with "protecting government and commercial confidential files on the Internet, identifying net users, and defining rights and responsibilities;" however, there was no evidence that action was taken by this committee during the year.

The authorities also arrested dissidents for information disseminated through the Internet. In August authorities shut down the New Culture Forum, a prodemocracy web site, and sought Xin Wenming, the site's webmaster. Also in August, authorities moved against the nation's largest online bookstore, Jinqi Xishu, as well, for allegedly selling publications through "improper channels." Also in August, police in Nanchong arrested an Internet cafe owner for publishing "counterrevolutionary" articles on public bulletin boards. In September the cofounder of the environmental NGO China Development Union, Qi Yanchen, was sentenced in Hebei to a 4 years in prison for subversion for writing that China would have to introduce political reform in order to avoid widespread social unrest. The article at issue appeared in the prodemocracy e-mail newsletter VIP Reference. As with similar crackdowns against prodemocracy or religious dissidents, authorities frequently charge persons who maintain Internet sites with social crimes. For example, Huang Qi, founder of the prodemocracy web site New Culture Forumin Sichuan Province, was arrested immediately before the June 4 commemoration of the Tiananmen massacre for posting information about the 1989 Tiananmen Square crackdown. He was charged with operating an unregistered Internet site and spreading pornography. In August Huang's web site reportedly was closed down. Shanghai writer and Revival Movement activist Wang Yiliang was sentenced to 2 years' reeducation through labor for allegedly downloading pictures of nude women.

Authorities have at various times blocked politically "sensitive" web sites, including those of dissident groups and some major foreign news organizations, such as the Voice Of America (VOA), the Washington Post, the New York Times, and the British Broadcasting Corporation (BBC). On June 4, the web site of the South China Morning Post was blocked temporarily. Also on June 4, police reportedly cut the telephone line of dissident Ding Zilin, to prevent her from participating in an Internet telecast to Hong Kong commemorating the June 4 anniversary of the Tiananmen Square massacre. The Government specifically targeted web pages run by Falun Gong followers as part of its crackdown against the group. Nonetheless a number of human rights web pages continue to be accessible. The Government's efforts to block content and control usage have had only limited success because sophisticated users can bypass site blocking, and, more importantly, the number of Internet sites providing outside information and news grew so rapidly. Moreover censorship of the Internet appears to be applied inconsistently, although some Internet service providers practice self-censorship to avoid running afoul of very broadly worded regulations.

By year's end, the Government had not promulgated any regulations governing news provided by Internet content providers. However, the Propaganda Department issued warnings to some providers who carry foreign media reports. One representative of a Western Internet content provider operating in the country stated that, while his organization will not completely stop using foreign media reports, it will focus on international and entertainment news when relaying foreign media reports, rather than on domestic affairs. However, web sites are restricted in their ability to post foreign news stories. In October 1999 new rules restricted Chinese news sites from creating links to foreign news sites. The links disappeared temporarily but were back in December 1999. During the year, such links sometimes were blocked and sometimes were available. In January the Government issued regulations requiring any commercial web site with a cyber news service to first get approval from the Information Office before being allowed to apply for a business license. According to official media reports, the China Finance Information Network, a web site based in Wuhan, was fined and temporarily closed in May for carrying a report that authorities claimed was false. The story, regarding corruption on the part of the vice governor of Hubei Province, was from The Sun, a Hong-Kong based newspaper. On November 7, regulations were published that require web sites to

use news from state controlled media, to obtain approval before posting news from foreign news sources, and to follow strict editorial conditions before generating their own news items. Other regulations were set up punishing persons who store, process, or retrieve information deemed to be "state secrets" from international computer networks. The regulations require any company or individual running a chat room, news group, or electronic bulletin board to get approval from the State Bureau of Secrecy. In spite of new regulations, dissident groups, including Falun Gong, increasingly used sophisticated methods to bypass Internet site blocks and to publish online magazines posing as bulk e-mail. News articles from foreign Chinese-language newspapers such as Singapore's United Morning News often are carried on web sites, and hundreds of newspapers have web sites.

E-mail and e-mail publications are more difficult to block, although the Government attempts to do so, at times, by blocking e-mail from all overseas Internet service providers used by dissident groups. There have been reports that the Government is trying to develop an e-mail filtration system to block antigovernment messages from entering the country; a project on such a system at Shenzhen University in Guangdong reportedly is sponsored by the Ministry of Education. Human Rights Watch reported that in May 1999 the Ministry of Labor and Social Security (MOLSS) installed monitoring devices at the facilities of Internet service providers that can track individual e-mail accounts. The authorities also target some e-mail users and read their e-mail. According to a press report, police have installed monitoring equipment on the servers of the country's major Internet service providers. However, activists use a wide range of antifiltering countermeasures. Dissident groups abroad use e-mail to send publications and disseminate information to readers in China, and a small but growing number of activists within the country communicate this way as well. Email to certain addresses overseas is blocked but the blocking is easily overcome by sophisticated Internet users. Dissident electronic journals and web sites from overseas also use various measures to avoid blocking. Citizens who supply large numbers of e-mail addresses to organizations abroad have been prosecuted. The authorities generally do not prosecute citizens who receive dissident e-mail publications, but forwarding such messages to others is illegal. When a dissident is harassed or detained, activists using e-mail, faxes, telephones, and pagers can spread the word quickly to colleagues around the country and to the international community.

Despite the restrictions on the Internet, and the fact that direct attacks on the Government and references to sensitive matters such as the Tiananmen massacre and the Government's handling of Falun Gong are not allowed, information and discussion on other topics, such as the environment and corruption, can be very pointed. Participants in Internet forums regularly express politically unacceptable views, including contributors to state-run web pages, and those run by the People's Daily.

The Government does not fully respect academic freedom and continues to impose ideological controls on political discourse at colleges, universities, and research institutes. Scholars and researchers report varying degrees of control regarding the issues that they may examine and the conclusions that they may draw. Censorship of written material comes at the time of publication, or when intellectuals and scholars, anticipating that books or papers on political topics would be deemed too sensitive to be published, exercise selfcensorship. In areas such as economic policy or legal reform, there generally was greater official tolerance for comment and debate; however liberal scholars and intellectuals from many disciplines were under greater pressure from the Government during the year. Early in the year, Liu Junning was dismissed from the Chinese Academy of Social Sciences. Liu and another liberal scholar publicly had criticized national leaders or policies. Attacks against Liu and another liberal scholar, including a speech by Jiang Zemin, were published in government newspapers in early April, and according to press reports, publications were prohibited from publishing works of some of the scholars. Many other liberal scholars also reportedly were criticized by the authorities. Some observers believed that this action was meant to send a message to other leading intellectuals as to the limits of allowable discourse and would have a chilling effect. There have been reports that liberal intellectuals have been more circumspect in articulating unorthodox ideas since this incident and have engaged in a heightened degree of self-censorship. When Yu Jie, a well-known essayist and liberal social commentator, arrived to take up a post at the Chinese Modern Language Institute (a branch of the China Writer's Association) in the fall, he was told that the offer had been rescinded. Yu reportedly has had difficulty recently getting his works published, and publishers reportedly have been ordered not to publish further editions of his previous works. According to a news report, economist and author He Qinglian was forced out of her job as a columnist with a paper in Shenzhen because of her pointed comments on corruption and inequity in the economy.

Early in the year, the Government also ordered university groups to obtain permission before inviting outside speakers. In March a longstanding Chinese language program run by a foreign university was required to alter its curriculum to eliminate certain items deemed politically sensitive and material that "portrayed the country in a bad light" as a condition for the program's renewal. On June 4, Beijing University student Jiang Xulin was detained for publicly displaying an essay urging the Chinese Communist Party to reassess the 1989 Tiananmen massacre.

The Government continues to use political attitudes as criteria for selecting persons for Government-sponsored study abroad but does not impose such restrictions on privately sponsored students (who constitute the majority of students who study abroad).

Researchers residing abroad also have been subject to sanctions from the authorities when their work does not meet with official approval. On January 29 Song Yongyi, a librarian and academic researcher from Dickinson College who had been arrested in August 1999 and charged with "the purchase and illegal provision of intelligence to persons outside China," was released from prison. Song, an expert on the Cultural Revolution, had traveled to the country to collect materials such as newspaper articles, books, and other publicly available information regarding that period, as he had on several previous occasions. His detention raised concerns about a possible chilling effect on other Chinese researchers, whether resident in the country or abroad. There also was concern that collaborative research with foreigners may become more difficult. In 1999 Hua Di, a Stanford researcher, was sentenced to 15 years in prison for providing missile program secrets to persons abroad; his conviction was overturned in midMarch (see Section 1.c.). Hua was reconvicted on November 23 and sentenced to 10 years in prison.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, the Government severely restricts this right in practice. The Constitution stipulates that such activities may not challenge "Party leadership" or infringe upon the "interests of the State." Protests against the political system or national leaders are prohibited. Authorities deny permits and quickly move to suppress demonstrations involving the expression of dissenting political views.

At times police used excessive force against demonstrators. Demonstrations with political or social themes often were broken up quickly and violently. The number of persons who participate in demonstrations is often difficult to verify, and estimates of the numbers of participants vary. Hong Kong-based human rights groups allege that 1,200 persons were detained between June 18 and June 25 during protests and public demonstrations by Falun Gong practitioners in 9 provinces. Falun Gong attempted to organize gatherings on Tiananmen Square throughout the year, especially on special anniversaries; such protests were often broken up violently by the police and security forces. In July Falun Gong practitioners attempted to unfurl banners or shout slogans to mark the first anniversary of the banning of Falun Gong. At that time, diplomats and journalists witnessed several hundred Falun Gong practitioners being arrested and several persons being beaten. Authorities prevented some demonstrations with possible political overtones from taking place or dispersed those underway, and in at least one city, Shenyang, local government officials banned public demonstrations effective July 20, although demonstrations continued to take place. In May due to concerns about large gatherings taking place around the June 4 anniversary of the Tiananmen Square massacre, the authorities banned a planned memorial march for a university student who had been raped and killed. Authorities also broke up a June 4 gathering of 30 persons at Beijing University that was held to commemorate the Tianamen massacre's victims and arrested two participants. Other small gatherings of dissidents planned on and around the June 4 anniversary were broken up in Beijing and Xian (see Section 1.d.).

In many cases, the authorities dealt with economic demonstrations more leniently (see Section 6.a.), but some economic demonstrations were also dispersed with the use of force. In February mine workers in Liaoning Province clashed with police and military officers for 3 days after the closure of a mine was announced; the miners, although given a severance package, were owed 18 months' wages (see Section 6.a.). The area was briefly placed under martial law. In May up to 2,000 unpaid workers reportedly protested at their factory and at local government offices in Liaoyang, Liaoning Province; the demonstration was eventually forcibly broken up by the police. Dozens were reported injured, and three persons were arrested (see Sections 1.c. and 6.a.). In June a Hong Kong human rights group reported that in Yantou village, Zhejiang Province, 20 residents and 5 policemen were injured when police clashed with village residents over plans to demolish 200 homes. According to Western press reports, in July 100 villagers were hurt, 40 policemen were injured, and 1 policemen was killed in clashes between security forces and villagers over a water

project in drought-stricken Anqui City in Shandong. Also in July, there were press reports that police beat 5 villagers in Xian protesting against the local Government's failure to compensate them for requisitioned land. In August credible reports indicated that 1 person was killed and approximately 100 were injured as thousands of farmers in Fengcheng City, Jiangxi Province, clashed with police in week-long riots sparked by anger over high taxes.

Despite restrictions in Beijing and elsewhere, the number of demonstrations nationwide continued to grow. According to a Public Security Ministry report, in 1999 more than 100,000 demonstrations took place, up from 60,000 in 1998. Demonstrations related to economic grievances and official corruption were common, and demonstrations related to family planning continued. Some demonstrations included thousands of protesters. Authorities handled many protests with restraint, especially those concerned with economic issues. According to a Hong Kongbased human rights organization, 500 workers in Fuzhou demonstrated in July in front of provincial government buildings to protest plans to close their factory. Also in July, 200 peasants in Yinxi town, Anhui, protested Government orders to tear down their homes to build an airfield. In May hundreds of university students in Beijing protested Beijing University's handling of the killing of a female student.

The Constitution provides for freedom of association; however, the Government restricts this right in practice. Communist Party policy and government regulations require that all professional, social, and economic organizations officially register with, and be approved by, the Government. Ostensibly aimed at restricting secret societies and criminal gangs, these regulations also prevent the formation of truly autonomous political, human rights, religious, environmental, labor, and youth organizations that directly challenge government authority. Since November 1999, all concerts, sports events, exercise classes or other meetings of more than 200 persons must be approved by Public Security authorities. According to Human Rights Watch, in November 1999, An Jun, an attorney who formed an organization called "Corruption Watch" to expose local corruption, was put on trial. In April he was sentenced to 4 years in prison on charges of inciting the overthrow of the Government. An had attempted to register the organization legally with the Ministry of Civil Affairs, but it was banned.

There are no laws or regulations that specifically govern the formation of political parties. The Government moved decisively, using detentions and prison terms, to eliminate the CDP, which activists around the country had tried since 1998 to organize into the country's first opposition political party (see Section 1.d.).

According to Government statistics, by the end of 1998, there were 1,500 national-level, quasi-nongovernmental organizations, 165,000 social organizations, and 700,000 nonprofit organizations registered with the Ministry of Civil Affairs. Although these organizations all came under some degree of government control, they were able to develop their own agendas. Many had support from foreign NGO's. Some sought advocacy roles in less controversial public interest areas such as women's issues, the environment, and consumer rights. In October 1998 the Government promulgated a revised and more complete set of regulations on the registration of NGO's. The new rules require that all NGO's reregister under the revised regulations, a process that may be used to further restrict the numbers and types of NGO's. Regulations stipulate that local-level NGO's must have an official office and at least $3,600 (30,000 RMB) in funds. National-level groups must have at least $12,000 (100,000 RMB). Applications must be vetted by the Government, which has 2 months in which to grant approval. Once established, groups are required to submit to regular oversight and "obey the Constitution, laws, and national policies." They must not "violate the four cardinal principles, damage national unity, or upset ethnic harmony." Violators (groups that disobey guidelines or unregistered groups that continue to operate) may face administrative punishment or criminal charges. It is difficult to estimate how many groups may have been discouraged from organizing NGO's due to the new regulations. However, preexisting groups report little or no additional interference by the Government since the new regulations came into effect.

During the year, poet Ma Zhe was charged with subversion and sentenced to 5 years in prison for setting up the "Cultural Revival Movement," which advocated the end of Communist Party control over artists and their cultural and literary works. In July Kong Youping, the would-be founder of the "China Youth Association," was arrested and charged with subversion.

c. Freedom of Religion.—The Constitution provides for freedom of religious belief and the freedom not to believe; however, the Government seeks to restrict religious practice to government-sanctioned organizations and registered places of worship and to control the growth and scope of the activity of religious groups. There are five officially recognized religions—Buddhism, Taoism, Islam, Protestantism, and

Catholicism. For each faith, there is a government-affiliated association to monitor and supervise its activities. Membership in religions is growing rapidly; however, while the Government generally does not seek to suppress this growth outright, it tries to control and regulate religious groups to prevent the rise of groups or sources of authority outside the control of the Government and the Chinese Communist Party. The Criminal Law states that government officials who deprive citizens of religious freedom may be sentenced to up to 2 years in prison in serious cases. However, there are no known cases of persons being punished under this statute.

During the year, the Government's respect for religious freedom continued to deteriorate. The Government intensified its harsh crackdown against the Falun Gong movement and extended its actions to "cults" in general. In some regions, the atmosphere created by the nationwide campaigns against cults and superstition had spillover effects on other unofficial faiths. Various sources report that approximately 100 or more Falun Gong adherents died during the year while in police custody; many of their bodies reportedly bore signs of severe beatings or torture, or were cremated before relatives could examine them (see Section 1.c.). A number of qigong (a traditional Chinese health regimen with mystical overtones) and Protestant house church groups were banned. House church groups in northeastern China reported more detentions and arrests than in recent years (see Section 1.d.), and in some areas officials destroyed hundreds of unregistered houses of worship. In many regions with high concentrations of Catholics, relations between the Government and the underground church loyal to the Vatican remained tense. The situation in Tibet was particularly poor, as the Government intensified and expanded its "patriotic education" campaign aimed at neutralizing lamas, monks, and nuns with sympathies to the Dalai Lama (see Tibet addendum). Apolitical religious activities that had been tolerated in the past in Tibet were more tightly restricted during the year and in some cases were not permitted. Regulations restricting Muslims' religious activity, teaching, and places of worship continued to be tight in Xinjiang, and the Government dealt harshly with Muslim religious leaders who engaged in political speech and activities that the authorities deemed separatist.

The state arrogates to itself the right to recognize and thus to allow to operate particular religious groups and spiritual movements. The State Council's Religious Affairs Bureau (RAB) is responsible for monitoring and judging the legitimacy of religious activity. The RAB and the Communist Party United Front Work Department (UFWD), both of which are staffed by officials rather than religious adherents, provide policy "guidance and supervision" over implementation of government regulations on religious activity, as well as the role of foreigners in religious activity. During a 1999 speech, President Jiang Zemin noted the Party's policy on freedom of religious belief but also called for stronger leadership over religious work and intensified management of religious affairs. He added that "we should energetically give guidance to religion so that it will keep in line with the socialist society and serve ethnic unity, social stability, and modernization."

The Government continued and, in some areas, intensified a national campaign to enforce 1994 State Council regulations and subsequent provincial regulations that require all places of worship to register with government religious affairs bureaus and to come under the supervision of official "patriotic" religious organizations. The Government officially permits only those Christian churches affiliated with either the Catholic Patriotic Association/Catholic Bishops Conference or the (Protestant) Three-Self Patriotic Movement/Chinese Christian Council to operate openly. There are six requirements for the registration and establishment of venues for religious activity: Possession of a meeting place; citizens who are religious believers and who regularly take part in religious activity; qualified leaders and an organized governing board; a minimum number of followers; a set of operating rules; and a legal source of income. There are reports that despite the rapidly growing religious population, it is difficult for new places of worship to be registered even among the five officially recognized faiths.

At the end of 1997, the Government reported that there were more than 85,000 approved venues for religious activities. Some groups registered voluntarily, some registered under pressure, while authorities refused to register others. Unofficial groups claimed that authorities often refuse them registration without explanation. The Government contends that these refusals were mainly the result of inadequate facilities and meeting spaces. Many religious groups have been reluctant to comply with the regulations out of principled opposition to state control of religion or due to fear of adverse consequences if they reveal, as required, the names and addresses of church leaders and members. In some areas, efforts to register unauthorized groups are carried out by religious leaders and civil affairs officials. In other regions, police and RAB officials performed registration concurrently with other law enforcement actions. Police closed scores of "underground" mosques, temples, sem-

inaries, Catholic churches, and Protestant "house churches," including many with significant memberships, properties, financial resources, and networks. Some were destroyed; others were confiscated by authorities for other uses. It has been estimated that approximately 450 churches and temples were closed, destroyed, or confiscated for other uses during the weeks prior to December 25 in Wenzhou, and as many as 1,200 churches and temples were closed, destroyed, or confiscated by authorities for other uses in surrounding areas of Zhejiang Province during that same time. Leaders of unauthorized groups are often the targets of harassment, interrogations, detention, and physical abuse.

In some areas there are reports of harassment of churches by local RAB officials which is attributed, at least in part, to financial issues. For example, although regulations require local authorities to provide land to church groups, some local officials may try to avoid doing so by denying registration, thus avoiding the requirement to provide land. Official churches also may face harassment if local authorities wish to acquire the land on which a church is located. In addition to refusing to register churches, there are also reports that RAB officials have requested illegal "donations" from churches in their jurisdictions as a means of raising extra revenue.

There is significant variation in how the authorities deal with unregistered religious groups. In certain regions, Government supervision of religious activity is minimal, and in some parts of the country, registered and unregistered churches are treated similarly by authorities, existing openly side by side. Coexistence and cooperation between official and unofficial churches in such areas, both Catholic and Protestant, is close enough to blur the line between the two. In these areas, many congregants worship in both types of churches. However, in some areas relations between the two churches remain hostile. In other regions, particularly where considerable unofficial and official religious activity takes place, such as in Zhejiang, Guangxi, Shanghai, and Chongqing, local regulations call for strict government oversight of religion and authorities have cracked down on unregistered churches and their members. The relationship between unregistered and registered churches can be tense in such areas. During the year, some unregistered religious groups were subjected to increased restrictions, and, in some cases, intimidation, harassment, and detention. Some house church members asserted that authorities continued efforts to register house churches and to harass those who resist, especially in Henan and Shandong Provinces. Throughout the year, the Government moved swiftly against houses of worship outside its control that grew too large or espoused beliefs that it considered threatening to "state security."

The law does not prohibit religious believers from holding public office; however, most influential positions in government are reserved for Party members, and Communist Party officials state that Party membership and religious belief are incompatible. This has a disproportionate effect in such minority-inhabited areas as Xinjiang and Tibet. Party membership also is required for almost all high-level positions in government and in state-owned businesses and organizations. The Communist Party reportedly issued a circular in 1997 ordering Party members not to adhere to religious beliefs. This followed a 1995 document circulated to Party organizations at the provincial level ordering the expulsion of Party members who belonged to any religious organization, whether open or clandestine. There were reports that the Government issued a circular in early 1999 to remind Party cadres that religion was incompatible with Party membership, a theme reflected in authoritative media. President and CCP General Secretary Jiang Zemin stated in a September 1999 speech that "Party members of all ethnic groups must have a firm faith in socialism and communism, cannot believe in religion, cannot take part in or organize religious activities, and cannot take part in feudal superstitious activities." On March 11, the Party's flagship newspaper, the People's Daily, published a commentary on religious affairs work. The article urged all Party members to "promote atheist thought in a positive way and persist in educating the masses of various ethnic groups with the Marxist perspective on religion." While the commentary also called on the Party to protect "citizens' freedom of religious belief," it warned that "hostile forces outside (China's) borders and separatist forces are taking advantage of ethnicity and religion to bring about political infiltration and the separation of the motherland." Muslims allegedly have been fired from government posts for praying during working hours. The "Routine Service Regulations" of the People's Liberation Army (PLA) state explicitly that servicemen "may not take part in religious or superstitious activities." Party and PLA military personnel were expelled for adhering to the Falun Gong movement; there is no available information indicating whether Party or PLA military personnel were expelled for associating with other religious or spiritual/mystical groups. However, according to government officials, in certain localities as many as 20 to 25 percent of Communist Party officials engage in some kind of religious activity. Most officials who practice a religion are Buddhist

or practice a folk religion. Religious figures, who are not members of the CCP, are included in national and local government organizations, usually to represent their constituency on cultural and educational matters. The National People's Congress includes several religious leaders, including Pagbalha Geleg Namgyai, a Tibetan "living Buddha," who is a vice chairman of the Standing Committee of the NPC. Religious groups also are represented in the Chinese People's Political Consultative Conference, a forum for "multiparty" cooperation and consultation led by the Chinese Communist Party, which advises the Government on policy.

The authorities permit officially sanctioned religious organizations to maintain international contacts that do not entail "foreign control." What constitutes "control" is not defined. Regulations enacted in 1994 and expanded in September codified many existing rules involving foreigners, including a ban on proselytizing by foreigners, but for the most part foreign nationals are allowed to preach to foreigners, bring in religious materials for personal use, and preach to citizens at churches, mosques, and temples at the invitation of registered religious organizations. Collective religious activities of foreigners also are required to take place at officially registered places of worship or approved temporary locations. Foreigners are not permitted to conduct missionary activities, but foreign Christians teach English and other languages on college campuses with minimum interference from authorities as long as their proselytizing is low key. There were reports in early 1999 that the Government issued a circular to tighten control over foreign missionary activity in the country. However, there was no evidence of further tightening during the year. On March 25, police raided a house church service in Jilin and confiscated the Bible and camera of a foreigner who was in attendance. The foreign Christian subsequently was fined, and one local official described the house church service as a "heretical religious activity."

According to an official government white paper, there are over 200 million religious adherents, 3,000 religious organizations, 300,000 clergy, and 74 religious colleges. Official religious organizations administer local Bible schools, 54 Catholic and Protestant seminaries, 9 institutes to train imams and Islamic scholars, and institutes to train Buddhist monks. Students who attend these institutes must demonstrate "political reliability," and all graduates must pass an examination on their theological and political knowledge to qualify for the clergy. The Government permitted limited numbers of Catholic and Protestant seminarians, Muslim clerics, and Buddhist clergy to go abroad for additional religious studies. In most cases, funding for these training programs is provided by foreign organizations. Both official and unofficial Christian churches have problems training adequate numbers of clergy to meet the needs of their growing congregations. However, due to government prohibitions, unofficial churches have particularly significant problems training clergy or sending students to study overseas, and many clergy receive only limited and inadequate preparation. Members of the underground Catholic Church, especially clergy wishing to further their studies abroad, found it difficult to obtain passports and other necessary travel documents (see Section 2.d.).

Since the end of the Cultural Revolution, the Government has restored or replaced some churches, temples, mosques, and monasteries damaged or destroyed between 1966 and 1976, and allowed the reopening of some seminaries. Implementation of this policy has varied from locality to locality. However, there are far fewer temples, churches, or mosques than existed 50 years ago (before the Revolution), despite the recent increase in the number of religious believers. The difficulty in registering new places of worship, along with the decrease in places of worship, has led to crowding in many existing places of worship.

Approximately 8 percent of the population are Buddhist, approximately 1.6 percent are Muslim, and an estimated 0.4 percent belong to the official Patriotic Catholic Church. An estimated 0.4 to 0.8 percent belong to the unofficial Vaticanaffiliated Catholic Church, an estimated 0.8 percent to 1.2 percent are registered Protestants, and perhaps 2.4 to 6.5 percent worship in house churches that are independent of Government control. There are no available estimates of the number of Taoists. However, according to a 1997 Government publication, there are over 10,000 Taoist monks and nuns and over 1,000 Taoist temples.

Traditional folk religion (worship of local gods, heroes, and ancestors) of a majority of the population has experienced a revival in recent years and is tolerated to varying degrees as a loose affiliate of Taoism, or as an ethnic minority cultural practice; however, many manifestations of folk religion are officially considered to be "feudal superstition," and local authorities have destroyed thousands of local shrines.

Buddhists make up the largest body of organized religious believers. The Government estimates that there are more than 100 million Buddhists in the country, most of whom are from the dominant Han ethnic group. However, it is difficult to esti-

mate accurately the number of Buddhists because they do not have congregational memberships and often do not participate in public ceremonies. The Government reports that there are 13,000 Buddhist temples and monasteries and more than 200,000 nuns and monks. In some areas, local Governments enforced strictly regulations on places of worship, particularly on illegally constructed Buddhist temples and shrines. In 1998 a senior provincial party official stated that goals for the coming year were to "tighten management of places of religious activities, properly handle issues concerning the indiscriminate establishment of temples and the setting up of outdoor Buddha statues, and crack down on heretical religious organizations and illegal religious activities."

Tibetan Buddhists outside of the Tibet Autonomous Region (TAR) have more freedom to practice their religion than those in the TAR, although significant restrictions remain. The number of monks outside the TAR is substantial and growing—as is the number of teaching monks with advanced education—and the reconstruction of monasteries continues. However, restrictions remain, especially at those monasteries with close ties to foreign organizations. Monks who study abroad are often prevented from returning to their home monasteries outside of the TAR. There continue to be reports of monks and nuns outside of the TAR who have left monasteries and nunneries to avoid the patriotic education campaigns, which force them to choose between signing oaths with political content or possibly suffering serious consequences if they refuse to do so. (A discussion of government restrictions on Tibetan Buddhism in the TAR can be found in the Tibet addendum to this report.)

In the past, official tolerance for religions considered traditionally Chinese, such as Buddhism and Taoism, has been greater than that for Christianity. However, as these non-Western faiths have grown rapidly in recent years, there are signs of greater government concern and new restrictions, especially on syncretic sects.

According to government figures, there are 20 million Muslims, 35,000 Islamic places of worship, and more than 45,000 imams nationwide. The Government has stated that there are 10 colleges conducting Islamic higher education and 2 other Islamic schools in Xinjiang operating with government support. In some areas where ethnic unrest has occurred, particularly among Central Asian Muslims (and especially the Uighurs) in Xinjiang, officials continue to restrict the building of mosques and the religious education of youths under the age of 18.

Regulations restricting Muslims' religious activity, teaching, and places of worship continued to be tight in Xinjiang, and the Government dealt harshly with Muslim adherents who engaged in political speech and activities that the authorities deemed separatist. AI reported that Jelil Turdi, an ethnic Uighur from Xinjiang, who had been living in Kyrgyzstan for 3 years, was deported back to China for allegedly separatist activities. In October Wang Lequan, secretary of the Xinjiang Party Committee reminded Party members that "cadres at all levels should adhere consciously to Marxist atheism. Do not believe in religion, do not take part in religious activities." Provincial-level Communist Party and government officials repeatedly called for stronger management of religious affairs and for the separation of religion from administrative matters. For example, the official Xinjiang Legal Daily reported that in recent years a township in Bay (Baicheng) County had found cases of "religious interference" in judicial, marriage, and family planning matters. In response the authorities began conducting monthly political study sessions for religious personnel. In addition they required every mosque to record the numbers and names of those attending each day's activities. The official Xinjiang Daily reported that Yining County early in the year reviewed the activities of 420 mosques and implemented a system of linking ethnic cadres to mosques in order to improve vigilance against "illegal religious activities." The authorities also initiated a campaign to discourage overt religious attire such as veils and to discourage religious marriage ceremonies. There were numerous official media reports that the authorities confiscated "illegal religious publications" in Xinjiang. According to a July report of the International Coalition for Religious Freedom, since April 1996, only one publisher, the Xinjiang People's Publication House, has been allowed to print Muslim literature in Xinjiang. Human Rights Watch also reported a tightening of control over the teaching materials, curricula, and leadership of mosques and religious schools in 1999. HRW also reported that six imams from Hotan City and Karakash County were detained toward the end of 1999 in part for non-compliance with religious regulations and for failing to teach government policy at religious meetings.

Religious/ethnic tensions began to rise in September in Shandong Province when a non-Muslim merchant improperly labeled meat as being fit for consumption by observant Muslims. Disputes and insults between Muslims and non-Muslims followed, leading to angry demonstrations that led to a clash with police. In mid-December, according to an official press report, police clashed in Yangxin County with Muslim Hui, who were protesting a lack of respect for their religion. The police killed 6 Hui

and injured 19; 13 police officers also were injured. According to foreign press reports, the Hui casualties occurred when police fired on the crowd of protesters after they refused to disperse. Following a central government and Party investigation, the Shandong provincial authorities fired the Yangxin County party secretary, the head of the Yangxin County government, and the chief of the county's Public Security Bureau.

In some areas, particularly in areas traditionally populated by the non-Central Asian Hui ethnic group, there is substantial religious building construction and renovation. Some young Uighur Muslims study outside the country in Muslim religious schools.

The Government permits, and in some cases subsidizes, Muslim citizens who make the hajj (pilgrimage) to Mecca. According to government statistics, more than 45,000 Muslims have made the pilgrimage in recent years—5,000 in 1998. However, there have been nongovernmental reports that fewer persons have made the pilgrimage since 1998; according to some estimates, less than 2,500 persons went in 1999 and 2000. There are many more Muslims in the country with the means and desire to participate in the hajj than are allowed to do so, leading to official corruption in granting permission to participate in the pilgrimage. There are conflicting reports as to the ability of Uighur Muslims to go on pilgrimage.

The Government takes some steps designed to show respect for the country's Muslims, such as offering congratulations on major Islamic holidays. However, government sensitivity to concerns of the Muslim community is limited. In 1998 a Qing dynasty mosque, which was the center of Muslim life in Chengdu, was destroyed in the city's Muslim quarter to make way for a boulevard near an expanded city square, despite strong opposition from the city's Muslim population. The construction of a new mosque over a complex of retail establishments further offended the community. At the end of 1999, no construction upon the site of the Qing dynasty mosque had yet occurred; the imam, or leader, of the mosque that was demolished was ordered to leave Chengdu and has been forbidden to engage in religious work. The new officially sanctioned mosque over the retail complex has been attended only lightly since its opening.

The unofficial, Vatican-affiliated Catholic Church claims a membership far larger than the 5 million persons registered with the official Catholic Church. Precise figures are difficult to determine, but Vatican officials have estimated that there are as many as 10 million adherents. According to official figures, the Government-approved Catholic Church has 69 bishops, 5,000 clergy, and about 5,000 churches and meeting houses. There are 60,000 baptisms each year. The Government so far has refused to establish diplomatic relations with the Holy See, and there is no Vatican representative in the country. The Government's refusal to allow the official Catholic church to recognize the authority of the Papacy in matters of faith and morals has led many Catholics to refuse to join the official Catholic church on the grounds that this refusal denies one of the fundamental tenets of their faith.

In January bishops of the official Catholic Church, without consulting the Holy See, consecrated 5 new official church bishops on the same day that the Pope consecrated 12 new Roman Catholic bishops in Rome. This was also the day on which the Pope historically consecrates bishops chosen for special recognition. Some bishops of the official church reportedly refused to attend the Beijing ceremony, which was seen as a deliberate affront to the Vatican. In June a new bishop was ordained in Hangzhou by several bishops, including one of those ordained in January. On the October 1st anniversary of the founding of the People's Republic, the Vatican canonized 120 saints with ties to China, 86 of whom had been killed during the Boxer Rebellion. The state-run media sharply criticized the canonizations. These incidents and the tensions between the Government and the Vatican have caused leadership problems for the official Catholic Church. Some bishops in the official Catholic Church are not recognized by the Holy See, although many have been recognized privately. Some church members and other clerics within the official Catholic Church have indicated that they are unwilling to accept the authority of bishops ordained without Vatican approval.

The Party's Central Committee issued a document on August 16, 1999, calling on the authorities to tighten control of the official Catholic Church and to eliminate the underground Catholic Church if it does not accede to Government control. There are many longstanding vacancies in the official Catholic administration, particularly among bishops, and there are reports that the RAB and the official church patriotic association are pressuring the church to fill the vacancies quickly. In recent months, there has been increasing pressure by the Chinese Catholic Patriotic Association, the Religious Affairs Bureau, and police authorities on the underground church to join the official church.

The Government maintains that there are between 10 and 15 million registered Protestants, 18,000 clergy, over 12,000 churches, and some 25,000 meeting places. According to foreign experts, perhaps 30 million persons worship in house churches that are independent of Government control, although estimates by some house church groups range as high as 80 million. There are reports of divisions within both the official Protestant church and the house church movement over issues of doctrine; in both the official and unofficial Protestant churches, there are groups with conservative views and groups with more unorthodox views.

The ongoing growth of unofficial Christian churches continued to cause concern among many government and Communist Party officials who perceive unregulated religious gatherings as a potential challenge to their authority, a threat to public order, and an alternative to Socialist thought. Both Catholic and Protestant underground churches came under increasing pressure during the year. Authorities in some areas continued a concerted effort to crack down on the activities of unapproved Catholic and Protestant churches. In some areas, security authorities used threats, demolition of buildings, extortion of "fines," interrogation, detention (sometimes prolonged), and at times beatings and torture to harass unofficial Christian religious figures and followers. In April the Fujian Provincial Government convened a meeting of religious affairs workers in order to exhort them to "ensure stability in religious circles and lead religious circles in making new and greater contributions to socialist material and spiritual civilization." At the meeting, a provincial leader also called on all religious affairs workers to "firmly establish a Marxist outlook on religion." Implementing regulations, provincial work reports, and other government and party documents continued to exhort officials to enforce vigorously government policy regarding unregistered churches. Since 1998 Guangdong Province has had highly restrictive religious regulations. In 1999 Zhejiang Province also promulgated religious affairs regulations that stipulated that "illegal" property and income would be confiscated from those who: "1) preside over or organize religious activities at places other than those for religious activities or at places not approved by a religious affairs department; 2) do missionary work outside the premises of a place of religious activity; and 3) sponsor religious training activities without obtaining the approval of a religious affairs department at or above the county level." Regulations in Guangxi, Shanghai, and Chongqing also call for strict government oversight. Authorities particularly targeted unofficial religious groups in Beijing and the Provinces of Henan and Shandong, where there are rapidly growing numbers of unregistered Protestants, and in Hebei, a center of unregistered Catholics. However, during the year there were reports that small family churches, generally made up of family members and friends, which conduct activities similar to those of home Bible study groups, usually were tolerated by the authorities as long as they remained small and unobtrusive. Family churches reportedly encounter difficulties when their memberships become too large, when they arrange for the use of facilities for the specific purpose of conducting religious activities, or when they forge links with other unregistered groups.

There were many religious detainees and prisoners. In some cases, public security officials have used prison or reformthrough-education sentences to enforce regulations. In Hebei, where perhaps half of the country's Catholics reside, friction between unofficial Catholics and local authorities continued. Hebei authorities have been known to force many underground priests and believers to make a choice of either joining the Patriotic Church or facing punishment such as fines, job loss, periodic detentions, and, in some cases, having their children barred from school. Some were forced into hiding. According to a Hong Kong human rights organization, on March 2, 15 members of the China Evangelistic Fellowship were arrested while holding a service in Nanwang City, Henan Province. Two of the group's leaders, Jiang Qinggang and Hao Huaiping, reportedly faced reeducation-through-labor sentences. The director of the Government's RAB had labeled the fellowship publicly as a "cult" at the end of 1999. There were reports in May that local authorities in Zhejiang Province had closed down seven Catholic churches because they failed to join the official Catholic Church. In May Father Jiang Shurang, an underground priest in Zhejiang Province, was sentenced to 6 years in prison for illegally printing Bibles and other religious material. Roman Catholic Bishop Zeng Jingmu, released from a labor camp in 1998, was reportedly rearrested in Jiangxi on September 14 during the visit of a high-ranking foreign Cardinal; the Government denied those reports. The whereabouts of Roman Catholic Bishop Su Zhimin, whose followers report that he was arrested in 1997, remained unclear. Underground Catholic sources in Hebei claimed that he still was under detention, while the Government denied having taken "any coercive measures" against him. Reliable sources reported that Bishop An Shuxin, Bishop Zhang Weizhu, Father Cui Xing, and Father Wang Quanjun remained under detention in Hebei. Bishop Liu reportedly remained under

house arrest in Zhejiang Province. According to a Freedom House report, in the last half of 1999, four Catholic bishops reportedly were detained or arrested for refusing to join the official church or for conducting unauthorized services. The four were Bishop Jia Zhiguo, Bishop Xie Shiguang, Bishop Lin Xili, and Bishop Han Dingxiang. All of the bishops reportedly were arrested for refusing to join the official church or for conducting unauthorized services. On February 10 in Fujian Province, a large group of police arrested 80-year-old underground Catholic Bishop Yang Shudao. The Government has denied that the elderly bishop is being detained and has claimed that he is receiving medical treatment. According to several NGO's, a number of Catholic priests and lay leaders were beaten or otherwise abused during the year. Underground Catholic Bishop Joseph Fan Zhongliang of Shanghai remained under surveillance and often had his movements restricted.

Some Protestant house church groups reported more frequent police raids of worship services and detentions than in previous years. According to the Jianghuai Morning Daily in Anhui Province, on April 9, police detained 47 members of the unregistered Full Scope Church, whose leader, Xu Yongze, was released from prison only in May, although his 3-year sentence ended in March. Although he was released from a labor camp, it is unclear whether Xu remains subject to some restrictions. According to the newspaper, six church leaders were to face criminal charges for organizing an "illegal sect," while eight others likely would receive "administrative" (usually meaning reeducation-through-labor) sentences. The Government's 1997 White Paper on Religious Freedom stated that Xu had violated the law by promoting a cult, preaching that the Apocalypse was near, and asking worshipers to wail in public spaces for several consecutive days. Group members deny these charges. Xu's colleagues Qin Baocai and Mu Sheng are believed to continue to serve reeducationthrough-labor sentences. Pastor Li Dexian was detained in April for 15 days, during which time he was forced into a crouch for 3 days, unable to sleep or use toilet facilities, with his wrists and ankles manacled together. Li also has been detained on other occasions and reports that in some instances he was beaten. According to credible reports, on May 16, 2000, seven house churches were raided in Guangdong Province. According to a press release of Christian Solidarity International, more than 10 house church leaders were arrested in the raids. Several house churches also were closed by the authorities. In May seven evangelical Christians were arrested in Henan for violating the "Three Designates" policy that limits religious services to specific venues, requires leaders to preach only within specific areas, and fixes the number of persons permitted to preach. In early August, police detained 31 members of an underground Protestant church in Hubei's Guangshui City. In Henan a week later, 12 members of an underground Protestant church were arrested. On August 23, police arrested 130 members of a house church headquartered in Fangcheng City, Henan Province, after they held services with 3 foreign members of a Protestant fellowship organization. Authorities stated that the Fangcheng church was a "cult" that had been banned. On August 25, the three foreign church members were released and deported; they reported being beaten while in custody. According to NGO reports, 85 of those arrested from the Fangcheng church were charged on August 25 with crimes such as "using an illegal cult to obstruct justice."

Authorities also conducted demolition campaigns against unregistered places of worship. Beginning in early November, according to local press reports, officials in Wenzhou, Zhejiang Province, and surrounding areas began a campaign to close or destroy, sometimes with explosives, hundreds of unregistered Protestant churches and Buddhist and Taoist temples. Wenzhou has a long Christian history and reportedly counts several hundred thousand Christians among its population. It has been estimated that approximately 450 churches and temples were destroyed during the weeks prior to December 25 in Wenzhou, and as many as 1,200 churches and temples were closed or destroyed in surrounding areas of Zhejiang Province during that time. Officials stated that the places of worship that were closed and destroyed were targeted because they were unregistered and therefore illegal; however, according to some observers, many of the places of worship had attempted to comply with regulations regarding registration, but their paperwork had never been finalized by the RAB. According to some reports, the authorities carried out the campaign due to concern that there were too many unregistered places of worship in the Wenzhou and Luoyang areas, and that too many Party members were joining such groups. Authorities reportedly used criteria such as registration status and the degree of government control (measured by the existence of a Party-approved management committee and the participation of clergy in political study sessions) as criteria for targeting places of worship. Although the campaign appeared to have been carried out at the initiative of local religious affairs officials, central government authorities did not criticize the action or take any measures to reprimand those responsible.

Two persons who tried to stop a demolition were arrested and sentenced to 2 years of reform-through-education. According to press reports, in 1999 more than 20 unregistered Catholic churches were demolished, some with explosives, by the authorities in Changle and other localities in Fujian Province. The churches were destroyed on the grounds that they had been built without the required permit or had been built with the wrong type of permit (such as with a permit for a building other than a church). Most of the churches reportedly were built by local congregations with the aid of remittances from relatives working abroad.

The increase in the number of Christians has resulted in a corresponding increase in the demand for Bibles. During 1999 the Government approved the printing of more than 3 million Bibles, and there currently are more than 22 million Bibles in print. One printing company that is a joint venture with an overseas Christian organization printed over 2.3 million Bibles during 1999, including Bibles in Braille and minority dialects, such as Korean, Jingbo, Lisu, Lahu, Miao, and Yao. Although Bibles can be purchased at some bookstores, they are not readily available and cannot be ordered directly from publishing houses by individuals. However, they are available for purchase at most officially recognized churches, and many house church members buy their Bibles from churches without incident. Nonetheless, some underground Christians hesitate to buy Bibles at official churches because such transactions sometimes involve receipts that identify the purchaser. Foreign experts confirm reports of chronic shortages of Bibles, mostly due to logistical problems in disseminating Bibles to rural areas; the situation has, however, improved in recent years due to improved distribution channels, including through house churches. Customs officials continue to monitor for the "smuggling" of Bibles and other religious materials into the country. There have been credible reports that the authorities sometimes confiscate Bibles in raids on house churches.

In recent years, some local authorities, especially in northeastern China, have subjected worship services of alien residents to increased surveillance and restrictions. In other areas, authorities have displayed increasing tolerance of religious practice by foreigners. Weekly services of the foreign Jewish community in Beijing have been held uninterrupted since 1995, and High Holy Day observances have been allowed for more than 15 years. The Shanghai Jewish community was allowed to hold services in an historic Shanghai synagogue, which had been restored as a museum. Local authorities indicated that the community could use the synagogue in the future for special occasions on a case-by-case basis.

Religious groups that preach beliefs outside the bounds of officially approved doctrine (such as the coming of the Apocalypse, or holy war) or that have charismatic leaders often are singled out for particularly severe harassment. Police continued their efforts to close down an underground evangelical group called the "Shouters," an offshoot of a pre-1949 indigenous Protestant group, which authorities deem to be an antigovernment, counterrevolutionary "cult." Since the early 1980's, authorities repeatedly have detained, fined, or imprisoned its members. Many groups, especially those in house churches, reportedly are viewed by officials as "cults." Some observers have attributed the unorthodox beliefs of some of these groups to undertrained clergy. Others acknowledge that some individuals may be exploiting the reemergence of interest in religion for personal gain. In October 1999, as part of its anti-Falun Gong crackdown, the Government passed a law outlawing "cults." According to reports, the crackdown on the Falun Gong led to a tightening of controls on all nonofficially sanctioned beliefs. Recent regulations require all qigong groups to register with the Government. Those that did not were declared illegal.

Since mid-1999 the Government has waged a severe political, propaganda, and police campaign against the Falun Gong spiritual movement; the campaign intensified significantly during the year. Falun Gong (or Wheel of the Law, also known as Falun Dafa) blends aspects of Taoism, Buddhism, and the meditation techniques of qigong (a traditional martial art) with the teachings of Li Hongzhi, who left the country in 1998. The Government estimates that there may be as many as 2.1 million adherents of Falun Gong; Falun Gong followers estimate that there are as many as 100 million adherents worldwide. Some experts estimate that the true number of Falun Gong adherents lies in the tens of millions. Despite the mystical nature of some of Li's teachings, Falun Gong does not consider itself a religion and has no clergy or formal places of worship. In July 1999, 3 months after 10,000 Falun Gong adherents had demonstrated peacefully in front of the Zhongnanhai leadership compound in Beijing, the Government officially declared Falun Gong illegal and began a nationwide crackdown. Around the country, tens of thousands of practitioners were rounded up and detained for several days—often in open stadiums—under poor and overcrowded conditions, with inadequate food, water, and sanitary facilities. Practitioners who refused to renounce their beliefs were expelled from schools or fired from jobs. The China Education Daily reported that "political

thought and morality" assessments of applicants to take university exams were expanded to include questions to determine whether applicants were members of Falun Gong. Some detainees were government officials and Communist Party members. A few high-ranking practitioners were forced to disavow their ties to Falun Gong on national television. Government officials who were practitioners were required to undergo anti-Falun Gong study sessions and were prohibited from Falun Gong activities; some were expelled from the Party for refusing to recant their beliefs. The authorities waged an intense propaganda campaign against the group, seized and destroyed Falun Gong literature, and attempted to shut down Falun Gong Internet web sites. Also in July 1999, the Government issued a warrant for the arrest of Falun Gong leader Li Hongzhi, who was charged with holding demonstrations without appropriate permits and disturbing public order. The Government requested INTERPOL's assistance in apprehending Li, who resides abroad, but INTERPOL declined to assist, on the grounds that the offense was not a crime recognized under the INTERPOL charter, and that the request was political in nature. Late in the year, President Jiang Zemin announced that the campaign against the Falun Gong was one of the "three major political struggles" of 1999. The crackdown on "cults" intensified in late 1999, with press reports stating that restrictions would be tightened on several "cults" and various Christian groups. In late October 1999, as part of the Government's anti-Falun Gong crackdown, the Standing Committee of the National People's Congress adopted a decision to ban "cults," including Falun Gong, under Article 300 of the Criminal Law. Under the decision, cult members who "disrupt public order" or distribute publications can receive prison terms of 3 to 7 years. Cult leaders and recruiters can be sentenced to 7 years or more in prison.

Although the vast majority of practitioners detained later were released, those identified by the Government as "core leaders" were singled out for particularly harsh treatment. On November 30, 1999, Vice Premier Li Lanqing stated that authorities detained over 35,000 practitioners between July 22 and October 30 1999 (the Government later clarified Li's statement, noting that the figure represented the total number of confrontations of police with adherents and that many persons had multiple encounters with police). In August the Director of the Religious Affairs Bureau stated that 151 Falun Gong practitioners had been convicted of leaking state secrets, creating chaos, or other crimes. According to credible estimates, as many as 5,000 Falun Gong practitioners have been sentenced without trial to up to 3 years of reeducation through labor. Human rights organizations estimate that as many as 300 practitioners have been sentenced to prison terms of up to 18 years for their involvement in Falun Gong. According to the Falun Gong, hundreds of its practitioners have been confined in mental hospitals.

Police often used excessive force when detaining peaceful protesters, including some who were elderly or who were accompanied by small children. During the year, there were numerous credible reports of abuse of Falun Gong practitioners by the police and other security personnel, including police involvement in beatings, detention under extremely harsh conditions, and torture (including by electric shock and by having hands and feet shackled and linked with crossed steel chains) (see Sections 1.a and 1.c.). Various sources report that approximately 100 or more Falun Gong adherents died during the year while in police custody; many of their bodies reportedly bore signs of severe beatings and/or torture, or were cremated before relatives could examine them (see Section 1.c.). Gao Xianmin died in police custody on January 17, 2000. Credible reports indicate that Gao, who was detained with a group of fellow practitioners in Guangzhou on December 31, 1999, was tortured while in custody, including by having high-density salt water forced into his stomach. Police gave no explanation for his death. On February 17, 60-year-old Chen Zixiu was detained in Weihai, Shandong Province, as she attempted to travel to Beijing to join peaceful protests there. Over the next several days, her family received word from another detainee that Chen was being beaten. On February 21, local police informed the family that Chen had died. According to family members, her body was covered with bruises and her teeth and nose were broken. According to press reports, Zhou Zhichang, a practitioner imprisoned in Heilongjiang Province since September 1999, died in custody in May 2000, after an 8-day hunger strike. Practitioners Li Zaiji and Wang Paisheng died in custody during the first 2 weeks of July, according to one NGO. One practitioner reportedly died after a feeding tube was mistakenly inserted into her lung rather than her stomach.

Practitioners defied ongoing government efforts to prevent them from protesting in Beijing. Protests (by individuals or small groups of practitioners) at Tiananmen Square occurred almost daily. Demonstrations also continued around the country. Police quickly broke up demonstrations, often kicking and beating protestors, and detained them. Most protests were small and short-lived as expanded police units

quickly detained anyone who admitted to being or appeared to be a practitioner. Hundreds of practitioners reportedly were arrested at Tiananmen Square in February during lunar New Year protests, forcing a brief closure of the Square. Large numbers were arrested while protesting on March 5 (opening of the National People's Congress), April 25 (the anniversary of the 1999 Zhongnanhai demonstration), and May 11 (reportedly Falun Gong founder Li Hongzhi's birthday). Hundreds of Falun Gong practitioners were detained after peaceful protests in Tiananmen Square during the week of July 22, the anniversary of the Government's ban on the group. Despite a heavy security presence, on October 1, the anniversary of the founding of the PRC, hundreds, and perhaps more than 1,000, peacefully protesting practitioners were again arrested in Tiananmen Square, forcing a brief closure of the square. The press, in an unprecedented move, stated that the groups caused disturbances lasting 40 minutes. The Government later labeled Falun Gong a reactionary group attempting to subvert the State. On October 26, another mass protest marking the anniversary of the passage of 1999's Anti-cult Law was held at Tiananmen Square; more than 100 Falun Gong practitioners reportedly were detained. Many reportedly were beaten. Over the next few days, many more practitioners were arrested in Tiananmen Square. An estimated several hundred Falun Gong practitioners were also detained after protesting in Tiananmen Square over the 1999–2000 New Year holiday; many were beaten during their arrests.

Authorities also briefly detained foreign practitioners (however, it remains unclear whether the authorities were aware that such persons were foreigners). For example, in February, a U.S. citizen practitioner was detained for 3 days. In November, another foreign citizen was sentenced to 3 years of reeducation through labor for Falun Gong activities. On November 23, Falun Gong practitioner and foreign resident Teng Chunyan was tried on charges of providing national security information to foreigners, reportedly for providing foreigners with information about the Government's campaign against Falun Gong. On December 12, she was sentenced to 3 years of reeducationthrough-labor. Several foreign reporters also were detained briefly on April 25, after having taken photographs of police detaining Falun Gong demonstrators on Tiananmen Square. Foreign tourists routinely had their film and videotape confiscated after recording (often inadvertently) Falun Gong detentions.

According to credible reports, authorities have confined some practitioners to psychiatric hospitals. AI reported that, on January 20, a Changguang Police Station spokesman confirmed that about 50 "extremist" Falun Gong practitioners had been placed in a psychiatric hospital near Beijing and cited reports from Falun Gong practitioners that the practitioner's families were asked for fees to cover living expenses in the hospital.

According to the local press, in November several persons accused of printing and distributing Falun Gong literature were arrested in Chaoyan, Liaoning Province. According to Amnesty International, two sisters, Li Xiaobing and Li Xaiomei, who owned a bookstore were sentenced on January 28 to 7 and 6 years in prison, respectively. They reportedly had been arrested in July 1999, just prior to the ban on Falun Gong, were held incommunicado without charge for 3 months, and were tried in secret. Many others have been arrested and sentenced to prison terms or terms of reeducation through labor for providing information about the crackdown on Falun Gong or abuses against Falun Gong practitioners to others, including the foreign media (see Sections 1.f. and 2.a.).

There have been reports that Falun Gong practitioners are no longer able to obtain passports.

During the year, the authorities also continued a general crackdown on other groups considered to be "cults," often using the October 1999 decision to ban cults under Article 300 of the Criminal Law. The Zhong Gong qigong group, which reportedly had a following rivaling that of Falun Gong, was banned under the anti-cult application of the Criminal Law, and its leader, Zhang Hongbao, was charged with rape, forgery, and illegal crossing of boundaries. Zhong Gong practitioners deny the charges. Zhong Gong, like other qigong groups, teaches that the body's vital forces, or qi, can be harnessed for healing purposes and spiritual growth through meditation and spiritual exercises. According to a news report, a local Zhong Gong leader in Zhejiang Province, Chen Jilong, was convicted in January of illegally practicing medicine and was sentenced to 2 years in prison. Two leaders of other qigong groups also reportedly were arrested, and the Government banned the practice of qigong exercises on public or government property. This has created an atmosphere of uncertainty for many qigong practitioners, and there are reports that some qigong practitioners now fear practicing or teaching openly. There were reports that 14 unofficial Christian groups and a Buddhist organization (known as Guanyin Famin) were branded by the Government as "evil sects," as well. In August police in

Jiangsu arrested Shen Chang, the leader of a qigong group, and charged him with organizing gatherings aimed at disturbing social order and tax evasion.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Government restricts freedom of movement within the country and restricts the freedom to change one's workplace or residence. The effectiveness of the Government's national household registration/identification card system, used to control and restrict the location of an individual's residence, remained in place but continued to erode, and the ability of most citizens to move around the country to live and work continued to improve. The Government places other restrictions on freedom of movement, and it toughened these restrictions during the year, especially before politically sensitive anniversaries and to forestall Falun Gong demonstrations. The "floating population" of economic migrants leaving their home areas to seek work elsewhere in the country is estimated to be between 80 and 130 million (there are an estimated 3 million or more "floaters" in Shanghai alone). This group comprises not only migrant workers, but also includes a growing number of middle-class professionals attracted to large cities by hopes of better paying jobs in their fields. This itinerant population lacks official residence status, which is required for full access to social services and education. Unless such persons obtain resident status, they must pay a premium for these services. However, some cities, such as Beijing, are beginning to offer some social services free of charge. In August 1998, the Public Security Ministry issued revised regulations that allow persons from the countryside to apply for permanent residence in a city if: 1) they have investments or property in a city; 2) they are elderly and have children who live in a city; or 3) their spouses live in a city. Members of the "floating" population are subject to being detained, fined, and sent to custody and repatriation centers by the authorities, where they may be required to work off their fines. Many are "repatriated," or sent back to the areas they came from by the authorities (see Section 1.d.).

Prior to sensitive anniversaries, authorities in urban areas rounded up and detained "undesirables," including the homeless, the unemployed, migrant workers, those without proper residence or work permits, petty criminals, prostitutes, and the mentally ill or disabled. These persons often were detained or expelled under custody and repatriation regulations or similar administrative regulations (see Sections 1.d. and 1.e.). There were reports of spot checks of identification documents, housing raids, and harassment of migrants at train and bus stations in Beijing during the year, particularly prior to October 1.

Dissidents reported that the authorities restricted their freedom of movement during politically sensitive periods or while foreign dignitaries visited China (see Section 1.f.).

As part of the crackdown on Falun Gong, authorities tried to prevent practitioners from traveling to Beijing, particularly in July and in October (see Section 2.c.).

Under the "staying at prison employment" system applicable to recidivists incarcerated in reeducation-through-labor camps, authorities have denied certain inmates permission to return to their homes. Those inmates sentenced to a total of more than 5 years in reeducation-throughlabor camps on separate occasions also may lose their legal right to return home. For those assigned to camps far from their residences, this practice constitutes a form of internal exile. The number of prisoners subject to this restriction is unknown. Authorities reportedly have forced others to accept jobs in state enterprises where they can be monitored more closely after their release from prison or detention. Other released or paroled prisoners returned home but were not permitted freedom of movement. The authorities released Bao Tong, a former Zhao Ziyang aide in 1997, but continue to monitor his activities closely with constant surveillance, at times preventing him from meeting with others (see Sections 1.f. and 2.a.). One Tianamen activist is not permitted to return to his home province even though he completed a 1-year sentence and was released in the early 1990's. Some individuals have also had their freedom of movement curtailed when their public appearance might be deemed politically sensitive. Former senior leader Zhao Ziyang remained under house arrest, and security around him was tightened routinely during sensitive periods, such as the anniversary of the Tiananmen massacre and during the visits of important foreign leaders. Zhao was allowed to visit Sichuan briefly in June and has been allowed about one trip outside of Beijing per year.

There is evidence that official poverty alleviation programs and major state projects, such as the Three Gorges Dam and environmental/reforestation projects, include forced relocation of persons.

The Government permits legal emigration and foreign travel for most citizens. Passports are increasingly easy to get. The Government continued to use political attitudes as criteria for selecting persons for Governmentsponsored study abroad. The Government did not control privately sponsored students, who constitute the

majority of citizens studying abroad; however, there were some reports that academics faced some travel restrictions around the year's sensitive anniversaries, especially June 4 (see Section 2.a.). Business travelers who wish to go abroad can obtain passports relatively easily. Permission for couples to travel abroad sometimes was conditioned on agreement to delay childbirth. Members of the underground Catholic Church, especially clergy wishing to further their studies abroad, found it difficult to obtain passports and other necessary travel documents (see Section 2.c.). The Government continued efforts to attract back to the country persons who had studied overseas. Official media have stated in the past that persons who have joined foreign organizations hostile to China should quit them before returning home and refrain while abroad from activities that violate the country's laws. Some Falun Gong members reportedly had difficulty in obtaining passports during the year, but this does not appear to be a national policy.

There also were instances when the authorities refused visas or entry on apparent political grounds. Some foreign academics with contacts with the dissident community also have been refused entry visas repeatedly. International observers and human rights organizations reported that they could substantiate claims that border control stations keep background records of certain individuals who are to be denied entry. Authorities have denied these reports.

The Government does not provide first asylum. However, since the late 1980's, the Government has adopted a de facto policy of tolerance toward the small number of persons—fewer than 100 annually—from other nations who have registered with the Beijing office of the U.N. High Commissioner for Refugees (UNHCR) as asylum seekers. The Government has permitted these persons to remain while the UNHCR makes determinations as to their status and—if the UNHCR determines that they are bona fide refugees—while they await resettlement in other countries. As yet there are no laws or regulations that authorize the authorities to grant refugee status, but the Government reportedly continued to draft working rules on granting such status. The Government cooperates with the UNHCR when dealing with the resettlement of ethnic Han Chinese or ethnic minorities from Vietnam and Laos also resident in the country; the Government is less cooperative when dealing with some other refugees.

The Government has worked with Laos and Cambodia to facilitate the return of resettled individuals who have decided to return to their home countries. The Government denies having tightened its policy on accepting Vietnamese asylum seekers. Due to the stable situation in Vietnam with regard to ethnic Chinese and the increasingly porous border between the two countries, very few Vietnamese have sought resettlement in China in recent years.

In January seven persons granted refugee status by the UNHCR in Russia were deported to China, where authorities then forcibly returned them to the DPRK. There have been no reported refoulements by the Chinese Government since the January incident. In April, according to press reports, a group of approximately 60 North Koreans were forcibly repatriated after they protested conditions in a Tumen city border guard holding facility; the protests reportedly became violent. According to various observers, the number of migrants forcibly returned to North Korea during the year was far higher than in 1999, and unconfirmed reports said that some returnees faced persecution, including fines, beatings, incarceration, and perhaps even execution.

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

Citizens do not have the right to change their Government peacefully and cannot freely choose or change the laws and officials that govern them. Citizens vote directly for local nongovernmental village committees and among party-reviewed candidates for delegate positions in town and township and county-level peoples' congresses. However, people's congress delegates at the provincial level are selected by county-level people's congresses, and in turn provincial-level people's congresses select delegates to the National People's Congress. Although the CCP vets all candidates at least to some degree, many county and provincial elections are competitive, with more candidates running than there are seats available.

According to the Constitution, the National People's Congress is the highest organ of state power. Formally, it elects the President and Vice President, selects the Premier and vice premiers, and elects the Chairman of the State Central Military Commission. In practice the NPC Standing Committee oversees these elections and determines the agenda and procedure for the NPC under the direct authority of the Politburo Standing Committee. The NPC does not have the power to set policy or to remove Government or party leaders; however, in some instances its actions have affected economic policy.

In general the election and agenda of people's congresses at all levels remain under the firm control of the Communist Party, the paramount source of political authority. A number of small "democratic" parties that date from before the Communist takeover in 1949 play a minor consultative role and must pledge their allegiance to the Communist Party. The CCP retains a tight rein on political decisionmaking and forbids the creation of new political parties. The Government continued efforts to suppress the China Democracy Party, an organization that had attracted hundreds, perhaps thousands, of members nationwide since its founding in 1998. Public security authorities have arrested nearly all of its most important leaders. Scores of CDP members were detained in cities throughout the country in the period prior to the 10th anniversary of the Tiananmen massacre in 1999. The CDP's three best known leaders—Wang Youcai, Xu Wenli, and Qin Yongmin-were sentenced in December 1998 to prison terms of 13, 12, and 11 years respectively. Since December 1998, at least 25 core leaders of the CDP have been sentenced to long prison terms on subversion charges. In February Xu Wenli's assistant, Liu Shizun, was sentenced to 6 years for subversion. Also in February, Shanghai member of the CDP, Dai Xuezhong, was sentenced to 3 years in jail. In July after a 90-minute trial, Chen Zhonghe, founder of the Hubei branch of the CDP, and Xiao Shichang were sentenced to 7 years and 5° years in prison respectively on subversion charges. In June Li Guotao was arrested in Shanghai; on June 28 he was sentenced to 3 years' reeducation through labor for demanding the release of CDP members. Shanghai dissidents Li Guotao, Cai Guihua, Yao Zhenxiang, Fu Shenping, and Dai Xuewu were taken into custody on many occasions throughout the year (see Section 1.d.). Prior to the June 4 anniversary of the Tiananmen Square massacre, Li Guotao was rearrested in Shanghai and charged with spreading reactionary publications, instigating disturbances, and disturbing the social order (apparently in connection with a letter he and others sent to the Mayor of Shanghai, protesting the arrest of dissident Dai Xuewu and requesting his release); on June 28 he was sentenced to 3 years' reeducation through labor for demanding the release of CDP members. Dai Xuewu, the brother of imprisoned dissident Dai Xuezhong, also was arrested in Shanghai prior to the June 4 anniversary of the Tiananmen Square massacre and charged with the theft of a cell phone; in August he was sentenced without a trial to 3 years of reeducation through labor.

Despite CCP control of the Government, limited democratic decisionmaking continued to grow as the local village committee elections program expanded. Under the 1987 Organic Law of the Village Committees, all of the country's approximately 1 million villages are expected to hold competitive, direct elections for subgovernment level local village committees. The NPC Standing Committee in November 1998 passed a revised version of the law, which called for enhancements in the electoral process, including substantial improvements in the nominating process and the required use of voting booths. It also provided for improved transparency in village committee administration and appears to have boosted the authority of the village committees over communally owned properties. The revised law also explicitly transferred the power to nominate candidates to the villagers themselves, as opposed to village groups or party branches.

Both the Government and foreign observers estimate that more than 90 percent of villages have participated in elections for village committee members. However, all provinces and provincial level cities and regions have now held at least one village-level election. According to the Ministry of Civil Affairs, the majority of provinces have carried out at least three or four rounds of village elections. Foreign observers who have monitored local village committee elections, including the Carter Center and the International Republican Institute, have judged the elections they observed, on the whole, to have been fair. However, many villages have yet to hold truly competitive elections. The Government estimates that one-third of all elections have serious procedural flaws; some reballoting occurs when irregularities are significant. Approximately another third are judged to have satisfied central Government guidance and the law, which requires use of secret ballots to select candidates. Successful village committee elections have included the use of secret ballots to select candidates, campaigns by multiple candidates, platforms, and the use of secret ballots in the election itself. Some regions have experimented with a nominating process that gives this power completely to villagers, as opposed to village groups or party branches.

Candidates favored by local authorities have been defeated in some elections, although in general the party dominates the local electoral process, and roughly 60 percent of the members elected to the village committees are Communist Party members. In many villages, villagers are given ballots with a space for write-in votes; in at least one case, a write-in candidate won. The final ballot is the culmination of an election process that includes government screening of candidates and an

indirect vote that eliminates some candidates. Many observers caution that the village election system is not necessarily a precursor for democracy at higher levels of Government, and village elections—as currently practiced—do not threaten to undermine the implementation of unpopular central policies or to endanger the leading role of the Communist Party. The elected village committees are not part of the formal government structure and have no formal constitutional role. The powers of elected village committees vary from region to region. Most committees have the authority to mediate disputes between villagers, improve public order, and authorize small expenditures. The committees also carry out political work by serving as a channel of communication between villagers and the Government. The village committees have no power to tax, set fines or punishments independently, or hire or fire village enterprise managers.

The 1998 revised Village Election Law authorized the establishment of "villager's representative assemblies" to oversee the performance of village committees. Such assemblies already existed for years in some provinces; in 1997, for example, an assembly in Zhaoxin county, Hebei Province, reportedly removed 54 allegedly corrupt or incompetent village committee members and vetoed 72 "unreasonable" development projects. Township authorities in several provinces have held experimental elections to select local executive officials. Citizens of Sichuan's Buyun township in December 1998 held the first such vote. Despite central government expressions of concern that this election violated constitutional provisions requiring that the local people's congresses elect executive officials, the central Government ultimately confirmed the vote. Another experimental township election during 1999, the "two ballot" vote in Guangdong Province's Dapeng township, which was explicitly authorized by the National People's Congress, allowed groups of 100 or more citizens to nominate candidates. A township-wide conference of local leaders from various institutes then voted to select one of those candidates. The local people's congress confirmed the decision in a pro forma vote, thereby satisfying constitutional requirements.

The Government places no restrictions on the participation of women or minority groups in the political process; however, they are underrepresented in government and politics. Women freely exercise their right to vote in village committee elections, but only a small fraction of elected members are women. The Government and Party organizations include approximately 12 million female officials out of 61 million Party members. Women constitute 21.83 percent of the National People's Congress. The 15th Party Congress elected 22 women to serve as members or alternates on the 193-person Central Committee, an increase over the total of the previous committee. However, women still hold few positions of significant influence at the highest rungs of the Party or government structure. One alternate member of the 22-member Politburo is a woman, and women hold 2 of 29 ministerial-level positions.

Minorities constitute 14 percent of the National People's Congress, although they make up approximately 9 percent of the population. All of the country's 56 nationalities are represented in the NPC membership. The 15th Party Congress elected 38 members of ethnic minorities to serve as members or alternates on the Central Committee, an increase over the total of the previous committee. However, minorities hold few senior Party or government positions of significant influence.

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

The Government does not permit independent domestic nongovernmental organizations to monitor publicly human rights conditions, and there are no independent domestic NGO's that comment on human rights conditions. It is difficult to establish an NGO, and the Government tends to be suspicious of independent organizations; most existing NGO's are quasi-governmental in nature and are closely controlled by government agencies (see Section 2.b.). However, an informal network of dissidents in cities around the country has become a credible source of information about government actions taken against activists. The information is disseminated to the outside world through organizations such as the Hong Kongbased Information Center for Human Rights and Democracy and the New Yorkbased Human Rights in China. The press regularly prints articles about officials who exceed their authority and infringe on citizens' rights. However, the Government remains reluctant to accept criticism of its human rights record by other nations or international organizations and criticizes reports by international human rights monitoring groups, maintaining that such reports are inaccurate and interfere with the country's internal affairs. The Government still maintains that there are legitimate, differing approaches to human rights based on each country's particular history, culture, social situation, and level of economic development. In 1993 the Government established the China Society for Human Rights, a "nongovernmental" organization whose mandate is not

to monitor human rights conditions, but to defend the Government's views and human rights record.

The Government has active human rights dialogs with a large number of countries, including Great Britain, France, Australia, Canada, Norway, Sweden, Brazil, and Japan, as well as the European Union (EU). However, these dialogs have not produced any fundamental improvements in the Government's human rights practices. In November the United States and China agreed in principle to resume the bilateral human rights dialog that was suspended by China in 1999. By year's end the dialog had not been scheduled yet. In recent years, the Government has expanded greatly the number and frequency of judicial and other types of legal exchanges with foreign countries.

In May the U.N. Committee Against Torture issued a report expressing concern about continuing allegations of serious incidents of torture, especially involving Tibetans and other national minorities. It recommended that the country incorporate a definition of torture into its domestic law in full compliance with international standards, abolish all forms of administrative detention (including reeducation through labor), promptly investigate all allegations of torture and provide training courses on international human rights standards for police, among other things (see Section 1.c.). Government officials that appeared before the Committee stated that the country has done a great deal in recent years to address torture by officials but noted that problems remain in supervising the judicial system. On November 20, the Government signed a Memorandum of Understanding (MOU) with the U.N. High Commissioner on Human Rights (UNHCHR) that was designed to help the country comply with the terms of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, which the Government has signed but not ratified. The MOU outlined the types of programs to further human rights that are to be implemented by the Government and the UNHCHR. Such programs are to include human rights education for judges, prosecutors, and police; other human rights education programs; the publication of reports; and fellowships for experts to study abroad. However, no agreement has yet been reached concerning a visit to the country by the U.N. Special Rapporteur on Torture, which has been under discussion since 1999.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

There are laws designed to protect women, children, the disabled, and minorities. However, in practice societal discrimination based on ethnicity, gender, and disability persists. The concept of a largely homogeneous Chinese society pervades the thinking of the Han majority.

Women.—Violence against women is a problem. Violence against women can be grounds for prosecution under the law, but there is no national law specifically targeting domestic violence, although proposed amendments to the 1980 Marriage Law are aimed in part at providing protection against spousal abuse. In recognition of the seriousness of spousal abuse, 13 provinces and provincial-level cities have passed legislation to address the problem. Sociologists note that there has been no detailed research on the extent of physical violence against women. However, anecdotal evidence suggests that the reporting of domestic abuse is on the rise, particularly in urban areas, because greater attention has been focused on the problem. A July survey report by the All-China Women's Federation found that violence occurs in 30 percent of families, with 80 percent of cases involving husbands abusing their wives. The survey implies that one in four married women suffers abuse. Actual figures may be higher because spousal abuse still goes largely unreported. According to experts, the percentage of households in which domestic abuse has occurred is higher in rural areas than in urban centers. The July survey found that domestic violence occurs at all socioeconomic levels. According to some experts, many women do not report domestic violence to the police because, even when appropriate legislation exists, local law enforcement authorities frequently choose not to interfere in what they regard as a family matter. Nonetheless in two recent cases in Liaoning Province, men were successfully prosecuted for severe cases of domestic violence. Despite an increasing awareness of the problem of domestic violence, there are no shelters for victims of domestic violence. Rape is illegal.

Female infanticide, sex selective abortions, the abandonment of baby girls, and the neglect of baby girls remain problems due to the traditional preference for sons, and the family planning policy, which strictly limits urban couples to one child and rural couples to two. Regulations forbid the termination of pregnancies based on the sex of the fetus, but many families, especially in rural areas, have used ultrasound to identify female fetuses and terminate pregnancies. The use of ultrasound for this purpose is prohibited specifically by the Maternal and Child Health Care Law,

which came into effect in 1995 and mandates punishment of medical practitioners who violate the provision. However, according to the SFPC, only a handful of doctors have been charged under this law. According to the latest available figures, compiled in 1994, the number of children abandoned each year is approximately 1.7 million, despite the fact that, under the law, child abandonment is punishable by a fine and a 5-year prison term. The vast majority of abandoned children eventually admitted to orphanages are female, although some are males who are either disabled or in poor health. Children put up for foreign adoption are almost exclusively girls. The neglect of baby girls that results in lower female survival rates are also factors. Female babies also suffer from a higher mortality rate than male babies, contrary to the worldwide trend. One study found the differential mortality rates to be highest in areas where women have a lower social status, where economic and medical conditions are poor, and where family planning regulations are strictly enforced (although the correlation for this factor was weak). Government statistics put the national ratio of male to female births at 114 to 100; the World Health Organization estimates the ratio to be 117 to 100. The statistical norm is 106 male births to 100 female births. However, in July the Liaoshen Evening News reported that in a township of Liaoyang county, the male to female sex ratio was 306/100 for second children born between 1992 and 1999. After operating for 7 years, an illegal sex determination clinic was exposed when an outraged citizen called the Liaoyang City mayor's hot line. According to demographers in the country, currently there may be as many as 100 million more men than women. The staterun media are paying increasing attention to unbalanced birth ratios, and the societal problems, such as trafficking in women, which they cause (see Section 6.f.). In the cities, the traditional preference for sons is changing; in the rural areas that preference continues.

The authorities have enacted laws and conducted educational campaigns in an effort to eradicate the traditional preference for sons; however, this preference remains strong in rural China. A number of provinces have sought to reduce the perceived higher value of boys in providing old-age support for their parents by establishing or improving pensions and retirement homes.

Central government policy formally prohibits the use of force to compel persons to submit to abortion or sterilization; however, the intense pressure to meet family planning targets set by the Government has resulted in documented instances in which family planning officials have used coercion against women, including forced abortion and sterilization, to meet government goals.

According to some estimates by experts, there are 4 to 10 million commercial sex workers in the country. The increased commercialization of sex and related trafficking in women has trapped thousands of women in a cycle of crime and exploitation, and left them vulnerable to disease and abuse. According to the official Xinhua News Agency, one in five massage parlors in the country is involved in prostitution, with the percentage higher in cities. Unsafe working conditions are rampant among the saunas, massage parlors, clubs, and hostess bars that have sprung up in large cities. According to one estimate, there are 70,000 prostitutes in Beijing alone; other estimates have placed the number as high as 200,000 or more. Research indicates that up to 80 percent of prostitutes in some areas have hepatitis. In light of this and, in particular, of the growing threat of AIDS among sex workers, the U.N. Convention on the Elimination of Discrimination Against Women (CEDAW) Committee in December 1998 recommended that due attention be paid to health services for female prostitutes. Although the central Government and various provincial and local governments have attempted to crack down on the sex trade, there have been numerous credible reports in the media of complicity in prostitution by local officials. Thus far actions to crack down on this lucrative business, which involves organized crime groups and business persons as well as the police and the military, have been largely ineffective.

A high female suicide rate is a serious problem. According to the World Bank, Harvard University, and the World Health Organization, some 56 percent of the world's female suicides occur in China (about 500 per day). The World Bank estimated the suicide rate in the country to be three times the global average; among women, it was estimated to be nearly five times the global average. Research indicates that the low status of women, and social and economic pressures due to the rapid shift to a market economy are among the leading causes.

There were credible reports of trafficking in persons, and the kidnaping of women for sale into prostitution or marriage is a serious problem (see Sections 6.c. and 6.f.).

There is no statute that outlaws sexual harassment in the workplace, although there has been some discussion by legislators about the need for such legislation. The problem remains unaddressed in the legal system and often in society. There have been reports that due to the lack of legal protections and to women's increasing economic vulnerability, many victims of sexual harassment do not report it out

of fear of losing their jobs. However, experts state that more women are raising their concerns about sexual harassment because of greater awareness of the problem.

The Government has made gender equality a policy objective since 1949. The Constitution states that "women enjoy equal rights with men in all spheres of life." The 1992 Law on the Protection of Women's Rights and Interests provides for equality in ownership of property, inheritance rights, and access to education. Women's economic and political influence has increased. Nonetheless female activists increasingly are concerned that the progress that has been made by women over the past 50 years is being eroded and that women's status in society regressed during the 1990's. They assert that the Government appears to have made the pursuit of gender equality a secondary priority as it focuses on economic reform and political stability. Social and familial pressure also has grown for women to resume their traditional roles as wives and mothers. A recent study of how women are portrayed in the media revealed that images of a woman's worth increasingly are linked to her ability to attract a wealthy husband and be a good mother.

The 1992 Law on the Protection of Women's Rights and Interests was designed to assist in curbing gender-based discrimination. However, women continued to report that discrimination, sexual harassment, unfair dismissal, demotion, and wage discrepancies were significant problems. Efforts have been made by social organizations as well as the Government to educate women about their legal rights, and there is anecdotal evidence that women increasingly are using laws to protect their rights. For example, at Fudan University in Shanghai, the Women's Study Center with the support of Shanghai's labor union has established a hot line to inform workers, mainly women, of their legal rights. Nevertheless, women frequently encounter serious obstacles in getting laws enforced. According to legal experts, it is very hard to litigate a sex discrimination suit because the vague legal definition makes it difficult to quantify damages. As a result, very few cases are brought to court. Some observers also have noted that the agencies tasked with protecting women's rights tend to focus on maternity-related benefits and wrongful termination during maternity leave rather than sex discrimination or sexual harassment. The structure of the social system also prevents women from having a full range of options. Women who seek a divorce face the prospect of losing their housing since government work units allot housing to men when couples marry.

Women have borne the brunt of the economic reform of stateowned enterprises. As the Government's plan to revamp state-owned enterprises is carried out, millions of workers have been laid off. Of those millions, a disproportionate percentage are women, many of whom do not have the skills or opportunities to find new jobs. A December 1998 Asian Development Bank report noted that almost 70 percent of the 23 million persons who could lose their jobs as a result of state-owned enterprise reform were women, even though they only constituted 36.4 percent of the work force. A 1998 All-China Federation of Trade Unions (ACFTU) report estimated that 80 percent of those laid off from stateowned enterprises in Heilongjiang Province were women. Women between the ages of 35 and 50 were the most affected, and the least likely to be retrained. In addition female employees were more likely to be required to take pay cuts when a plant or company was in financial trouble. There have been reports that many women have been forced or persuaded into early retirement as well. Discriminatory hiring practices appear to be on the rise as unemployment rises. Increasingly companies discriminate by both sex and age, although such practices violate labor laws.

Many employers prefer to hire men to avoid the expense of maternity leave and childcare and some even lower the effective retirement age for female workers to 40 years of age (the official retirement age for men is 60 years and for women 55 years). Lower retirement ages have the effect of reducing pensions, which generally are based on years worked.

The law promises equal pay for equal work. According to a 1997 World Bank report, women's salaries, on average, were 80 to 90 percent of the salaries of their male counterparts. However, a recent Government survey found that women were paid only 70 to 80 percent of what men received for the same work. Most women employed in industry work in lower skilled and lower paid jobs.

According to official figures, in 1995 there were 145 million illiterate persons above the age of 15. Women made up approximately 70 percent of this total. A 1998 Asian Development Bank report estimated that 25 percent of all women are semiliterate or illiterate, compared with 10 percent of men. The Government's "Program for the Development of Chinese Women (1995–2000)" set as one of its goals the elimination of illiteracy among young and middle-aged women by the end of the century. The main priority was to increase the literacy of rural women, 80 percent of

whom are wholly or partially illiterate. However, some women's advocates were skeptical that the Government's goal could be attained given the lack of resources.

While the gap in the education levels of men and women is narrowing, men continue to constitute the majority of the relatively small percentage of the population that receives a university-level education. According to figures released by the All-China Women's Federation, at the end of 1997 women made up 36 percent of all university students, and 30 percent of all graduate students. However, educators in the large cities have reported that there is a trend toward greater gender balance in universities. Some academics have reported that in some departments women are beginning to outnumber men—even in some graduate schools. However, women with advanced degrees report an increase in discrimination in the hiring process as the job distribution system has opened up and become more competitive and market driven.

Children.—The Constitution provides for 9 years of compulsory education for children (see Tibet addendum); however, in economically disadvantaged rural areas many children do not attend school for the required period, if at all. Public schools are not allowed to charge tuition, but, faced with revenue shortfalls since the central Government largely stopped subsidizing primary education in the early 1990's, many schools have begun to charge mandatory fees. Such fees make it difficult for poorer families to send their children to school or send them to school on a regular basis. Some charity-financed schools have opened in recent years in rural areas, but not enough to meet the demand. Children of migrant workers in urban areas also often do not attend school, although they may be allowed to do so if they pay required school fees (which their parents generally cannot afford, and which are higher than for resident children). Some unlicensed schools that cater to migrant children and have lower school fees reportedly have opened in cities in recent years. However, the quality of these schools is uneven. Local municipalities do not provide them with supplies or financial support. Because the schools are not licensed, their graduates may not be admitted to high school. Many of these schools reportedly do not offer education beyond grade six, also making it difficult for migrant children to obtain further education. Migrant schools are in constant danger of being closed by the authorities. The government campaign for universal primary school enrollment by 2000 (which was not met by year's end) has helped to increase enrollment in some areas; however, it also reportedly has led to school officials inflating the number of children actually enrolled.

An extensive health care delivery system has led to improved child health and a sharp decline in infant mortality rates. According to 1997 official figures, the infant mortality rate was 33 per 1,000 in 1996. According to the U.N. Children's Fund (UNICEF), in 1995 the mortality rate for children under 5 years of age was 47 per 1,000 live births.

The 1992 Law on the Protection of Juveniles forbids infanticide, as well as abandonment or mistreatment of children. The law also prohibits discrimination against disabled minors, emphasizes the importance of safety and morality, and codifies a variety of judicial protections for juvenile offenders. The physical abuse of children can be grounds for criminal prosecution.

There were credible reports of female infanticide. The use of ultrasound tests to determine gender also results in decisions to terminate pregnancies of female fetuses, but no reliable statistics are available on the extent of the problem. One 1997 newspaper article quoted a doctor as saying that as many as 97.5 percent of pregnancies terminated in his hospital were of female fetuses. A 1997 World Health Organization paper reported that the national ratio of male to female births in 1994 was 117 to 100 (the worldwide statistical norm is 106 to 100). However, in July the Liaoshen Evening News reported that in a township of Liaoyang County, the male to female sex ratio was 306/100 for second children born between 1992 and 1999. Part of the statistical gap may be attributable to female infanticide, sex-selective termination of pregnancies, and abandonment or neglect of girls. The underreporting of female births by couples trying to evade family planning laws to try to have a son is another significant factor (see Section 1.f.).

According to the latest available figures, compiled in 1994, the number of children abandoned each year is approximately 1.7 million, despite the fact that, under the law, child abandonment is punishable by a fine and a 5-year prison term. The vast majority of abandoned children eventually admitted to orphanages are female, although some are males who are either disabled or in poor health. Children put up for foreign adoption are almost exclusively girls. The treatment of children at these institutions varies from adequate to deplorable. There have been reports of children at some orphanages being restrained for long periods of time and denied basic care and food. Accurate determination of infant mortality rates in orphanages is difficult, but rates appear to be high at many, especially among new arrivals. However, con-

ditions in some other orphanages appear to be adequate, if Spartan. Medical professionals frequently advise parents of disabled children to put the children into orphanages.

According to several sources, orphanage workers in some facilities reserve basic medical care and even nutrition for children who are deemed to have the best chances for survival. Some sources report that children whose prospects of survival are determined to be poor are placed in rooms separate from other children and subjected to extreme neglect. Claims that government policies, as opposed to lack of resources, were to blame for the lack of care of children placed in orphanages could not be verified. However, Human Rights Watch reported in 1996 that many institutions, including those with the highest death rates, have budgets that provide for adequate wages, bonuses, and other personnel-related costs, but that budgets for children's food, clothing, and other necessities are low throughout the country. There was a report in 1998 that, at least in one orphanage, a new conference room was built while the facilities and care for orphans under the age of 2 remained abysmal. The mortality rate for children under the age of 2 at this institution reportedly approached 100 percent, even for those infants who entered in fair health. Bureaucratic indifference and corruption on the part of orphanage administrators appear to be significant factors in such cases. Since the mid-1990's, foreigners were first banned and then subjected to far more restrictions in visiting orphanages than previously.

In recent years, some privately run orphanages (not funded by the State) have started to operate, in which conditions may be generally better for children. In areas where such orphanages operate, some state-run orphanages have exhibited a willingness to learn from them and to adopt some of their more modern practices.

The Government denies that children in orphanages are mistreated or refused medical care but acknowledges that the system often is unable to provide adequately for some children, especially those who are admitted with serious medical problems. In an effort to address this problem, in November 1998 the NPC adopted a revised adoption law making it easier for couples to adopt. The new law dropped a restriction that parents who adopt a child must be childless. It also allows for multiple adoptions and lowers the age at which couples are eligible to adopt. The Civil Affairs Ministry announced in 1997 that the Government's top social welfare priority for that year would be to improve conditions in orphanages, and there have been credible reports of new construction, renovation, and improved care in some areas. Over $30 million (248.4 million RMB) reportedly was allocated for this program. A Government white paper on women and children issued in 1997 stated that the central Government had spent $25.7 million (212.8 million RMB) between 1990 and 1994 to improve "children's welfare institutions," the official term for orphanages. During the same period, local Governments apparently allocated almost $18 million (149 million RMB) to these institutions.

Children reportedly are detained administratively in custody and repatriation centers, either for minor crimes that they have committed or because they are homeless. Such children routinely are detained with adults and may be required to work (see Sections 1.d, 1.e., and 6.c.).

Despite government efforts to prevent kidnaping and the buying and selling of children (sometimes for labor purposes), these problems persist in some rural areas (see Sections 6.c. and 6.f.). Girls and women are trafficked and sold as brides, and boys may be trafficked to provide sons for couples unable to have one. On May 30, two persons convicted of trafficking in children were executed in Jiangxi Province, and one was executed in Guizhou Province.

People with Disabilities.—In 1990 the Government adopted legislation that protects the rights of the country's disabled persons. According to the official press, all local governments subsequently drafted specific measures to implement the law. The press publicizes both the plight of the disabled and Government efforts to assist them. The Government, at times in conjunction with NGO's such as the Lions Club International, sponsors a wide range of preventive and rehabilitative programs, including efforts to reduce congenital birth defects, treat cataracts, and treat hearing disorders. The goal of many of these programs is to allow persons with disabilities to be integrated into the rest of society.

However, reality for the disabled lags far behind legal dictates, and many do not receive or have access to special assistance or to programs designed to assist them. Misdiagnosis, inadequate medical care, pariah status, and abandonment remain common problems. According to reports, parents of disabled children often are persuaded by doctors to place their children in large government-run institutions, often far from their parents, and in which care is often substandard. Those parents who choose to keep such children at home generally face difficulty in getting adequate medical care, day care, and education for these children. In a 1998 speech, Vice Pre-

mier Li Lanqing noted that in the past decade, the Government had helped some 14 million disabled citizens solve their food and clothing problems. Nonetheless, government statistics show that almost one-quarter of the approximately 60 million disabled persons live in extreme poverty. According to 1998 government statistics, the unemployment rate for disabled persons is 26.7 percent, a decrease from the past but still almost 10 times the official rate for the general population. The Government's new strategy is to integrate the disabled into the mainstream work force, but these efforts are running into a cultural legacy of discrimination and neglect. In the mid-1990's in Beijing and eight other cities, the Government began, on a trial basis, to require all companies and institutions to hire at least 1 percent of their workers from among the disabled. However, over a period of 2 years in Beijing, only 400 disabled persons obtained jobs in this way; in Shanghai, over a period of 3 years, only 100 persons obtained jobs.

Standards adopted in 1994 for making roads and buildings accessible to the disabled are subject to the 1990 Law on the Handicapped, which calls for their "gradual" implementation. Lax compliance with the law has resulted in only limited access to most buildings.

Deng Pufang, son of the late paramount leader Deng Xiaoping, is a paraplegic who heads the China Welfare Fund for the Handicapped and the China Disabled Persons' Federation (CDPF), Governmentaffiliated organizations tasked with assisting the disabled. In March 1998, this organization laid out a series of goals that it hoped to achieve by 2000, including ensuring that all persons with disabilities have adequate food and clothing, providing rehabilitation services for 3 million individuals, increasing to 80 percent the enrollment rate for disabled students, and reducing to 20 percent the unemployment rate for disabled workers; as of year's end, the goals had not been met.

The Maternal and Child Health Care Law forbids the marriage of persons with certain specified contagious diseases or certain acute mental illnesses such as schizophrenia. If doctors find that a couple is at risk of transmitting disabling congenital defects to their children, the couple may marry only if they agree to use birth control or undergo sterilization. This law mandates premarital and prenatal examination for genetic or contagious diseases, but it specifies that medically advised termination of pregnancy or sterilization requires the signed consent of the patients or their guardians.

In 1998 the Adoption Law was revised to loosen age restrictions on adoption. This change, which was intended to facilitate adoption, may have unintended consequences for children with special needs. In the past, individuals under the age of 35 could adopt only children with special needs. The minimum age for adopting a healthy child is now set at 30 instead of 35. Some observers worry that the law, which became effective in 1999, may eliminate the age-based incentive for the adoption of children with special needs.

Persons in urban areas who are mentally ill or disabled and are found on city streets can be detained administratively under custody and repatriation regulations, ostensibly for their protection (see Sections 1.d. and 1.e.). The conditions under which they are held in such centers reportedly are poor and may include being forced to perform labor.

National/Racial/Ethnic Minorities.—According to 1995 government statistics, the total population of the country's 55 ethnic minorities was 108.46 million, or 8.98 percent of the total population. Most minority groups reside in areas they traditionally have inhabited, many of which are mountainous or remote. The Government's avowed policy on minorities calls for preferential treatment in marriage regulations, family planning, university admission, and employment. However, there have been reports that in some areas ethnic minorities have been subjected to pressure to limit births to the lower number allowed Han (see Section 1.f.). Programs have been established to provide lowinterest loans, subsidies, and special development funds for minority areas. Nonetheless, in practice, minorities face discrimination. Most of the minorities in border regions are less educated than the national average, and job discrimination in favor of Han migrants remains a serious problem. Racial discrimination is the source of deep resentment among minorities in some areas, such as Xinjiang and Tibet; however, the Government does not officially recognize racism against minorities or tension among different ethnic groups as problems. The media nonetheless often denounce racism and call for equal treatment.

Official figures state that the Government invested $12.6 billion (104 billion RMB) in infrastructure development for minority areas during the period 1991 to 1995. The Ninth 5-Year Plan announced in 1996 stated that the Government would raise this figure to $27.8 billion (230 billion RMB) for the period from 1996 to 2000. According to Government statistics, between 1991 and 1996, the economies in minority regions grew by nearly 11 percent annually, surpassing the national average in each

year. Government development policies have helped improve minority living standards. However, real incomes in minority areas, especially for non-Han groups, remain well below those in other parts of the country, and minorities credibly claim that the majority Han Chinese have benefited disproportionately from government programs and economic growth. Many development programs have disrupted traditional living patterns of minority groups, including Tibetans and the Muslim Turkic majority (including Uighurs) of western Xinjiang. For example, there is evidence that official poverty alleviation programs and major state projects, such as building dams and environmental/ reforestation projects, include the forced evacuation of persons (see Section 2.d.). Plans to develop tourism in Xinjiang also often have focused on marketing and investment opportunities but paid little attention to how minority cultures and the environment might be affected adversely. Since 1949 central government and economic policy have resulted in a significant migration of Han Chinese to Xinjiang. According to a government white paper, in 1998 there were approximately 8 million Uighurs, 2.5 million other ethnic minorities, and 6.4 million Han in Xinjiang, up from 300,000 Han in 1949.

According to official government statistics, 15.34 million minority students attended schools between 1994 and 1996. A 1997 white paper stated that 98.2 percent of all schoolage children in the Guangxi Zhuang Autonomous Region were enrolled in schools in 1996. In many areas with a significant population of minorities, there are two-track school systems using either Mandarin or the local minority language. Students can choose to attend schools in either system. One acknowledged side effect of this policy, originally designed to protect and maintain minority cultures, has been the reinforcement of a segregated education system. Under this divided education system, those graduating from minority schools are at a disadvantage in competing for jobs in government and business, which require good Chinese-language skills. Graduates of these schools typically need a year or more of intensive Chinese before they can cope with course work at a Chinese-language university (see Tibet addendum).

The Communist Party has an avowed policy of boosting minority representation in the Government and the Party. A September 1999 government white paper reported that there were 2.7 million minority officials in the Government. According to government statistics, there were 163,000 minority officials in the Inner Mongolia Autonomous Region. Minority officials constitute 23.3 percent of the region's total, exceeding the ratio of the minority population to Han Chinese in the region. Many members of minorities occupy local leadership positions, and a few have positions of influence at the national level. However, in most areas, ethnic minorities are shut out of positions of real political and decisionmaking power. In Xinjiang the job of county party secretary—the most important position in a county—typically is reserved for Han Chinese, even in counties that are close to 100 percent Uighur. Many minorities resent Han officials holding key positions in minority autonomous regions.

During the year, the Government decided to withdraw from consideration for World Bank funding a project to resettle some 58,000 ethnic Han, Hui Muslim, and Tibetan farmers in a traditionally Mongolian and Tibetan area (Dulan county in Haixi Tibetan-Mongolian Autonomous Prefecture, Qinghai Province) as part of a poverty alleviation program. In June 1999, the World Bank's Executive Board had approved the project with the condition that an independent inspection panel investigate whether the project was in compliance with World Bank standards. After the inspection panel concluded that bank standards were violated, the Government withdrew the Qinghai project from bank consideration and stated that it would finance the project domestically.

Tensions between ethnic Han citizens and Uighurs in Xinjiang continued. Since 1996 the authorities have cracked down harshly on suspected Uighur nationalists and independent Muslim religious leaders. There were numerous reports during the year that Uighurs were being executed or sentenced to long prison terms for separatist activities. According to a February report by Human Rights Watch, the pace of executions and imposition of long prison terms for suspected separatists in Xinjiang increased during 1999, and there were more frequent public sentencing rallies during the year. In March a Xinjiang court sentenced Rebiya Kadeer, a prominent Uighur businesswoman and former member of the provincial-level Chinese People's Political Consultative Conference, to 8 years in prison on charges of "passing state intelligence" to foreigners; according to an official press report, the intelligence she was accused of passing included newspaper articles and a list of names of persons whose cases had been handled by the courts. During her trial, Kadeer was not allowed to speak to her lawyer, according to foreign press reports. In November according to foreign press reports, her appeal was rejected. Kadeer, her son, and her secretary were arrested while on their way to meet a visiting foreign dele-

gation in August 1999. Kadeer's son and secretary were sentenced administratively to 2- and 3-year reeducation-through-labor terms, respectively, in November 1999. Kadeer is reported to be in poor health but has been unable to get adequate medical treatment. Many foreign observers believe Kadeer was singled out for her activism on behalf of Uighurs and for her husband's involvement with Uighur causes and Radio Free Asia in the United States. In April a Xinjiang court upheld a lower court in sentencing a Uighur man to 15 years in prison and sentencing 17 of his accomplices to prison terms ranging from 1 to 14 years. The 18 were found to have possessed "illegal publications and audio cassette tapes with reactionary contents" and to have assembled with the intention of undermining national unity, according to the official media. In June a court in Xinjiang's capital handed down death sentences against four men found guilty of "splitting the country, intentional manslaughter, robbery" and other crimes, according to an official news report. Amnesty International reported that Zulikar Memet was executed secretly on June 21 for helping separatists. In July official media reported that the same court had ordered the execution of three "national separatists" who in 1997 allegedly had established a "Party of God" and subsequently trafficked in explosive materials and engaged in murder, larceny, robbery, and rape. In August 1999 Amnesty International issued a report documenting 210 death sentences and 190 executions in Xinjiang since 1997. According to AI, thousands of persons have been detained arbitrarily, including some for their suspected support of the separatist cause. AI reports that many Uighurs detained for political reasons in Xinjiang between 1990 and 1998 are believed still to be in custody. According to foreign press reports, Abdulhelil Abdumijit was tortured to death in custody.

A campaign to stress ethnic unity and to condemn "splittism" and religious extremism that began in Xinjiang in 1997 continued. This campaign pervades the Chinese-language media and reaches into the region's school system. Authorities maintained tight control over "separatist activities," announced tightened security and antiterrorist measures, and mounted campaigns to crack down on opposition during the year. Because the Xinjiang Uighur Autonomous Region government regularly lumps together those involved in "ethnic separatism, illegal religious activities, and violent terrorism," it is often unclear whether particular raids, detentions, arrests, or judicial punishments involve ethnic discrimination.

Possession of separatist publications or audiovisual materials is not permitted, and, according to reports, possession of such materials has resulted in lengthy prison sentences. The author of a history of the Uighurs that was severely criticized by provincial-level and national authorities in the mid-1990s remains prohibited from publishing or from meeting with foreigners. A Uighurlanguage press exists in Xinjiang, but it has a very small circulation, and much of the population depends on market rumors for information. In general central authorities made it clear that they do not tolerate opposition to Communist Party rule and responded to unrest and terrorist incidents with force and heightened security measures.

The education system provides Chinese-language instruction for Han students and Uighur-language instruction for Uighur students until fourth grade and then gradually switches to Chinese as the principal language of instruction. Graduation from the Uighur school system leaves Uighurs poorly educated, with an inadequate command of the Chinese language.

According to some estimates, the migration of ethnic Han into Xinjiang in recent decades has caused the Han-Uighur ratio in the capital of Urumqi to shift from 20 to 80 to 80 to 20, and is a source of Uighur resentment. By some estimates, 250,000 Han have moved into the region annually in the last few years. Han control of the region's political and economic institutions also has been a factor in the growth of tension. The testing of nuclear weapons in Xinjiang until July 1996 was another source of serious contention because of continuing health concerns and environmental degradation. Although government policies have brought tangible economic improvements to Xinjiang, Uighurs maintain that Han receive a disproportionate share of the benefits. The majority of Uighurs are poor farmers, and 25 percent are illiterate.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for "freedom of association;" however, in practice this right is subject to the interests of the State and the leadership of the Communist Party, and true freedom of association does not exist. The Communist Party controls the country's sole officially recognized worker's organization, the All China Federation of Trade Unions (ACFTU). Attempts to form independent unions are suppressed swiftly. The 1992 Trade Union Law gives the ACFTU effective control over the establishment and operations of all legal sub-

sidiary labor organizations. The head of the ACFTU is a member of the Standing Committee of the Central Committee of the Communist Party.

Independent labor unions are illegal. The Trade Union Law required that the establishment of unions at any level be submitted to a higher-level trade union organization for approval, and only approved registered unions are legal. The ACFTU subsumes under its authority 16 industry-based and 31 provincial-level labor unions. They, in turn, have jurisdiction over roughly 590,000 "grassroots" labor unions nationwide. According to labor regulations, there can be only one "grassroots" union per enterprise, and only enterprises that have at least 25 employees may establish unions. In the past decade or more, numerous attempts were made to establish independent unions. Following the signing of the International Covenant on Economic, Social, and Cultural Rights in 1997, a number of labor activists have petitioned the Government to establish free trade unions, as allowed under the covenant. The Government had not approved the establishment of any independent unions by year's end.

Under the country's planned economy, the ACFTU's main task has been to assure labor discipline, mobilize workers to achieve party objectives, including national economic development goals, and protect worker welfare and interests. However, in practice the majority of ACFTU-affiliated unions function primarily as social organizations, arranging recreational activities for workers, such as movie nights, picnics, and charity drives. In the face of rising unemployment, unions have played a more active role on behalf of unemployed workers, who have grown to over 20 million with the restructuring of state-owned enterprises. The ACFTU claims that, through mid-year, it had established over 4,000 job placement centers and more than 6,500 professional training programs, benefiting over 3 million unemployed workers. Since 1999 the ACFTU has also contributed over $50 million (RMB 390 million) to displaced workers in difficult circumstances. Some categories of unemployed workers are entitled to unemployment benefits for as many as 5 years, but many have not received their full entitlements, primarily because of funding problems in the social security system.

The work force totals approximately 740 million persons, including roughly 540 million rural workers. The ACFTU claims 103 million members, over 90 percent of whom work in state-owned enterprises. The Trade Union Law allows workers to decide whether to join the unions in their enterprises, and there have been no reports of repercussions for the 5 percent of workers in the state-owned sector who have not joined. In recent years the ACFTU actively began recruiting workers in the private sector, including in township and village enterprises (TVE's), as well as in foreign joint ventures. The ACFTU has 5.5 million members in foreign-funded enterprises and over 2 million members in private (nonstate domestic) enterprises at year's end. However, the vast majority of enterprises in China's burgeoning private sector, which according to official statistics employs roughly 20 million workers, do not have a union. Approximately 10 percent of private firms have a Communist Party representative among the workforce, whose nominal task is to defend workers' interests. Military and security personnel are the only categories of workers who cannot join a union.

The ACFTU has submitted to the Government draft amendments to the Trade Union Law, which would strengthen the right of private sector workers to form or join ACFTU-affiliated unions. These draft amendments are still under consideration. However, workers in many joint ventures and foreign-invested enterprises have some form of worker organization, even though they do not have unions. These organizations are not part of the ACFTU but usually have Communist Party members within their leadership. Like unions, the organizations work with management on labor issues but serve primarily to arrange social activities for workers. They do not engage in collective bargaining with management. According to members, these organizations have more flexible and direct dealings with enterprise management, since they are not subject to ACFTU strictures.

There are roughly 540 million rural workers, the overwhelming majority of whom are not organized. Farmers do not have a union. However, farmers have written millions of letters to the central and local governments to express their views on working conditions, and government officials have been reasonably responsive. There are approximately 125 million agricultural workers in TVE's. The ACFTU has attempted in recent years to recruit TVE workers, but only 5.2 million had joined as of 1999. Although some TVE's have local branches of the ACFTU, most TVE managers maintain that an ACFTU presence is not feasible because their employees continue to be classified as "farmers" rather than "workers." However, some Communist Party secretaries in TVE's take it upon themselves to establish union representation and then affiliate with the ACFTU.

In 1999 migrant workers began to form semiautonomous "village labor unions" on the rural outskirts of some cities in order to represent their interests in new private sector industries. These nascent, loosely organized groups continued to operate, but they reportedly did not grow in size or scope. Local governments have not interfered in their activities, although these organizations have not yet been brought formally within the ACFTU. According to some domestic press reports, these village unions are effective, relatively independent, and cooperative with city governments.

During the year, the Government continued its efforts to eliminate illegal union activity, including through detention or arrest of labor activists. In mid-December labor activist Cao Maobing was detained and admitted against his will to a psychiatric hospital in Yancheng, Jiangsu Province, where he reportedly also was forced to take medication. At year's end, he remained at the facility. According to press reports, Cao led workers at a local silk factory in an effort to form an independent labor union after they concluded that the official ACFTU would not help them address their grievances. Workers' grievances included alleged corruption on the part of factory management, the nonpayment of promised worker subsidies, and unpaid pensions. In mid-November 1,800 of the workers reportedly began a strike. Cao was arrested soon after he spoke to Western reporters about efforts to set up an independent union; reportedly, he suffered from no apparent mental illness. According to a report by the General Secretary of the International Metalworkers Federation, near Funing, workers at textile factories, a brewery, and a fertilizer plant have attempted unsuccessfully to form independent unions. In December 1999, authorities in Henan Province committed Xue Jifeng to a mental hospital after he attempted to establish an independent labor union to support workers harmed in a financial fraud. He was held until June (see Section 1.d.). In May Zhang Shanguang, the founder of the short-lived Association to Protect the Rights and Interests of Laid-off Workers, lost an appeal against a 1998 10-year prison sentence for providing "intelligence" to foreigners. Zhang had informed a Radio Free Asia reporter about worker protests in Hunan Province. Labor activist Liao Shihua, originally arrested in 1999 on subversion charges after taking part in a workers' demonstration in Hunan, was sentenced in June to 6 years in prison. Yue Tianxiang, Guo Xinmin, and Wang Fengshan, who established the "China Workers Watch" organization to defend workers' rights, were arrested in 1999 and sentenced to 10 years, 2 years, and 2 years in prison, respectively, for subversion. Wang was released in August, but Yue and Guo remained in prison. He Chaohui, who was given a 10-year prison sentence in 1999 for providing human rights organizations with information on worker protests, remained in prison. He had previously served 2 years in prison in the 1980's for illegal union activities and had more recently organized worker demonstrations in Hunan. In 1999 he was convicted for providing human rights organizations overseas with information on protests. Liu Jingsheng, who received a 15-year prison sentence in 1995 for attempting to organize independent labor unions, also remained in prison. Shanghai labor dissident Wang Miaogen disappeared in 1999, and some observers believe that he is being held in a psychiatric hospital.

In June the Government released labor activists Li Wangyang and Zhang Jingsheng from prison. Li and Zhang were sentenced in 1989 to 13 years in prison after they cofounded the "Autonomous Federation of Workers" and participated in the Tiananmen Square demonstrations. Zhang had earlier served a 4-year prison sentence for taking part in the 1979 Democracy Wall Movement. Li was released from prison on bail in 1996 but was reincarcerated in 1997.

Neither the Constitution nor the labor law provides for the right to strike. The right to strike was removed from the Constitution in 1982 on the grounds that the political system had eradicated problems between workers and enterprise owners. The Communist Party exerts strong control over organized labor. Strikes are not sanctioned officially, and workers virtually never act through unions to obtain concessions from management by means of work stoppages. Accurate statistics on strike incidents are not available. However, labor disputes have risen in recent years; according to the Labor Ministry, there were 8,150 labor disputes in 1992, and over 120,000 in 1999. During the year, there continued to be numerous demonstrations by workers and retired workers protesting unpaid wages, benefits, pensions, or unemployment stipends. Workers also protested continuing large-scale layoffs that have been prompted by industrial restructuring. Most demonstrations were short and nonviolent, with participation ranging as high as the thousands. Government authorities generally responded with minimal force and refrained from detaining large numbers of participants. However, in several cases, demonstrations disrupted access to railway lines or other public facilities and were suppressed by force. For example, in February mine workers in Liaoning Province clashed with police and military officers for 3 days after the closure of a mine was announced; the miners, although given a severance package, were owed 18 months' wages (see Sections

1.c. and 2.b.). Workers were also angry over the alleged corruption of the factory bosses. The area was briefly placed under martial law. In May up to 2,000 unpaid workers reportedly protested at their factory and at local government offices in Liaoyang, Liaoning Province; the police eventually broke up the demonstration. Dozens were reported injured, and three persons were arrested. In December the Information Centre for Human Rights and Democracy reported that 2,000 construction workers in Heilongjiang Province who had not been paid in 2 years briefly blocked a railway line. In at least one city, Shenyang, local government officials banned public demonstrations effective July 20 (see Section 2.b.), although demonstrations continued to take place. Authorities in some cases provided funds to alleviate wage or benefit arrearages in response to the demonstrations.

The Labor and Trade Union laws give unions the role of mediators with management in cases of labor disputes. Under these laws, the formal dispute settlement procedure allows cases to be submitted first to an enterprise's mediation committee, whose chairman should be a union representative. If the dispute remains unresolved, or if either party chooses to bypass the mediation process, the case may then be submitted to a local arbitration committee, which should include representatives from the union, management, and local government. If no solution is reached at this level, the dispute may be submitted to the courts. Nationwide there are approximately 270,000 enterprise labor dispute mediation commissions and more than 3,100 labor dispute arbitration commissions set up under Ministry of Labor and Social Security auspices. There are 1,569,000 full- and part-time enterprise mediators and more than 17,000 labor arbitrators. The number of labor disputes has risen rapidly in recent years. According to statistics released during the year by the Ministry of Labor and Social Security, arbitration committees nationwide handled over 120,000 labor disputes in 1999, nearly double the 1998 figure and quadruple the 1995 number. According to a 1999 report of the International Confederation of Free Trade Unions (ICFTU), these mediation efforts are often preferential to employers and largely are ineffective in advocating worker rights.

The country is a member of the International Labor Organization (ILO) and has ratified core ILO conventions prohibiting child labor and discrimination in remuneration for male and female workers. China has not ratified other core conventions regarding the right of association, the right to collective bargaining, and the prohibition against compulsory labor. The Government has worked closely with the ILO for several years on programs in such areas as industrial relations, employment promotion, and occupational safety.

The ICFTU brought a complaint against the Government to the ILO in 1998, alleging the detention of trade unionists and violations of the right to organize. The Government denied the allegations in its official response to the ILO in March 1999. Later in 1999, the ILO's governing body found the response inadequate and requested the Government to provide additional information. The Government has not yet replied to the request.

There are no legal provisions allowing for individual unions to affiliate with international labor organizations. However, the ACFTU has cultivated relations with international trade union organizations. According to the ACFTU, by mid-year it had established exchanges and cooperative relations with over 400 trade unions and international and regional trade organizations in over 130 countries and regions. Over the past year, roughly 60 official ACFTU delegations traveled overseas to meet and study with trade union counterparts. During the year, the ACFTU for the first time received a visit from the head of the ICFTU.

b. The Right to Organize and Bargain Collectively.—The Labor Law permits collective bargaining for workers in all types of enterprises. The law also provides for workers in all types of enterprises to sign individual as well as collective contracts. Collective contracts are to be worked out between ACFTU or worker representatives and management and specify such matters as working conditions, wage scales, and hours of work. Individual contracts which are to be drawn up in line with the terms of the collective contract. Collective contracts must be submitted to local government authorities for approval within 15 days. According to the ACFTU, 75 million workers in over 360,000 enterprises worked under contracts that were negotiated in this fashion as of mid-June 1999.

In spite of these legal and procedural provisions for collective bargaining, workers in collective and state-owned enterprise have little real power to influence wage levels, although small number of workers with high level technical skills can negotiate effectively on salary and fringe benefits. MOLSS sets guidelines for determining the total wage bill for each collective or state-owned enterprise: 1) as a percentage of profits, 2) as a contract amount with the local labor bureau, 3) as a state-set amount for money-losing enterprises, or 4) as an enterprise-set amount subject to Labor Ministry review. Individual enterprises determine how to divide the total among

workers, a decision usually made by the enterprise manager in consultation with the enterprise's Communist Party secretary and the ACFTU.

Worker congresses, which are held once or twice a year, have been established in over 314,000 enterprises. ACFTU officials publicly have called for strengthening worker congresses—particularly on the sale and merger of enterprises. Enterprise employees or their representatives attend to examine enterprise policies and reform plans. Participants are supposed to be entitled to evaluate and, if necessary, dismiss enterprise managers. Unions, in consultation with management, are supposed to implement resolutions passed by the congresses. However, these rights have not been realized in practice. Many worker congresses are rubber stamps for deals predetermined by the manager, union representative, and Communist Party secretary. In smaller enterprises, the same person sometimes holds these three posts.

The Trade Union Law prohibits antiunion discrimination and specifies that union representatives may not be transferred or terminated by enterprise management during their term of office. Given strict top-down control of organized labor activity, and Communist Party control of unions, instances of reprisals or discriminatory action by management against unions are uncommon. The Government ratified ILO Convention 100 on discrimination in 1990.

Laws governing working conditions in special economic zones (SEZ's) are not significantly different from those in the rest of the country. Wages in the SEZ's and in the southeastern part of the country generally are higher than in some other parts of the country because high levels of investment have created a great demand for available labor. As in other areas of the country, officials have admitted that some foreign investors in the SEZ's are able to negotiate "sweetheart" deals with local partners that effectively bypass labor regulations. Some foreign businesses in the SEZ's have ACFTU-affiliated unions, and management reports positive relations with union representatives. One reason is that the ACFTU discourages strikes and work stoppages.

c. Prohibition on Forced or Compulsory Labor.—The law prohibits forced and bonded labor, but forced labor is a serious problem, particularly in penal institutions. Some penal facilities contract with regular industries for prisoners to perform manufacturing and assembly work. Others operate their own companies. A 1999 directory of Chinese corporations published by a foreign business information company listed at least two correctional institutions as having business enterprises. Human rights advocates note government publications that document the export of products made with prison labor. Regulations bar the export of prison-made goods, but these regulations are not enforced effectively. In 1998 there were reports that soccer balls, manufactured for a foreign company, were produced for export by prisons in the Shanghai area. A request for investigation of the allegations was made to the Government in October 1998; there has been no response to date.

In 1992 the U.S. and Chinese Governments signed a Memorandum of Understanding (MOU) prohibiting trade in products produced by prison labor. It also allows U.S. officials, with the approval of the Government, to visit prison production facilities to check specific allegations that prisoners in these facilities have produced goods exported to the U.S. A statement of cooperation (SOC) detailing specific procedures for implementation of the MOU was signed in 1994. Although the signing of the SOC initially helped foster a more productive relationship between U.S. diplomats and Chinese authorities, since 1997 Chinese authorities have permitted only one U.S. inspection of prison facilities. In April the Ministry of Justice met with U.S. Embassy officials to discuss prison labor after having declined to do so for 3 years. In September the Ministry permitted U.S. Embassy officers to visit the Dezhou Shengjian Machine Works in Shandong Province, a site that was the subject of a longstanding visit request. No evidence was found to support allegations that prison labor there had been used to produce items exported to the U.S. During the year, the Ministry of Justice made no response to seven requestsone dating back to 1992 and several dating back to 1994—for visits to sites suspected of exporting prison labor products to the United States. U.S. officials also renewed requests, some dating back to 1994, for the Ministry of Justice to investigate 10 other facilities suspected of exporting prison labor products. The Ministry of Justice did not respond to any of these additional requests during the year.

In addition to prisons and reform-through-labor facilities, which hold inmates sentenced through judicial procedures, the Government also maintains a network of reeducation-through-labor camps, to which persons are sentenced, without judicial review, through administrative procedures (see Section 1.d.). Inmates of reeducationthroughlabor facilities generally are required to work, and there have been reports that products made in these facilities are exported. The Government has taken the position that the facilities are not prisons and has denied access to them under the 1992 prison labor MOU with the United States. Credible reports

from international human rights organizations and the foreign press indicate that some persons in pretrial detention also are required to work. Inmates of custody and repatriation centers, who also have been detained administratively without trial, reportedly are required to perform labor while in detention, often to repay the cost of their detention. Most such inmates perform agricultural labor (see Sections 1.d. and 1.e.).

Most anecdotal reports conclude that working conditions in the penal system's light manufacturing factories are similar to those in other factories, but conditions on the penal system's farms and in mines can be very harsh. As in many workplaces, safety is a low priority. There are no available figures for deaths and injuries in prison industries.

According to press reports, in June more than 2,300 inmates at the Shangrao labor camp staged a strike in protest against forced overtime doing the intensive labor of ore milling. After camp officials called in over 500 armed police to suppress the strike, a riot occurred. In the incident, 3 persons were killed and more than 70 were wounded (see also Sections 1.a. and 1.c.).

Trafficking in women, and the kidnaping and sale of women and children for forced prostitution, are serious problems (see Sections 5 and 6.f.).

The law prohibits forced and bonded labor, including that by children, and the Government on balance is believed to enforce the prohibition effectively, except in regard to the problem of trafficking in children for forced prostitution (see Sections 5 and 6.f.) and of child labor in custody and repatriation centers (see Sections 1.d., 1.e., and 5). During the year, the media (including domestic media) reported several cases in which children were alleged to have been compelled to work (See section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Law specifies that, with a few strictly-supervised exceptions, "no employing unit shall be allowed to recruit juveniles under the age of 16," 2 years older than the ILO standard age of 14 years for developing countries. The Labor Law specifies administrative review, fines, and revocation of business licenses of those businesses that illegally hire minors. The law also stipulates that children are to receive 9 years of compulsory education and that parents or guardians should provide for their subsistence. Laborers between the ages of 16 and 18 are referred to as "juvenile workers," and are prohibited from engaging in certain forms of physical work, including labor in mines. The Government adopted ILO Convention 138 on the minimum age of employment in 1999. The Government has not adopted ILO convention 182 on the worst forms of child labor. The Government also has not made a public statement on the eradication of such labor or established a national program with that objective.

The Government maintains that the country does not have a significant child labor problem, although Government officials concede privately that isolated cases of illegal child labor exist. Of the country's approximately 300 million children, the number who are working in contravention of ILO conventions or the law is unclear. Since 1999 the ILO has attempted unsuccessfully to secure central government consent to conduct studies on the national scope of illegal child labor. Local experts on child labor estimate that the number is in the tens of thousands and that the overwhelming majority of children involved work voluntarily, with family encouragement. These experts say that working children are mostly from rural areas in the interior provinces, where lagging economic conditions in recent years have led families to seek additional sources of income. Rural teenagers, for example, have been attracted increasingly to work in urban factories, since wages there are higher than can be obtained in agricultural areas. Apart from agricultural work, child workers in rural areas appear to work primarily for TVE's. In urban areas, they may take up such jobs as car washers, garbage collectors, and street vendors. Some academics suspect that coal mines, which often operate far from urban centers and out of the purview of law enforcement officials, also occasionally employ children.

Moreover a leading labor analyst states that the growing flow of adult workers from rural areas to urban areas in search of better paying jobs has created a shortage of labor in some rural industries, mines, and agriculture. This has led to increased child labor in these areas as children are recruited to fill these jobs. In July a Hong Kong newspaper reported that a factory in Fujian Province employed child laborers. In August the same newspaper reported that a foreign fast food chain had been issuing promotional items in Hong Kong that were produced with child labor by a company in Guangdong Province. The company stated that it previously had inspected the factory without finding evidence of child labor.

Trafficking in children for purposes of labor is a problem. While there are no reliable estimates of the number of children trafficked for all purposes, those trafficked for purposes of labor are estimated to be the majority. Children trafficked to work

usually are sent from poorer interior areas to relatively richer interior areas or large cities; traffickers reportedly often entice parents to relinquish their children with promises of large remittances that their children will be able to send back to them. Many such children work in small factories. Rising school tuition fees and declining rural incomes discourage many rural parents from keeping their children, especially girls, in school beyond the fourth grade and make such offers more attractive. The children's remittances, along with bribes paid by traffickers to authorities, have made investigation into the scope of the problem difficult. During the year, the media gave unprecedented coverage to illegal child labor cases, fueling concerns in nongovernment circles that child labor was a bigger problem than acknowledged by the Government. Media reports publicized a campaign against the trafficking of women and children that was launched in April by the Ministry of Public Security and the All-China Women's Federation (ACWF), the government agency responsible for the enforcement of child labor legislation (see Section 6.f.). Also in April, a story about the rescue of 84 children who were taken from Guizhou Province and forced to work in a Zhejiang Province factory appeared on television. Newspapers and radio stations later reported on traffickers deceiving families and placing children in difficult working conditions.

The ILO and UNICEF have begun cooperation with local government officials and the All-China Women's Federation to assist child victims of trafficking, some of whom were trafficked for forced labor purposes. In August the ILO launched a program with local Government officials in Yunnan Province to reenroll former child workers in school.

e. Acceptable Conditions of Work.—The Labor Law codifies many of the general principles of labor reform, setting out provisions on employment, labor contracts, working hours, wages, skill development and training, social insurance, dispute resolution, legal responsibility, supervision, and inspection. There is no national minimum wage; the Labor Law allows local governments to determine their own standards on minimum wages. In general local governments set minimum wage levels higher than the levels they set for the local minimum standard income, but lower than the current wage level of the average worker. Minimum wages are usually sufficient to provide a decent standard of living for a worker and family.

Media reports note that in many industries, including textile and garment manufacturing, compulsory overtime is common, and that on occasion, there is no provision of extra pay for overtime. There are also media accounts of workers being prevented from leaving factory compounds without permission.

The MOLSS has implemented a nationwide system to provide unemployment benefits to laid-off urban workers and basic living stipends to the poorest urban residents. There are 20 million laid off and unemployed workers in an urban workforce of about 240 million (see Section 6.a.). Unemployment benefits are set as a percentage of a worker's former salary. Basic living stipends supplement the difference between a poor person's income and the minimum standard income for the city where he lives. Each city government determines the minimum standard income on the basis of local economic conditions. In addition to the stipend, families living on less than the minimum standard income are eligible for subsidized food, medical services, housing, and funds to enable school-age children to complete compulsory education. In 1999 the Government raised both unemployment benefits and basic living stipends by 30 percent, despite reports that a number of cities had difficulty funding benefits and stipends even before the increase. While there were no additional increases during the year, these funding problems persisted, particularly in the poorer northeastern and interior provinces. The cities with the highest minimum standard incomes were Shenzhen, Guangzhou, Shanghai, and Beijing at $39 (RMB 319), $38 (RMB 312), $34 (RMB 280), and $31 (RMB 260) per month, respectively. Less developed cities such as Hohhot (Inner Mongolia) and Nanchang (Jiangxi Province) raised minimum standard incomes to $17 (RMB 143) and $16 (RMB 130) per month, respectively. However, many workers reportedly are not receiving the benefits they are entitled to, because the state-owned enterprises and governments are unable to contribute to the funds that pay them (see Section 6.a.).

According to statistics published by the National Bureau of Statistics (NBS), the annual per capita income of urban residents in 1999 was $705 (RMB 5,854), an increase of 8 percent in real terms from 1998. The per capita income of rural residents was $266 (RMB 2,210), a real increase of 2 percent from the previous year. NBS figures for the first 9 months of the year indicated that urban incomes were growing by 8.4 percent, while rural incomes were increasing by only 2.5 percent, widening the already large gap between the living standards of the 800 million rural residents and those of urban workers. Economists have estimated the ratio between average urban incomes in southern coastal Provinces and rural incomes in interior Provinces at 12 to 1.

The Government reduced the national standard workweek in 1995 from 44 hours to 40 hours, excluding overtime. The Labor Law mandates a 24-hour rest period weekly and does not allow overtime work in excess of 3 hours a day or 36 hours a month. It also sets forth a required scale of remuneration for overtime work. Enforcement of regulations governing overtime work varies according to region and type of enterprise.

Occupational health and safety remain problems and are frequent themes of campaigns and posters in enterprises. The poor enforcement of occupational health and safety regulations continues to put workers' lives at risk. Working conditions in the private sector often are poor. Recognizing this, the Government continued during the year to cooperate with the ILO in organizing training programs for enterprises' health and safety officers as well as local government officials. The current work injury insurance system covers only 40 million of the country's 200 million industrial workers. Every work unit must designate a health and safety officer, and the ILO has established a training program for these officials. Nonetheless there is a high rate of industrial accidents, with most of the accidents occurring in the mining sector. In 1998 President Jiang Zemin called for a concerted effort to improve occupational safety after industrial accidents reached an all-time high of 18,268 in 1997. According to official national statistics, the number of industrial accidents declined 16 percent from 1997 to 15,372 in 1998 and fell another 14 percent to 13,258 in 1999. Compared with 1998, deaths stemming from accidents in 1999 declined 14 percent to 12,587, and the number of seriously injured workers fell 12 percent to 4,936. However, in 1999 there were 96 industrial accidents in which 10 or more people died, an increase of 16 percent over 1998. During the year the State Economic and Trade Commission said that the number of industrial deaths and injuries was still excessive and faulted poor safety supervision by business enterprises. Less than half of rural enterprises meet national dust and poison standards. Many factories that use harmful products, such as asbestos, not only fail to protect their workers against the ill effects of such products, but also do not inform them about the potential hazards.

Industrial accident statistics for Shenzhen and Guangdong, which have been reported by the Chinese and foreign media, suggest that official national statistics may be understated. According to press reports in April, an investigation by the Workers Daily found that 15,000 serious accidents occurred in Shenzhen's 9,582 factories in 1999, of which 12,189 were handled by the local Labor Bureau. The investigation also found that on average 31 workers per day were injured in work-related accidents that left them permanently disabled, and 1 worker died as a result of a work-related accident every 4° days. The China Machinery Daily reported in 1999 that there were over 20,000 cases of industrial injuries per year in Guangdong. The same newspaper also reported that about 50,000 persons nationwide lose fingers yearly in industrial accidents.

As in 1998, the overall improvement in industrial safety in 1999 was due largely to a decrease in mine accidents, which in past years have accounted for more than half of all industrial accidents. Compared with 1998, the number of mine accidents declined 20 percent in 1999 to 4,516 (representing one-third of all industrial accidents). While mining deaths fell 18 percent to 7,705 in 1999, that number still represented nearly two-thirds of all industrial deaths. The decline was primarily the result of a continuing national drive that, for both safety and economic reasons, has shut down approximately 36,000 small, unlicensed coal mines since 1998. The purpose of the drive has been two-fold: to reduce mine accidents and to lower the surplus supply of coal, which has driven down coal prices in recent years.

Although the Constitution does not provide for the right to strike, the Trade Union Law explicitly recognizes the right of unions to "suggest that staff and workers withdraw from sites of danger" and participate in accident investigations. However, it is unclear to what extent workers actually can remove themselves from such dangerous situations without risking loss of employment. Private sector workers in particular fear the loss of their jobs if they complain about working conditions. Workers who are permanently disabled in work-related accidents generally are fired, leaving them without a means of support or often even a place to live. Workers who are injured, killed, or sickened on the job or who are exploited by their employers often have little effective recourse, being unable to afford the expense of legal remedies, and are not compensated. However, there are a very few private attorneys who specialize in such cases, and there are some legal aid organizations which can assist workers in such cases.

f. Trafficking in Persons.—Trafficking in persons and the abduction of women for trafficking (particularly within the country) are serious problems. The country is a source and a destination point for trafficking in persons. The purchase of women was criminalized in 1991, with the enactment of the NPC Standing Committee's

"Decision Relating to the Severe Punishment of Criminal Elements Who Abduct and Kidnap Women and Children," which made abduction and sale separate offenses. The 1992 Law on the Protection of Women's Rights and Interests also addressed the issue of trafficking in women. Individuals have been sentenced to death for their involvement in the trade in persons. Two persons reportedly were executed in May in Guangxi Province for drugging, raping, and selling three women. That same month, a man was executed in Guangdong Province for trafficking in women. On May 30, two persons convicted of trafficking in children were executed in Jiangxi Province and one was executed in Guizhou Province. In October four men in Jiangsu Province reportedly were executed for selling women, for between $180 and $480 each, into forced prostitution and pornographic exploitation. In November a man was sentenced to life in prison for smuggling more than 277 persons into other countries.

According to some estimates by experts, there may be 4 to 10 million commercial sex workers in the country, an unknown number of whom may have been trafficked (see Section 5). The increased commercialization of sex and related trafficking in women has trapped thousands of women in a cycle of crime and exploitation, and left them vulnerable to disease and abuse. According to one estimate, there are 70,000 prostitutes in Beijing alone; other estimates have placed the number as high as 200,000 or more. According to the official Xinhua News Agency, one in five massage parlors in China is involved in prostitution, with the percentage higher in cities. Prostitutes can be found at many bars and clubs in urban areas.

Women also are trafficked within or to China for the purpose of forced marriage, and it is estimated that the majority of women trafficked within the country are trafficked for this purpose. Some experts, including the CEDAW Committee, have suggested that the serious imbalance in sex ratios in some regions (see Section 1.f.) has created a situation in which the demand for marriageable women cannot be met by local brides, thus fueling the demand for abducted women. Others have suggested that the problem is exacerbated by the tendency for many village women to leave rural areas to seek employment, and by the tradition that requires that expensive betrothal gifts be given to women. The cost of betrothal gifts may exceed the price of a bride and thus makes purchasing a bride more attractive to poor rural families. Some families address the problem of a shortage of women by recruiting women in economically less advanced areas. Others seek help from criminal gangs, which either kidnap women or trick them by promising them jobs and an easier way of life and then transport them far from their home areas for delivery to buyers. Once in their new "family," these women are "married" and raped. Some accept their fate and join the new community; others struggle and are punished. According to reports, many of the kidnapings also occur in provinces where the male to female ratio is generally balanced. Guangdong Province also is a receiving point for women trafficked for the purposes of marriage.

There were reports that women from Burma, Laos, North Korea, Vietnam, and Russia were trafficked into the country either to work in the sex trade or to be forced to marry Chinese men. Border guards reportedly are involved in trafficking in women from the Democratic People's Republic of Korea into China. Trafficking of North Korean women into the country to become brides or to work in the sex industry is reportedly widespread in the northeastern part of the country. Many such women, unable to speak Chinese, are virtual prisoners. Some if not many of the Korean women are sold against their will to rural men—in both ethnic Korean and ethnic Han areas—who have difficulty finding wives in their home villages. Others end up working as prostitutes. According to press reports, North Korean brides were sold for the equivalent of between $38 and $150. Women reportedly also were trafficked from Vietnam into China for purposes of forced marriage.

According to press reports, trafficking victims have been detained by the authorities in custody and repatriation centers before being returned home (see Sections 1.d. and 1.e.).

Chinese women are being trafficked to other countries for work in a variety of forced labor situations, most commonly sweatshops and the sex industry. Reports indicated that women were trafficked to destinations including Malaysia, Burma, Taiwan, Australia, Japan, the United States, and Canada; most apparently were from impoverished areas. Most trafficked Chinese women in Malaysia are from the coastal areas of Guangdong, Fujian, and Shanghai. One prominent social worker estimates that there are thousands of Chinese women working as prostitutes in Malaysia. Ethnic Chinese gangs trafficked most of these women to Malaysia. Most Chinese women trafficked to Australia reportedly are from Shanghai, Hong Kong, and Guangzhou.

Despite Government efforts to prevent kidnaping and the buying and selling of children, trafficking in children also is a problem, affecting all provinces (see Sec-

tions 5 and 6.c.). There are no reliable estimates of the number of children trafficked. Domestically most trafficked children are sold to couples unable to have children; in particular, boys are trafficked to couples unable to have a son. Children also are trafficked for labor purposes. Children trafficked to work usually are sent from poorer interior areas to relatively richer interior areas; traffickers reportedly often entice parents to relinquish their children with promises of large remittances that their children will be able to send back to them (see Section 6.d.). In mid-year, the Government emphasized the use of DNA technology to confirm parentage, and the Ministry of Public Security reportedly has invested millions of dollars to establish a national DNA databank. Since December 1998, the authorities also have reported an increase in the number of children being trafficked to other countries by alien smugglers for purposes of forced prostitution (see Sections 5 and 6.c.).

Alien smuggling rings also traffic persons to other countries, including Australia, Canada, Croatia, Japan, the United States, Italy, and other countries in Europe and around the world, to work in domestic service, restaurants, sweatshops, and other businesses. It has been estimated that as many as 100,000 persons leave the country each year in search of better economic opportunities. Most are from a few counties in Fujian Province, a relatively prosperous region by the country's standards. Authorities in Italy reported in 1999 that an estimated 30,000 illegal Chinese immigrants work in sweatshop conditions outside of Florence, with many children working alongside their parents in the production of scarves, purses, and counterfeit brand name products. Alien smuggling rings often have ties to organized crime and are international in scope, sometimes smuggling persons through third countries in order to facilitate their entry into the destination country. An NGO reported that traffickers frequently rely on the collusion or active involvement of officials. In late 1999, authorities in the U.S. and Canada began to find persons smuggled from China in shipping containers on cargo ships arriving from Hong Kong; in the first 3 weeks of the year alone, according to press reports, more than 100 persons had been found in shipping containers in ports on the west coast of Canada and the United States. In one case, 3 trafficked persons were found dead in one poorly provisioned and unsanitary shipping container; another 15 survived their ordeal, but 7 of the survivors required hospitalization. In January two Chinese nationals were charged with attempting to smuggle persons from China into the United States. According to press reports in December 1999, several Chinese were smuggled into the United States in a wellprovisioned cargo container. There were reports that the persons in the container may have paid between $30,000 and $50,000 (248,000 to 410,000 RMB) each for their passage. On June 19, customs officials in the United Kingdom, conducting a routine inspection, found the bodies of 58 Chinese men and women in the back of a Dutch tomato truck that had crossed the English Channel on a ferry from Belgium. Two persons were found alive near the rear door of the truck. The doors had been sealed, and although the truck was equipped with refrigeration units, they were not turned on, despite the high temperatures that day. It was not immediately clear whether the victims died due to a lack of air, or to the heat, or both. Most of the victims were from Fujian Province. British officials arrested the truck driver on charges of manslaughter and immigration law violations; two Chinese nationals in the UK also were arrested. Dutch officials arrested another two persons in connection with the case. Press reports indicated that trafficked persons traveling clandestinely on trucks from the European continent into England have long been a problem.

Those trafficked by alien smugglers may pay high prices, reportedly up to $70,000 each, for their passage to other countries. Many trafficked persons find themselves working in situations akin to indentured servitude. Upon arrival, many traffickers reportedly forced trafficked persons to repay the smuggling charges by working in specified jobs for a set period of time. They often are forced to pay charges for living expenses out of their meager earnings, as well. Other smugglers threaten the families of trafficked persons with harming a trafficked person if the family does not pay the smuggling fees immediately, leaving the trafficked person to work to repay the debt the family has incurred on his or her behalf back home. Nonetheless many are able save money and send it home to relatives. Trafficked persons generally live and work under poor conditions, and they may be required to work long hours. Their movements often are restricted by the smuggling rings that trafficked them, and their travel documents, which are often fraudulent, frequently are confiscated. Victims of trafficking face threats of being turned in to the authorities as illegal immigrants and threats of retaliation against their families at home if they protest the situation in which they find themselves.

Trafficked persons who are repatriated may face fines for illegal emigration upon their return; after a second repatriation, persons may be sentenced to a term in a reeducationthroughlabor camp. Alien smugglers are fined $6,000 (50,000 RMB) and

may be sentenced to up to 3 years in prison, although some have been sentenced to death.

Although the central Government and various provincial and local governments have attempted to crack down on the sex trade and thus on one type of trafficking, there have been numerous credible reports in the media of complicity in prostitution by local officials. Thus far actions to stop this lucrative business, which involves organized crime groups and business persons as well as the police and the military, have been largely ineffective. However, in April the Ministry of Public Security, along with the All-China Women's Federation and other departments, launched a several-month-long campaign against trafficking in women and children. Official media reported that 110,000 women and 13,000 children who had been trafficked were rescued during the campaign; some were trafficked for purposes of prostitution, and others for labor. According to press reports, at least eight persons convicted of trafficking women and children for prostitution were executed during the campaign. At least seven others were sentenced to long prison terms. The Government also established a national telephone hot line on abduction, as well as a national databank on victims and traffickers. Nongovernmental experts observed that the mid-year national campaign against trafficking focused primarily on the criminal aspects of the trafficking problem and less on the reintegration of victims into their communities, despite the involvement of the All-China Women's Federation.

HONG KONG

Hong Kong reverted from British to Chinese sovereignty on July 1, 1997 (the handover). As a Special Administrative Region (SAR) of the People's Republic of China (PRC), Hong Kong enjoys a high degree of autonomy except in defense and foreign affairs and remains a free society with legally protected rights. The Basic Law, approved in 1990 by the PRC's National People's Congress (NPC), provides for fundamental rights and serves as a "mini-constitution." A chief executive, selected by a 400-person selection committee that was chosen by a China-appointed preparatory committee, wields executive power. The legislature (known as the Legislative Council) is composed of directly and indirectly elected members. On September 10, the second Legislative Council was elected, for a 4-year term. Twenty-four seats were elected on a geographic basis through universal suffrage, 30 seats through functional (occupational) constituencies, and 6 seats through indirect election. Human rights groups and democracy advocates complained that the elections for functional constituency and election committee seats are undemocratic since only 180,000 voters were eligible to elect the 30 legislators elected by functional constituencies and the 6 legislators elected indirectly, while over 3 million persons were eligible to vote for 24 legislators elected by geographical constituencies. However, no parties boycotted the elections. Prodemocracy candidates won 17 of the 24 seats elected on a geographic basis (including one in a December by-election) and 22 seats overall. The power of the legislature is curtailed substantially by voting procedures that require separate majorities among both geographically and functionally elected legislators for bills introduced by individual legislators and by Basic Law prohibitions against the legislature's initiating legislation affecting public expenditures, political structure, or government operations. In addition the Basic Law stipulates that legislators only may initiate legislation affecting government policy with the prior approval of the Chief Executive. "Government policy" in practice is defined very broadly. By law and tradition, the judiciary is independent and the Basic Law vests Hong Kong's highest court with the power of final adjudication; however, under the Basic Law, the Standing Committee of the NPC has the power of final interpretation of the Basic Law. The Government's controversial 1999 request to the Chinese Government to seek such an interpretation resulted in an NPC Standing Committee interpretation which effectively overturned a ruling by the Court of Final Appeal, Hong Kong's highest court, raising questions about the potential future independence and ultimate authority of Hong Kong's judiciary.

A well-organized police force under the firm control of local civilian authorities maintains public order. Individual members of the police sometimes used excessive force. The 4,000 Chinese troops sent to Hong Kong in 1997 to replace the British military garrison have maintained a low profile and have not performed police functions.

Hong Kong is a major international trade and finance center. It is the principal gateway for trade and investment with China. A thriving free market economy operates with limited government interference. The economy, which provides residents a high standard of living, is in the midst of a strong recovery from the 1997–98 international financial crisis. Per capita gross domestic product is $23,523 (HK$183,483).

The Government generally respected the human rights of residents, and the law and judiciary generally provide effective means of dealing with individual instances of abuse. Human rights problems that existed both before and after the handover include: Limitations on residents' ability to change their government and limitations on the power of the legislature to affect government policies; reports of police use of excessive force; some degree of media self-censorship; violence and discrimination against women; discrimination against the disabled and ethnic minorities; intimidation of foreign domestic servants; and trafficking in persons for the purposes of forced labor and forced prostitution. Despite the ban on the Falun Gong in mainland China, the Falun Gong remained legally registered and generally free to continue its activities in Hong Kong.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

There was one reported instance of death of a detainee in police custody during the year. It was certified as a death by natural causes. At the end of 1999, there were two investigations of deaths in police custody that remained outstanding. Inquests held during the year concluded that the deceased in one of the cases had committed suicide, and that the deceased in the other case died as a result of natural causes.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law forbids torture and other abuse by the police; however, there were reports that police at times used excessive force against persons in custody. The law stipulates punishment for those who violate these prohibitions, and disciplinary action can range from warnings to dismissal. Criminal proceedings may be undertaken independently of the disciplinary process. Allegations of excessive use of force are investigated by the Complaints against Police Office, whose work is monitored and reviewed by the Independent Police Complaints Council (IPCC), a body composed of public members appointed by the Chief Executive.

Although excessive use of force by police is not widespread, there are occasional complaints of force being used during interrogations to coerce information or confessions. In the first 8 months of the year, the Complaints against Police Office received 697 complaints of assault by the police. Of the

209 cases in which investigations were completed and endorsed by the IPCC, 175 were withdrawn, 27 were deemed "not pursuable," 5 were judged to be false, and 2 were judged "unsubstantiated." The remainder (488 cases) were pending investigation at year's end. In 1999 of the 1,098 assault allegations received, one was substantiated, and the incident was noted in the concerned officer's record. Human rights groups have called for a more independent monitoring body, noting long delays in hearing some allegations, the large difference between the number of complaints received and the few that are substantiated, the light punishment that police officers received when complaints are found to be substantiated, and the unwillingness of some witnesses to pursue complaints for fear of retribution. In May the U.N. Committee against Torture expressed concern over the "lawful authority" defense of, and the lack of prosecutions under, the Crimes (Torture) Ordinance. In 1999 the U.N. Human Rights Committee expressed concern that police responsibility for investigation of police misconduct undermines the credibility of IPCC investigations and called on the Government to reconsider its approach.

In a June protest against the Government's right of abode (see Section 1.e.) policies, the police were accused of using excessive force when they used pepper spray and hit demonstrators when removing them from the entrance to the main government office building. As recommended by the Complaints against Police Office, two police officers received verbal warnings for their actions.

During the year, two police officers were sentenced to 7- and 9-months' imprisonment respectively for accepting bribes to provide a journalist with information between mid-1997 and November 1999 (see Section 2.a.).

Although conditions vary among facilities, prison conditions conform to international standards.

In early June, 35 persons were injured during riots at a low-security drug treatment center for prisoners. After rioting broke out among the prisoners, more than 200 police and security officials were called in to restore order. Twenty-two inmates and 13 security officers were injured; some of them required hospitalization.

The Government permits prison visits by human rights monitors. Local justices of the peace regularly inspect prisons, but these visits rarely are unannounced, and

justices of the peace speak with prisoners in the presence of Correctional Services Department staff. Human rights monitors have called for revisions to the inspection system.

d. Arbitrary Arrest, Detention, or Exile.—Common law, precedents previously in force, and the Basic Law provide substantial and effective legal protection against arbitrary arrest or detention. Suspects must be charged within 48 hours or released. The average length of preconviction incarceration does not exceed 80 days.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The judiciary has remained independent since the handover, underpinned by the Basic Law's provision that Hong Kong's common law tradition be maintained. Under the Basic Law, the courts may interpret on their own provisions of the Basic Law that are within the limits of the autonomy of the region. The courts may also interpret other provisions of the Basic Law that touch on Central Government responsibilities or on the relationship between the Central Authorities and the SAR, but before making final judgments on these matters, which are unappealable, the courts must seek an interpretation of the relevant provisions from the Standing Committee of the National People's Congress. (In the controversial 1999 "right of abode case," the Government, not the court, sought an interpretation from the Standing Committee.) When the Standing Committee makes an interpretation of the Basic Law provisions concerned, the courts, in applying those provisions, "shall follow the interpretation of the Standing Committee." Judgments previously rendered shall not be affected. The National People's Congress vehicle for interpretation is its Committee for the Basic Law, composed of six mainland and six Hong Kong members. The Hong Kong members are nominated by the Chief Executive, the President of the Legislative Council, and the Chief Justice. Human rights and lawyers' organizations long have expressed concern that these exceptions to the Court of Final Appeal's power of final adjudication and this interpretation mechanism could be used to limit the independence of the judiciary or could degrade the courts' authority. In the controversial 1999 right of abode case the Government, which had lost the case in the Court of Final Appeal, Hong Kong's highest court, asked the court to clarify its decision. After the clarification, which did not fundamentally alter the court's decision, the Government sought an interpretation of the Basic Law provisions at issue in the case from the NPC Standing Committee. The NPC's interpretation effectively overturned the ruling by the Court of Final Appeal, and raised questions about the potential future independence and ultimate authority of Hong Kong's judiciary. During the year, the Chief Justice called upon the Government to explain and defend the principle of judicial independence, and the head of the bar association called the Government's 1999 appeal to the NPC to reverse a court ruling "a Damocles sword" hanging over the court. Since the controversy, the Government has expressed its intention to make recourse to the NPC interpretation mechanism a rare and exceptional act.

The Court of Final Appeal is Hong Kong's supreme judicial body. An independent commission nominates judges; the Chief Executive is required to appoint those nominated, subject to endorsement by the legislature. Nomination procedures ensure that commission members nominated by the private bar have a virtual veto on the nominations. Legal experts complained that the commission's selection process is opaque. In November legislators requested that the process be made transparent. The Government responded that privacy concerns prevented opening the process to the public. The Basic Law provides that, with the exception of the Chief Justice and the Chief Judge of the High Court, who are prohibited from residing outside of Hong Kong, foreigners may serve on Hong Kong's courts. Approximately 40 percent of Hong Kong's judges are expatriates from other common law jurisdictions. Judges have security of tenure until retirement age (either 60 or 65, depending on date of appointment).

Beneath the Court of Final Appeal is the High Court, composed of the Court of Appeal and the Court of First Instance. Lower judicial bodies include the District Court (which has limited jurisdiction in civil and criminal matters), the magistrates courts (which exercise jurisdiction over a wide range of criminal offenses), the Coroner's Court, the Juvenile Court, the Lands Tribunal, the Labor Tribunal, the Small Claims Tribunal, and the Obscene Articles Tribunal.

The law provides for the right to a fair public trial, and this is respected in practice. Trials are by jury, and the judiciary provides citizens with a fair and efficient judicial process.

Human rights activists remain concerned that the legal system may favor those closely aligned with China or with powerful local institutions. In particular, concerns were raised by two 1998 Justice Department decisions, in which the Government decided not to prosecute the New China News Agency for alleged violations

of the Privacy Ordinance (see Section 1.f.) or to prosecute a prominent newspaper editor with close ties to Beijing who was accused of fraud.

In 1998 the Provisional Legislature passed the controversial Adaptation of Laws (Interpretive Provisions) Ordinance, which replaced the word "Crown" in Hong Kong legislation with the word "State" in hundreds of existing laws. Critics expressed concern that this change would place the Chinese government organs above the law, since laws that previously did not apply to the Crown would now not apply to the (Chinese) State, including Central Government organs stationed in Hong Kong. Since 1998 51 laws have been amended to encompass the State specifically.

According to the Basic Law, English may be used as an official language by the executive, legislative, and judicial branches. For historical reasons and because of the courts' reliance on common law precedents, almost all civil cases and most criminal cases are heard in English. In recent years, however, the Government has developed a bilingual legal system. It has increased the number of officers in the Legal Aid Department proficient in Chinese and extended the use of bilingual prosecution documents and indictments. All laws are now bilingual, with the English and Chinese texts being equally authentic. All courts and tribunals may operate in either Chinese or English. Judges, witnesses, the parties themselves, and legal representatives each decide which language to use at any point in the proceedings. In May 55 percent of cases at the lowest level of the court system were conducted in Chinese.

Some human rights groups have expressed concern that the Government has not protected vigorously enough the interests of Hong Kong residents arrested in mainland China. The issue is complicated by the absence of an agreement allowing Hong Kong officials access to Hong Kong citizens arrested or detained in mainland China. To address this concern, public security authorities from Beijing and Hong Kong signed an agreement in October under which, beginning January 1, 2001, each side was to notify the other of certain categories of detentions of each other's residents.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law provides for the right of privacy, and the Government generally respects this right in practice. Interception of communications is conducted under the Telecommunications Ordinance and the Post Office Ordinance, which require authorization for interception operations at the highest levels of government. For example, wiretaps continued to be approved by the Chief Executive's office; a court issued warrant is not required. According to a September 1999 press report, the Government eavesdropped on private telephone conversations of more than 100 persons daily. The Government has refused to reveal how often the Chief Executive uses his powers to authorize telephone wiretaps and interception of private mail.

For more than 20 years, the Independent Commission Against Corruption was vested with powers, including the right to authorize searches and detain suspects, which normally are exercised only by a judicial officer. Amendments to ordinances governing the Commission took effect in 1997, depriving the Commission of the independent authority to issue arrest or search warrants. However, the Commission still does not apply the presumption of innocence in corruption cases, and criminal convictions are obtained by regarding any excessive, unexplainable assets held by civil servants as ill-gotten until proven otherwise.

In 1996 the Government established the Office of the Privacy Commissioner for Personal Data (PCO) under the Personal Data (Privacy) Ordinance (PDPO) to prevent misuse and disclosure of data such as medical and credit records. The ordinance also prohibits matching sets of personal data without the consent of the subject individual or the commissioner, although some government departments were exempted in order to combat social welfare abuse and tax evasion. Some violations of the PDPO constitute criminal offenses. In other cases, an injured party may seek compensation through civil proceedings. If the PCO believes that violations may continue or be repeated, it may issue enforcement notices to direct remedial measures. From the end of 1996 when the PDPO took effect through the end of September, the PCO had received 1,628 complaints. Since 1996 of the 1,525 completed investigations, the PCO found violations of the PDPO in 116 cases, resulting in 13 cases referred to the Department of Justice and the police for prosecution consideration, the issuance of 22 enforcement notices and 81 warning notices. Of the 13 cases referred to the Department of Justice and the police, the Government as of October had decided to prosecute 1 case and not to prosecute in 10 cases. Investigation continues in the remaining 2 cases.

Under the Adaptation of Laws (Interpretive Provisions) Ordinance, passed in 1998 by the Provisional Legislature, the Personal Data Privacy Ordinance is not applicable to the PRC government organs in Hong Kong. The Government is still considering whether PDPO should apply to Chinese government organs. In June 1999, the

High Court dismissed a legislator's civil suit over the failure of the then-New China News Agency (NCNA) to respond within the PDPO-specified time frame to the legislator's request for information about her in the agency's files, because the NCNA Director named in the suit was not in Hong Kong at the time the incident occurred. In October the Director of the NCNA, now known as the Liaison Office, Jiang Enzhu, served the legislator a writ requiring the legislator to pay his court costs, as is allowed under Hong Kong law. If unable to pay and forced to declare bankruptcy, the prodemocracy legislator—under the Basic Law—would lose her legislative seat.

In February the Hong Kong Telecommunications Authority issued guidelines requiring paging services to configure their systems so that Hong Kong-origin messages, including messages barred for transmission in places outside Hong Kong, including the mainland, could be transmitted in Hong Kong only. In October 1999, it was discovered that PRC censorship of Falun Gong-related information temporarily affected Hong Kong users of a major local paging service, China Motion Telecom, because the service used mainland-located transmission centers. The mainland-based employees of the company would not transmit messages regarding Falun Gong, even for Hong Kong customers, because of an alleged PRC instruction that any messages related to Falun Gong not be broadcast. Under scrutiny from the Government and pressure from the wider community, the company found a technical solution to the problem and as a result ended mainland-based censorship for customers whose service was limited to Hong Kong. However, the company insisted, and the Hong Kong Telecommunications Authority agreed, that the company must follow mainland laws (including censorship rules) for customers whose paging service extended to the mainland. Hong Kong customers with China-wide (rather than Hong-Kong-only) service remain unable to receive messages relating to Falun Gong when they are on the mainland.

In early June, He Zhiming, a deputy director of the Taiwan Affairs Department of the Central Government's Liaison Office, warned businessmen at the Chinese Chamber of Commerce not to do business with Taiwan firms that supported Taiwan independence. He noted that doing business with such firms posed a risk, and that those who violated the warning would suffer the consequences. The SAR Government quickly issued a statement rejecting the comments and reiterating its commitment to free trade. The SAR Government's statement noted that Chief Executive C.H.Tung had contacted the Director of the Liaison Office, Jiang Enzhu, after these comments were made, and he had indicated that the Liaison Office would continue to operate according to the Basic Law and would not interfere with the SAR's commercial activities. Nonetheless, many observers were deeply concerned by the incident, which followed soon after comments in April by Liaison Office officials to the press about how the media should report on Taiwan (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Basic Law provides for freedom of speech, of the press, and of publication, and there was no apparent change in the tradition of respect for these freedoms by the Government after the handover; however, some journalists and news media continue to practice a degree of self-censorship, particularly in mainland-related reporting. Senior government officials regularly made statements in support of these freedoms. Overall, the media has been outspoken in defending civil liberties. Reporting on the September Legislative Council elections generally was regarded as fair and balanced. However, there are certain laws that potentially allow limits on some speech and press freedoms. The Telecommunications Ordinance grants the Government wide-ranging powers to ban messages whenever it "considers that the public interest so requires." The Public Order Ordinance enables the Government to ban a demonstration on national security grounds, including as a factor whether it advocates independence for Tibet or Taiwan. In practice this situation has not arisen and only 2 demonstrations—out of more than 7,000 since the handover—have been disallowed (see Section 2.b.). In November 1999, the U.N. Human Rights Committee expressed concern that the offenses of treason and sedition under the Crimes Ordinance are defined in overly broad terms, thus endangering freedom of expression. The Basic Law requires that the Government enact legislation prohibiting "treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets," but no such legislation has yet been proposed.

Newspapers publish a wide variety of opinions, including opinions on Taiwan, Tibet, PRC leadership dynamics, Communist Party corruption, and human rights. Persons speak freely to the media, and many use the media to voice their views. Political debate is vigorous, and numerous viewpoints, including stories and opinions critical of the SAR and Chinese Governments and statements by leading Chi-

nese dissidents and proindependence Taiwan activists, are provided in the mass media, in public forums, and by political groups. International media organizations operate freely. Sixteen major daily newspapers, 4 commercial television stations (broadcast and cable) and 2 commercial radio stations function with virtually no government control.

Foreign reporters need no special visas or government-issued press cards. Many local reporters continue to enter China to cover sensitive stories related to Hong Kong, Taiwan, or the mainland. China still requires journalists—both foreign and those from Hong Kong—to apply for permission to make reporting trips to the mainland. Those who bypass official channels—which many feel they must do to get the stories they want—risk violating Chinese regulations. At least one publication whose owner offended China's leadership several years ago subsequently has been unable to get official permission for its reporters to cover events on the mainland.

There is a widespread impression among both journalists and the public that it is prudent for the press to engage in a degree of self-censorship. The pressures on journalists to self-censor usually are subtle and indirect. There are no reports of direct orders to refrain from covering a certain issue, but there is a widely shared perception of a need for special care toward topics of particular sensitivity to China or Hong Kong's powerful business interests, such as leadership dynamics, military activity, Taiwanese or Tibetan independence, or powerful businessmen's relations with the mainland Government, although numerous articles on these subjects continue to appear in print and in the broadcast media. Chinese-language journalists report a pervasive, if tacit, understanding that editors expect those reporting on China to be particularly certain of their facts and careful in their wording. Another source of pressure comes from the belief by some publishers and editors that advertising revenues or their business interests in China could suffer if they were seen to be too antagonistic to China or powerful local interests. One publication that offended the leadership of the mainland government several years ago experienced an advertising slump from August to October 1999 when several property developers significantly reduced their advertisements in the newspaper. Executives at two companies reportedly acknowledged that they were wary at the time of advertising in that publication given perceived SAR administration displeasure with the newspaper. On December 10, International Human Rights Day, four newspapers printed Falun Gong advertisements protesting Chinese government persecution of its members. Three newspapers refused to print the advertisement; one based its refusal on the grounds that the advertisement was "defamatory of the Central Government."

In what many observers saw as an example of media self-censorship, the South China Morning Post (SCMP) in November demoted its long-time China observer Willy Lo-Lap Lam from the position of editor of the newspaper's China coverage to a position as an associate editor on mainland politics. Lam resigned rather than accept the change in responsibilities and claimed the newspaper's management had begun to "tone down" his column on China to avoid "exasperating" unnamed persons. The editor in chief denied the charges and attributed the change to a restructuring of China coverage for which different management skills were required. However, the incident followed a published letter to the editor from the newspaper's owner, who lambasted a Lam column that claimed a group of Hong Kong businesspersons (including the newspaper's owner) had been offered commercial advantages by Chinese leaders in return for supporting SAR Chief Executive C.H. Tung for a second term. A previous editor of the SCMP also described pressures from the ownership to fire Lam and others in the period before the handover, pressures that he only partially succeeded in resisting.

During the year, the SCMP's new English-language competitor, the Hong Kong iMail, brought back a satirical comic strip, which had been dropped abruptly by the SCMP in 1995 after it implicated then-PRC Premier Li Peng in the sale of organs from executed prisoners.

Since the 1999 controversy over the reassignment of the outspoken head of the government-owned Radio Television Hong Kong (RTHK) after RTHK produced a program in which a prominent but unofficial Taiwan representative endorsed then-Taiwan President Lee Teng-hui's controversial "two-states" policy, RTHK has continued to air views and news critical of the SAR and Chinese Governments, and continues to be criticized for this from supporters of the mainland Government. Some human rights groups have expressed concern that RTHK is dropping some of its more political programming in favor of softer cultural fare. The head of RTHK has acknowledged publicly "pressures" on RTHK for the last decade, but has been circumspect when asked to describe the pressures or to state whether such pressures continue. In general, however, there has been no discernible shift in RTHK's independent editorial stance since 1999's controversy. Debate continues over the desirability of the proposed privatization of RTHK.

At an April 12 public seminar, a senior deputy director of the Central People's Government Liaison Office in Hong Kong (formerly called the New China News Agency or Xinhua) stated that the Hong Kong media should not report views that advocate Taiwan independence as normal news. Arguing that even an objective report would have a bias, the official claimed that the Hong Kong media had the responsibility to uphold the integrity and sovereignty of the country. He claimed that this is not an issue of freedom of the press. He also stated that Hong Kong should expedite the drafting of antisubversion laws required by Article 23 of the Basic Law in order to define the difference between reporting on the issue of Taiwan independence and advocating independence (in order to make it clear what kind of reporting on Taiwan was permitted). The official's remarks created a furor among politicians, human rights activists, and the media, and renewed concerns over the drafting of the antisubversion law required by the Basic Law. Some saw the official's remarks regarding Taiwan as a warning to the press not to advocate independence for Taiwan. Acting Chief Executive Anson Chan issued a statement affirming freedom of the press under the Basic Law and restated the Government's position that the timetable and content of antisubversion legislation had yet to be decided. Prodemocracy legislators made clear their disagreement with the Chinese official's comments. Media and journalist organizations similarly objected to the official's remarks, stressing that news should not be influenced by government policies. Numerous newspaper editorials rejected the "advice" of the Chinese government official. Following the incident, there was no apparent diminution in Hong Kong media reporting on Taiwan, including of proindependence views. However, later in April, an Internet company's local affiliate blocked its chat room users from discussing certain politically sensitive topics. Phrases like "Taiwan independence" and "Tibet independence" were scrambled (English letters were replaced with asterisks, and Chinese characters were scrambled) when they were typed in chat rooms at the portal. Messages including those terms posted on the site's bulletin boards quickly were deleted. The Internet company is partly owned by the NCNA, the official PRC news agency (as well as by a foreign media company); the portal is registered in Hong Kong and has approximately 1 million registered users. The local affiliate company's chairman stated to the press that "there are certain areas that are considered sensitive in every market. Freedom of speech is not absolute." A spokesman for the company was quoted as saying the company wanted users to exercise self-discipline. After the media reports, the practices in question appeared to stop. In August a businessman and advisor to the central Government criticized the SCMP for reporting too little "good news" and too much "bad news." On October 27, Chinese President Jiang Zemin accused the Hong Kong media of naivete and low journalistic standards after a series of questions from journalists about whether he supported another term for Chief Executive C.H. Tung. President Jiang also cautioned journalists that they would be held accountable if their reports were not accurate enough. In November several major newspapers found that they were not invited to cover the festivities for the 20th anniversary of the Shenzhen special economic zone. Several reporters who tried to attend were detained for not having the appropriate credentials. On December 20, Chinese President Jiang warned the residents of Macau and Hong Kong against using their freedom to oppose the state and stated in remarks interpreted to include Hong Kong's news media that Macau's news media should value press freedom but also consider its social responsibilities.

In 1999 in response to a growing number of complaints about tabloid-style journalism, which encouraged intrusive reporting by the press, the Law Reform Commission (an independent commission appointed by the Government in the 1980's) suggested that a Press Council with the power to reprimand or fine a publication found to be "in serious breach of the Privacy Code" should be appointed by the Government. Public reaction included concerns by journalists, legal experts, human rights activists, and others that such a body could be used to restrict press freedom. The Government indicated its preference that the media should regulate itself. Many (but not all) major newspapers and news associations established an industry watchdog, the Hong Kong Press Council, which began its work in September. Some critics complained that not all newspapers, including those with the most invasion of privacy complaints against them (the Oriental Daily, the Apple Daily, and the Sun), had agreed to participate in the voluntary organization. Others expressed concern that even this nonstatutory organization could potentially be abused to restrict press freedoms. In the first 10 weeks of the new organization's work, it received around a dozen complaints. Some readers, reportedly including victims of sex crimes, claimed intrusion of privacy, while others complained of exaggerated, inaccurate, or graphic reporting.

In November a lawyer sued two radio talk show hosts for defamation, and the Court of Final Appeal ordered a retrial when it ruled that the trial judge in a lower

court had misdirected a jury in a way that could endanger freedom of speech. In so doing, the Court effectively overturned a 150-year old guideline for defamation cases and called for a more generous approach toward the defense of fair comment by ruling that honest remarks, even those made with malice, could still be construed as fair comments.

During the year, a reporter for a Chinese-language newspaper was sentenced to 10 years in prison for bribing police officers for information. The two police officers were sentenced to 7- and 9-months' imprisonment respectively for accepting bribes from mid-1997 to November 1999 (see Section 1.c).

It is illegal to desecrate a PRC or Hong Kong flag or emblem publicly and willfully. In December 1999, the Court of Final Appeal ruled unanimously that flag-desecration laws did not violate the Basic Law (or the International Covenant on Civil and Political Rights subsumed therein) and reinstated the sentences of two persons accused of desecrating the Hong Kong and Chinese flags during a peaceful demonstration in 1998. The two had received the equivalent of 12months' probation. In another flag desecration case pending at year's end, the Government charged a prominent local activist with three counts of desecrating the Hong Kong flag by publicly and willfully defiling it; a trial is scheduled for January 2001, and a verdict is expected shortly thereafter. During the year, the authorities reportedly took no action in response to an Internet website that invited site visitors to press a key to activate a virtual on-line desecration of the Chinese national flag.

Falun Gong publications again were displayed prominently at the annual Hong Kong International Book Fair. However, after some Hong Kong publishing houses owned by mainland Chinese interests declined to continue publishing Falun Gong materials after the movement was banned on the mainland in July 1999 (see Section 2.c.), the group shifted its publishing to companies based abroad. Some bookstores continued to offer Falun Gong materials for sale, but bookstores operated by Chinese enterprises that removed Falun Gong books from their shelves in the wake of the July 1999 ban on the movement, continued to refuse to carry Falun Gong publications.

The founder of the Information Center for Human Rights and Democracy Movements in China (which issues press releases on human rights-related strikes, demonstrations, and arrests in China), who complained in November 1999 that he was receiving almost 1,000 harassing phone calls and faxes each day from security agents in China, reported that the harassment continued through April. After that, his fax machine continued to receive a daily deluge of nuisance faxes, but the attacks on his phone and pager stopped. The nuisance faxes continued for several more months before they, too, ceased.

The code requiring government departments to release information to the public unless there is a valid reason to withhold it remained effective. A department may withhold "sensitive" information in such areas as defense, security, external affairs, or law enforcement. Guidelines for access to information are provided to the public on an Internet web page.

The Basic Law provides for academic freedom, and the Government generally respects that freedom in practice. There is independent research, a wide range of opinions, and lively debate on campuses. However, in July a Hong Kong University-based pollster and sometime political commentator publicly alleged that Chief Executive Tung Chee-Hwa had, beginning 18 months earlier, pressured him to stop conducting polls on the Chief Executive's declining popularity. Specifically, the pollster alleged that an assistant to the Chief Executive in January 1999 complained about the polls to a University Vice Chancellor, who in turn had sent a deputy to speak to the pollster. Although the pollster never stopped his polls, including those on the Chief Executive's popularity, he claimed that he had altered or not asked some questions in his surveys as a result of the pressure. The Chief Executive, his assistant, and university officials denied the allegations. The media, opposition parties, human rights and democracy advocates, and student groups were quick to respond to the allegations. The controversy continued for over 2 months, when an independent commission was established by the University to investigate the matter. The commission concluded that the allegations of pressure on the pollster were credible and that the Chief Executive's assistant and the university Vice Chancellor had not been "truthful" in their testimonies. No evidence that the Chief Executive himself was the origin of the pressure came to light. The two university officials at the center of the controversy resigned. However, the Chief Executive's aide remained in his position despite calls by opposition parties and student groups for his removal.

b. Freedom of Peaceful Assembly and Association.—The Basic Law provides for freedom of assembly and this right is practiced without significant hindrance. Article 23 of the Basic Law provides that Hong Kong shall enact laws to prohibit subversion, secession, treason, and sedition against the Chinese Government. The proc-

ess of developing this legislation continues with no indication of when such laws may be enacted. Amendments to the Crime Ordinance, passed by the prehandover Legislative Council in 1997, narrowed the definition of treason and sedition to include a "proven intention of causing violence or creating public disorder or a public disturbance." However, the amendments stipulate that the Government must name the date when the change is to take effect, and the Government has chosen not to enact the amendments until comprehensive legislation dealing with all "Article 23 crimes" is developed. In the interim, preexisting provisions in the Crime Ordinance dealing with treason and sedition continue to apply.

A revised Public Order Ordinance, which was passed by the Provisional Legislature and took effect in 1997, reintroduced the concept of the notice of no objection for public processions and empowered police to object to demonstrations on national security grounds as well as to protect the rights and freedoms of others. Under the law, demonstration organizers must notify the police of their intention to demonstrate 1 week in advance (shorter notice is accepted when the Commissioner of Police is satisfied that earlier notice could not have been given) for a march involving more than 30 persons and for an assembly of more than 50 persons. The police must give a clear reply within 48 hours if it objects, but otherwise no reply indicates no objection. In practice, demonstrators can assume "no objection" if they are not notified otherwise by 48 hours in advance of the planned demonstration. The national security provision has never been invoked. Appeals of a denial to demonstrate may be made to a statutory appeals board comprising members from different sectors of society. No public official is on the board. Both the board's proceedings and the police's exercise of power are subject to judicial review.

Since the handover, there have been over 7,000 demonstrations—an average of over 5 per day, which is higher than prehandover rates. Approximately half of these demonstrations required notification. The police have objected to five demonstrations, three of which went ahead after the demonstration organizers altered their plans. Of the remaining two cases, one involved an environmental group's plan to block city-center traffic with garbage trucks to urge the Government to open more recycling centers. That event eventually took place at a different venue. The other involved right of abode protesters who wished to continue protests in front of Government offices for 10 days immediately following clashes there between police and protesters reacting to the Court of Final Appeal's December 1999 verdict upholding the NPC Standing Committee's interpretation of the Basic Law. The Appeals Board supported the police decision, as it did in the two other cases that had come before it.

However, demonstrators, particularly labor activists, have complained that demonstrations often are limited to "designated areas" where they receive little public attention and that police sometimes outnumber demonstrators. A police order issued in September 1998, while underlining that it is police "policy to facilitate, as far as possible, all peaceful public order events," also stipulates that certain "internationally protected persons" are, in addition to security, entitled to "protection of their dignity." Human rights activists remain concerned that the policy could lead to the use of police tactics that the IPCC had previously ruled were inappropriate.

In addition to assemblies and marches on Hong Kong-related issues, groups continue to be free to demonstrate on issues of sensitivity in mainland China. On May 28, approximately 1,000 persons marched through central Hong Kong to commemorate the 11th anniversary of the June 4, 1989, massacre in Tiananmen Square. On June 4, approximately 40,000 demonstrators attended the annual candlelight vigil to commemorate the anniversary. Falun Gong practitioners regularly conduct public protests against the crackdown on fellow practitioners on the mainland, including directly in front of Hong Kong offices of the Central Government. However, the Falun Gong reports that some commercial establishments have refused to rent halls to the groups' practitioners. In a June protest against the Government's right of abode policies, the police were accused of using excessive force when they used pepper spray and struck demonstrators when removing them from the entrance to the main Government office building. As recommended by the police's internal disciplinary body, the Complaints against Police Office, two police officers received verbal warnings for their actions. A report on the alleged misuse of force was referred to the IPCC for further scrutiny.

Student groups and human rights activists have criticized the Public Order Ordinance and have called for amendments to the law. Some also have demanded that it be repealed on the grounds that its provisions violated the right of assembly and the International Covenant on Civil and Political Rights (ICCPR). Proposed amendments to the Public Order Ordinance include reducing the advance notification period, doing away with the notice of no objection, eliminating "excessive" criminal penalties of up to 5 years in prison, and requiring the police to obtain a court order

in order to prohibit a demonstration. In what amounts to acts of civil disobedience, one group refuses to comply with the notification provisions, and it has made clear its intention to continue to do so until the law is revoked. Student and other protesters were arrested for investigation in connection with April and June demonstrations—over proposed tuition hikes and right of abode, respectively—in violation of the ordinance. All of the protestors were released immediately, and the Government did not prosecute. In December in a vote heatedly opposed by prodemocracy legislators, the Legislative Council supported the ordinance in its current form by a vote of 36 to 21. The U.N. Human Rights Committee in November 1999 noted its concern that the ordinance could be applied to restrict the right of assembly unduly, and it called on the Government to review the law and bring its terms into compliance with the ICCPR. The Court of Final Appeal has not yet had the opportunity to rule on the conformity of the ordinance with the ICCPR.

The Basic Law provides for freedom of association, which is practiced without significant hindrance. Since the handover, no applications for registration have been denied. From January to November, the Societies Office of the police registered 1,275 organizations. However, the "Never Forget June 4 Organization," whose constitution calls for the end of one party rule in China, claims that the police have delayed the group's registration. The police state that the organization cannot be registered until it has been formally established. Human rights groups also have expressed concern that the amended Societies Ordinance, which like the amended Public Order ordinance was passed by the Provisional Legislature, could be used to restrict political activity. The Societies Ordinance requires that new societies must apply for registration within 1 month of establishment. The Government may refuse registration if it believes that the refusal is necessary in the interests of national security, public safety, public order, or the protection of the rights and freedom of others. The Government also may refuse to register a political body that receives support from a foreign political organization or a Taiwan-based political organization. The U.N. Human Rights Committee in November 1999 noted its concern that the ordinance could be applied to restrict unduly the right of association and called on the Government to review the law so as to ensure full protection of the right to freedom of association under the ICCPR.

c. Freedom of Religion.—The Basic Law provides for freedom of religion, the Bill of Rights Ordinance prohibits religious discrimination, and the Government respects these provisions in practice. The Government at all levels protects religious freedom in full, and does not tolerate its abuse, either by government or private actors.

The Government does not recognize a state religion but does grant public holidays to mark numerous special days on the traditional Chinese and Christian calendars, as well as Buddha's birthday.

Religious groups are not required to register with the Government and are exempted specifically from the Societies Ordinance, which requires the registration of nongovernmental organizations. Catholics recognize the Pope as the head of the Catholic Church, unlike on the mainland. The spiritual movement widely known as Falun Gong, which does not consider itself a religion, is registered, practices freely, and holds regular public demonstrations against PRC policies. Despite complaints by PRC representatives and a stern warning from Chief Executive C.H. Tung not to violate Hong Kong law or act "in any manner against the interests of China, Hong Kong, or 'one country, two systems,'" Falun Gong practitioners remained active, and organized public demonstrations outside PRC offices. Other traditional martial arts/meditation groups, known collectively as qigong groups, including Zhong Gong (which was banned in the PRC in late 1999), Xiang Gong, and Yan Xin Qigong, also are registered and practice freely in Hong Kong. Another group allegedly listed as an "evil cult" by the PRC, the Taiwan-based Guan Yin Method, is registered legally and practices freely.

Although under the Basic Law the PRC Government has no say over religious practices in Hong Kong, its representatives in the SAR and the two PRC-owned newspapers have criticized some religious and other spiritual groups and individuals there. Hong Kong religious leaders also have noted that the Basic Law provision that calls for ties between local religious organizations and their mainland counterparts to be based on "nonsubordination, noninterference and mutual respect" could be used to limit such ties. In April mainland authorities reportedly charged a Hong Kong religious leader with violating this noninterference clause by criticizing mainland religious policies. In September Hong Kong-based Chinese officials urged Hong Kong's Catholic Church to keep "low key" any celebrations of the October 1 canonization by the Pope of 120 foreign missionaries and Chinese Catholics who had been martyred in China. The Hong Kong Catholic Church stated however, that it did not alter its fairly extensive plans to mark the occasion. The traditional ties of the Hong Kong Catholic Church to the Vatican have not precluded its contacts with the offi-

cial Catholic Church in the PRC. However, it reportedly has had many contacts and exchanges with its mainland counterparts in the official church put on hold due to the current restrictive climate in the PRC for religious groups.

In June 1999, the PRC Government, which has responsibility for the SAR's foreign affairs, blocked a proposed papal visit. The PRC Government reportedly considered the visit to be one of a head of state rather than one of a religious leader. When this news became public in August 1999, Hong Kong's Chief Executive reiterated the importance of religious freedom to Hong Kong and noted the "unfortunate" fact that the Pope could not visit Hong Kong because of foreign policy concerns.

Although Falun Gong is free to practice, organize, and conduct public demonstrations, its practitioners expressed concern about pressure coming from mainland authorities and their supporters. Numerous articles critical of the group appeared in PRC-owned Hong Kong newspapers. In April a PRC State Council spokesman reportedly called a Hong Kong Falun Gong spokesman "a tool used by Western powers to subvert the Central Government." A Falun Gong spokesman in Hong Kong responded that practitioners were undeterred by the PRC's unfounded criticisms, but the number of Falun Gong practitioners in Hong Kong is said to have dropped from approximately 1,000 to approximately 600 since the mainland crackdown began in mid-1999. In a December speech in which he made clear his comments applied equally to Hong Kong and Macau, Jiang Zemin said the Macau Government should never allow anyone to stage any activities in Macau against the Central Government or to split the country. Some Hong Kong publishing houses owned by mainland Chinese interests declined to continue publishing Falun Gong materials after the movement was banned on the mainland in July 1999, and some bookstores operated by mainland enterprises removed Falun Gong books from their shelves (see Section 2.a.). In addition Falun Gong organizers have reported reluctance on the part of some hotels, cultural centers, and other venues to lend or lease space for Falun Gong exhibitions or other activities.

In October 1999, it was discovered that PRC Government censorship of Falun Gong-related information temporarily affected Hong Kong users of a major local paging service because the service utilized mainland-located transmission centers. Mainland-based employees of the company refused to transmit messages regarding Falun Gong, even for Hong Kong customers, because of an alleged PRC Government instruction that any messages related to Falun Gong should not be broadcast. Under scrutiny from the Government and pressure from the wider community, the company found a technical solution to the problem and ceased censorship for customers whose service was limited to Hong Kong. However, the company insisted, and the Hong Kong Telecommunications Authority agreed, that the company must follow mainland laws (including censorship rules) for customers whose paging service extended to the mainland. Hong Kong customers with China-wide (rather than Hong Kong-only) service remained unable to receive messages relating to Falun Gong. The Hong Kong Telecommunications Authority issued amended guidelines in February requiring paging services to configure their systems to enable Hong Kong-origin paging messages, including those that would be barred for transmission in places outside Hong Kong, including the PRC, to be transmitted in Hong Kong (see Section 1.f.).

d. Freedom of Movement, Foreign Travel, Emigration, and Repatriation.—The Basic Law provides residents freedom of movement within Hong Kong, freedom of emigration, and freedom to enter and leave the territory, and the Government respects these rights in practice. Travel documents are obtained freely and easily, however, there are some limits on travel to the mainland (imposed by the mainland Government).

As was the case before the handover, the Taiwan passport is not recognized as valid for visa endorsement purposes.

In the past, several prominent overseas dissidents have been denied visas to enter Hong Kong.

Chinese authorities do not permit a number of Hong Kong human rights activists and legislators to visit the mainland. Many Democratic Party legislators, for example, are not allowed to travel to the mainland. Political and human rights activists assert that the restriction on travel to the mainland on those who disagree with the Central Government's policies has a dampening effect on political debate, particularly among those with business interests on the mainland. However, one prominent labor and democracy activist, previously denied permission for many years, was allowed to enter the mainland to visit his ailing parent twice during the year.

In early August, several persons who would likely be required to return to the mainland as a result of the 1999 right of abode decision set fire to a floor of an Immigration Department office, some reportedly also set themselves on fire. Fifty persons were injured in the incident; 2 died.

The 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol does not extend to Hong Kong, and the SAR eliminated its first asylum policy in 1998. On a case-by-case basis, the Director of Immigration has discretion to grant refugee status or asylum in cases of exceptional humanitarian or compassionate need, but the Immigration Ordinance does not provide foreigners any right to have their asylum claim recognized. The general practice is to refer refugee and asylum claimants to a lawyer or to the office of the U.N. High Commissioner for Refugees (UNHCR). Those granted refugee status, as well as those awaiting UNHCR assessment of their status, receive a subsistence allowance from the UNHCR, but are allowed neither to seek employment nor enroll their children in local schools. Of the approximately 100 persons receiving UNHCR support in late November, around 70 began to receive such support during the year. The UNHCR works with potential host country representatives in Hong Kong to resettle those designated as refugees. Government policy is to repatriate all illegal immigrants, including the approximately 23 per day that arrive from the mainland, as promptly as possible. However, human rights groups have complained of a few cases in which seekers of asylum or refugee status have been arrested for illegal immigration and incarcerated for periods of up to several months, but there were no reports of the forced return of persons to a country where they feared persecution.

In February the Government terminated its Millport policy, under which Vietnamese asylum seekers intercepted in boats in Hong Kong waters were assisted in their voluntary departure from Hong Kong, because of evidence the policy was being abused by illegal immigrants who claimed passage through Hong Kong to other destinations. In June, in a move welcomed by human rights groups and the UNHCR, Hong Kong approved for permanent resettlement approximately 1,400 Vietnamese refugees and migrants. With this action the SAR Government closed the world's last remaining Vietnamese refugee camp (Pillar Point), and brought to an end the resettlement process that had handled more than 220,000 Vietnamese who had landed in Hong Kong since 1975. Approximately 6 percent of the 1,400 persons approved for resettlement declined the Government's offer, and instead chose to retain their refugee status in order to continue to seek resettlement elsewhere. Since the closure of the Pillar Point camp the number of undocumented Vietnamese immigrants arriving in Hong Kong dropped to approximately 40 per month.

The case of 289 additional Vietnamese illegal immigrants who entered Hong Kong from China was under appeal at year's end.

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

Residents' right to change their government is limited by the Basic Law, which provides for the selection of the Chief Executive by an 800-person selection committee (which itself is appointed or indirectly elected), the direct election of less than half of Legislative Council members, and the inclusion of appointed members to the elected district councils. In addition while the approval of the Chief Executive, two-thirds of the legislature, and two-thirds of Hong Kong's National People's Congress delegates is required to place an amendment to the Basic Law originating in Hong Kong on the agenda of China's National People's Congress, it is the National People's Congress that has the power actually to amend the Basic Law, and procedures for amendment or interpretations that originate in the mainland are unclear.

The government structure is two-tiered, and it consists of the Legislative Council and 18 district councils. (A third, middle tier, collectively known as the municipal councils, was abolished at the end of 1999.) C.H. Tung is Chief Executive.

The Chief Executive was chosen prior to the handover by a 400-member selection committee, which in turn was chosen by a 150-member preparatory committee appointed by the Chinese Government. The Basic Law provides for elections for Chief Executive in 2002 and 2007, by a committee of 800 local residents. This committee is the same as the committee formed to select 6 legislators in September. It is composed of the 60 members of the Legislative Council, the 36 Hong Kong delegates to the National People's Congress, 40 representatives from religious groups, and 664 persons elected by the same 179,000 voters (some representing organizations; others voting as individuals) who chose the functional constituency representatives of the Legislative Council. The Government stated in October that it would not introduce legislation on election procedures of the Chief Executive until mid-2001. The Basic Law permits amendment of the Chief Executive selection process after 2007 by a two-thirds majority of the Legislative Council, with consent of the Chief Executive and the Standing Committee of the National People's Congress. The Basic Law states that "the ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures."

A provisional legislature, appointed by the same 400-member committee that appointed the Chief Executive, served from July 1, 1997, until June 30, 1998. Although the Provisional Legislature included 33 of 34 legislators from the 1995 Legislative Council who sought inclusion, the Democratic Party and several independents declined to seek seats in what they deemed an illegitimate body, which they claimed lacked a legal foundation and transparency, and excluded groups, parties, and individuals critical of China. The Provisional Legislature repealed several laws that had been enacted by the elected Legislative Council to enhance civil and political rights, including: Amendments to the Bill of Rights Ordinance; the Employee Right to Representation, Consultation, and Collective Bargaining Ordinance; the 1997 Employment (Amendment) Ordinance, and the 1997 Trade Unions (Amendment) Ordinance (see Section 6.a.). A lawsuit challenging the constitutionality of the Provisional Legislative Council was unsuccessful, and the repeals remain controversial, albeit without further legal challenge.

Elections for Hong Kong's first and second posthandover Legislative Councils were held in May 1998 and in September, respectively. The Legislative Council elected in September is to serve a 4-year term. In the first election, 20 members were elected directly from geographic districts through universal suffrage, 30 from functional (occupational) constituencies, and 10 by votes of a committee of local elected officials. In the second, 24 members were elected directly from geographic districts through universal suffrage, 30 from functional constituencies, and 6 by votes of the 800-person Selection Committee which is composed of representatives of professions, district councils and religious groups, as well as local representatives to Chinese national political bodies, and Legislative Councilors. Prodemocracy candidates won 17 of the

24 seats elected on a geographic basis (including 1 in a December by-election) and 22 seats overall.

In both the 1998 and September elections, the functional constituencies were drawn more narrowly than the nine broad functional constituencies of the 1995 Legislative Council, and the total number of potential voters in functional constituencies was reduced from 1.15 million in 1995 to 189,000 in 1998. Human rights groups contend that the election of functional constituency representatives by so few persons is fundamentally undemocratic. There was general acceptance of the geographic electoral districts (which include 3 million registered voters) proposed in 1997 by the Electoral Affairs Commission. A bill calling for an accelerated time line for direct election of all Legislative Council seats was defeated in the Legislative Council in 1998.

In December the Court of Final Appeal ended a century-old practice of excluding nonindigenous villagers from participating in rural elections. The Court unanimously found that the practice violated both the Bill of Rights and the Sex Discrimination Ordinances.

The ability of the legislature to influence policy is limited substantially by Basic Law provisions that require separate majorities among members elected from geographical and functional constituencies in order to pass a bill introduced by an individual member and that prohibit the Legislative Council from putting forward bills that affect public expenditure, political structure, or government operations. The Chief Executive's written consent is required before bills affecting government policy may be introduced. Additionally, the Government has adopted a very broad definition of "government policy" in order to block private member bills, and the President of the Legislative Council has upheld the Government's position. A motion proposed by a prodemocracy legislator to repeal restrictions on private members' bills was rejected in January; however, the Legislative Council's degree of popular representation and outspokenness gives the Government cause to consider its views. In June when the Legislative Council passed a no-confidence motion against two senior housing officials, the more senior of the two resigned.

The November 1999 elections for Hong Kong's District Councils—the sole remaining local government body after the abolition of the Municipal Councils—were free and fair; however, democratic legislators and human rights activists complained that the appointment of nearly one-quarter of District Councilors by the Chief Executive is an undemocratic procedure. According to the District Councils Ordinance enacted in March 1999, the District Councils are responsible for advising the government on matters affecting: (1) the well-being of district residents; (2) the provision and use of public facilities; and (3) the use of public funds allocated for local public works and community activities.

An October 1999 motion in the Legislative Council calling for a referendum on the Government's proposal to abolish the Urban and Regional Councils, Hong Kong's mid-tier local government organs known collectively as the Municipal Councils, was defeated. However, in December 1999, the Legislative Council passed a

controversial bill abolishing the Municipal Councils when their terms expired at the end of the year. The Councils had been the subject of widespread public criticism for their poor handling of the Avian Flu, the Red Tide, and other public health issues for which they were responsible. Legislators from the democratic parties and human rights activists protested the abolition of the councils, arguing that they were important to the development of party and democratic political leaders. The UN Human Rights Committee in November 1999 also expressed concern that the abolition of the municipal councils would "diminish the opportunity of Hong Kong residents to take part in the conduct of public affairs."

Hong Kong sends 36 delegates to China's National People's Congress (NPC). These 36 individuals are an important group since placing proposed amendments to the Basic Law on the agenda of the NPC requires the approval of two-thirds of Hong Kong's NPC delegates. Hong Kong's NPC delegates also are members of the Election Committee that chose 10 of the Legislature's 60 members in 1998 and 6 of the legislatures members during the year. Hong Kong's NPC delegates were selected to a 5-year term in December 1997 by an NPC-appointed committee of 424 residents. Politicians and human rights activists criticized the selection process as undemocratic and lacking transparency and noted that Central Government Liaison Office (formerly the New China News Agency) Director Jiang Enzhu, who is not a Hong Kong permanent resident, is one of Hong Kong's 36 delegates.

Women are underrepresented in politics and in elective office, but larger numbers are seeking public office than ever before. Women hold 10 of the 60 Legislative Council seats, and women make up between 5 and 33 percent of membership in political parties. The President of the Legislative Council is a woman, as is the head of the civil service (the number two person in the Hong Kong Government). The Equal Opportunities Commission noted that women were a minority in Government advisory bodies. A report in May compiled by the Hong Kong Federation of Women stated that only between 16 to 22 percent of judges, Executive Council members, advisory board members or top civil servants are women. However, women are well represented at the highest levels of government. The Chief Secretary, Secretary for Security, Secretary for Justice, Treasure Secretary and Education Secretary are all women. Minorities are also represented in senior civil service positions.

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

Dozens of domestic and international nongovernmental organizations (NGO's) operate freely (see Section 2.b.). These organizations have unrestricted and thriving contacts with the local community and with groups overseas. Government officials are generally receptive to, and respectful of, their views. Prominent human rights activists who focus on mainland China also operate freely and enjoy permanent resident status in Hong Kong.

The 1988 Ombudsman Ordinance established the Office of the Ombudsman, which has wide powers to investigate and report on grievances from members of the public as a result of administrative actions of the executive branch and other designated public bodies. However, the credibility of the Ombudsman's independence is undermined by the fact that most of its staff is seconded from the Government, putting them in the position of investigating their former and future bosses. A proposal for the office to become independent of the Government in 2002 reportedly has received official approval. Another limitation is that the Ombudsman does not have oversight authority over the police, the Independent Commission against Corruption, the Equal Opportunities Commission, or the Office of the Privacy Commissioner for Personal Data. The Ombudsman may investigate complaints of noncompliance with the code on access to information by government departments, including the police and the Independent Commission against Corruption. With regard to election-related complaints, the Ombudsman only is empowered to investigate complaints made against the Registration and Electoral Office, not those made against the Electoral Affairs Commission. Thus, the Ombudsman's human rights role regarding liberty of persons, freedom from arbitrary and unlawful arrest and detention, equality, and related matters is limited considerably.

The Ombudsman may publish investigation reports in which the identity of the complainant has been disguised. In addition to responding to public complaints, the Ombudsman may initiate investigations on his own. The Ombudsman may report to the Chief Executive if he believes that his recommendations to the organizations under his jurisdiction have not been acted upon or if there are serious violations; the Chief Executive is bound by law to present such reports to the legislature.

Human rights groups have complained that Hong Kong does not have a human rights commission. The U.N. Human Rights Committee in November 1999 expressed concern "that there is no independent body established by law to investigate

and monitor human rights violations in Hong Kong and the implementation of Covenant rights." In March visiting U.N. Human Rights Commissioner Mary Robinson urged Hong Kong to set up such a body.

Under the Basic Law, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights apply, with certain restrictions, to Hong Kong. The Chinese Government transmits Hong Kong's reports under these covenants, without editing, to the U.N. The reports are prepared without interference from the Chinese Government, but local NGO's have complained that they were not consulted fully enough on the contents of the reports. The Government and several domestic NGO's have testified before the U.N. Human Rights Committee in Geneva, Switzerland. The hearings, including concerns of the Committee, have received widespread and balanced press coverage. In May Hong Kong sent representatives to attend, as part of China's delegation, hearings held by the U.N. Committee against Torture in Geneva on China's periodic report. In October Hong Kong's report under the International Convention on the Elimination of All Forms of Racial Discrimination was submitted to the U.N. in Geneva by the Chinese Government as part of China's periodic report. In November the U.N. Committee on Economic, Social and Cultural Rights considered Hong Kong's report under the International Covenant on Economic, Social and Cultural Rights.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Basic Law provides that all Hong Kong residents shall be equal before the law. The Bill of Rights Ordinance, which provides for the incorporation into Hong Kong law of the International Covenant on Civil and Political Rights as applied to Hong Kong, entitles Hong Kong residents to the civil and political rights recognized therein "without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." However, the ordinance binds only the Government, public authorities and persons acting on their behalf, that is, not private persons or entities. Three pieces of anti-discrimination legislation—the Sex Discrimination Ordinance (1995), the Disability Discrimination Ordinance (1995), and the Family Status Discrimination Ordinance (1997)—have made it illegal for any person or entity (public or private) to discriminate against anyone on the grounds of sex, marital status, pregnancy, disability, or family status, and prohibits behavior such as sexual harassment, harassment or vilification on the grounds of disability, and discriminatory advertising. An Equal Opportunities Commission was established in 1996 to work toward the elimination of discrimination and to promote equality of opportunity with specific reference to gender, disability, and family status.

Human rights groups have called for laws specifically targeting, among other problems, public or private discrimination based on race and age. The U.N. Human Rights Committee in November 1999 expressed concern "that no legislative remedies are available to individuals in respect of discrimination on the grounds of race" and called for legislation to ensure full compliance with the Covenant. A November survey identified strong societal prejudice against minority groups including mainland Chinese migrants. The Equal Opportunities Commission reported that the elderly are discriminated against in the allocation of public housing, but noted that it was powerless to help, because there is no legislation prohibiting age discrimination in Hong Kong.

Although many rights activists generally consider the government's Equal Opportunity Commission (EOC) an ally in the fight against discrimination, some have criticized the organization for passivity and for emphasizing conciliation instead of acting as a watchdog or pursuing court cases. In the first 8 months of the year, the Equal Opportunities Commission received 198 complaints of sex discrimination, 83 of which involved pregnancy discrimination. As of the end of September, 5 cases were brought to court under the Sex Discrimination Ordinance and were pending resolution. In the first 8 months of the year, 191 complaints were filed under the Disability Discrimination Ordinance; 3 of these cases went to court. As of September, two cases were still pending while one case resulted in a ruling in favor of the plaintiffs. In the first 8 months of the year, 12 complaints were received under the Family Status Discrimination Ordinance, which protects persons whose marital status changes, who have children, or who are responsible for caring for another family member, such as a child or elderly person, 11 of the 12 complaints were related to employment, but no cases had been filed by year's end.

The Government's "Code of Practice for Employers" designed to prevent discrimination states that race, among other factors, should not be considered when hiring employees. However, it accepts that special circumstances exist, such as when the employee works or lives in the employer's home. The Government has undertaken

a public education and awareness campaign to combat race discrimination with only limited effect.

Women.—Violence against women remains a problem, particularly among new immigrants from the mainland. The only law that specifically protects battered women is the 1987 Domestic Violence Ordinance, which allows a woman to seek a 3-month injunction against her husband (extendable to 6 months). Domestic violence also may be prosecuted as common assault. The Government enforces the laws and prosecutes violators, but sentences generally are lenient. In 1999 472 cases of domestic violence were reported to the police, while in the first 6 months of the year, 320 cases were reported. Cases of battered spouses reported to the Social Welfare Department from April 1999 to March increased 44 percent over the previous 12 months to 1,689 cases. Women tend not to seek help when subject to violence; cultural factors and inadequate information about available assistance and resources result in many cases of spousal abuse going unreported. In May the Government established an interdepartmental Working Group on Sexual Violence to ensure coordination of efforts among various departments and authorities in handling the problem of sexual violence. Also in May, the Government announced plans to establish a Women's Commission later in the year to address women's concerns in a comprehensive and systematic manner. The Government also funds programs such as family life education counseling, a hot line service, temporary housing, legal aid, and child protective services; it also has initiated public education and media programs.

The Hong Kong Federation of Women's Centres asked the Government to prepare a comprehensive services plan especially for women from the mainland, with counseling and job-training to help them integrate. Hong Kong's Society for Community Organisation estimated that tens of thousands of women in Hong Kong, largely single women and widows from the mainland, are regularly subjected to the threat of violence, abuse, robbery, and sexual harassment by cohabitors. In November some 200 women, including sex workers, domestic helpers, and members of 12 womens groups, held an antiviolence-against-women rally, demanding greater Government protection for women, more assistance to victims, and a special court to handle such cases in a bid to preserve a woman's dignity.

The general incidence of rape is low. There were 90 cases of rape reported to the police in 1998, 91 in 1999, and 49 in the first half of the year. However, underreporting is considered a serious problem. Amendments to the evidence bill and to the Crime Ordinance that would abolish the requirement of corroboration of evidence of sexual offense and would clarify that marital rape is a crime are under consideration.

Prostitution is not illegal. However, there are laws against activities such as causing or procuring another to be a prostitute, living on the prostitution of others, and keeping a vice establishment. Many women working in the sex industry have been brought to Hong Kong under conditions resembling trafficking (see Section 6.f.).

Sexual harassment is a problem. Many women tend not to seek help when subjected to sexual harassment, and it is underreported. Police statistics report 1,047 sexual harassment cases in 1999. Government and NGO surveys and statistics from a counseling hot line, however, suggest sexual harassment cases in fact total anywhere from 2° to 10 times more than the number reported.

Women face discrimination in employment, salary, welfare, inheritance, and promotion (see Section 6.e.). The EOC's task force on Equal Pay for Work of Equal Value is studying ways to implement this principle, including possible draft legislation. The press carries occasional stories of women alleging discrimination in the workplace in connection with pregnancies. The number of complaints to the EOC of dismissal after employees' return from maternity leave increased in 1999. Official unemployment figures for the period from May through July were 5.7 percent for men and 4.2 percent for women. However, human rights organizations and unions assert that the statistics inaccurately record many unemployed women as housewives and that, in fact, the unemployment rate for women is actually higher than the unemployment rate for men. Women are entering professional fields, including medicine, in greater numbers. Nonetheless, in the medical profession there are few women in prestigious specialties such as surgery. Female judicial officers and judges make up only 18.8 percent of the judiciary. Women also are disproportionately represented in the lower echelons of the work force, holding positions such as retail sales assistants and office clerks. The Home Affairs Department this summer organized the Working Group of Web-Enabling Women to help less educated women enter the digital workforce. As a result of 1994 revisions to inheritance statutes, the law treats men and women equally in inheritance matters, although women still face discrimination based on traditional practices. Alimony is another problem, with one survey indicating that 80 percent of divorced women fail to receive money regu-

larly from their former husbands. The November 1999 U.N. Human Rights Committee report expressed concern that differences exist between men's and women's earning levels, that women were underrepresented in public boards and public offices, and that there is customary discrimination against women in the inheritance of small homes in rural areas of the New Territories.

Based on its 1999 study showing that the Education Department's allocation scheme for secondary school places clearly discriminated against girls, the EOC in July requested a judicial review of the scheme. Education officials acknowledge that the current system of secondary school place allocation discriminates against girls because boys and girls are ranked (and accepted) separately. The High Court's on the EOC's request for judicial review is pending. The November 1999 U.N. Human Rights Committee report expressed concern that the educational system discriminates against girls in selection for secondary schools. In 1999 the number of female secondary student candidates accounted for 55.7 percent of the total who took university advanced-level examinations, and the number of female candidates who matriculated at universities accounted for between 52 and

56 percent of all matriculating candidates. This is similar to earlier years.

In the spring, the Government announced the establishment of a Women's Commission to promote and protect the interests and well being of women. The Commission, which had yet to begin operating as of year's end, reportedly plans to focus on provision of health services, childcare support, protecting women against violence, promotion of a women-friendly working environment and legal issues relating to women and the family.

Children.—The Government is committed firmly to children's rights and welfare through well-funded systems of public education, medical care, and protective services. The Education Department is committed to providing schooling for children between 6 and 15 years of age and provides placement services for non-Chinese speaking children. Education is free and compulsory through grade nine. The Government supports programs for custody, protection, day care, foster care, shelters, small group homes, and assistance to families. The age of criminal responsibility for children is 7, although it must be proved that a child under the age of 14 understood the consequences of his or her actions. In May the Law Reform Commission recommended that the age of criminal responsibility be raised to 10, and stated that children between 10 and 14 should be presumed to be incapable of committing a crime unless that presumption can be rebutted by the prosecution. The Commission also recommended that the Administration carry out a general review of the juvenile justice system. In 1999 there were 108 youths under the age of 16 who were incarcerated, 48 who were in prison, 29 who were in training centers, 27 who were in detention centers, and 4 who were in drug addiction treatment centers. In April one youth died during an attempted escape from a detention center.

Child abuse and exploitation are not widespread, but statistics indicate they are increasing. There is no specific laws dealing with child pornography, but child pornography is covered under other antipornography laws. A proposed bill on Prevention of Child Pornography and proposed amendments to the Crimes Bill before the Legislative Council since June 1999 would prohibit the printing, distribution, advertising, or possession of child pornography. The bills also would prohibit arranging or advertising of sexual offenses involving children under the age of 16. The Crimes (Amendment) Bill would also provide extraterritorial effect when either the perpetrator or the victim of a sexual offense involving a child or a person printing, distributing, advertising or possessing child pornography "has a nexus with Hong Kong."

In the first 6 months of the year, 754 cases of child abuse were reported to the police; 327 involved physical abuse of victims below the age of 14, and 427 involved sexual abuse of victims below the age of 17. Child abuse cases newly registered with the Social Welfare Department totaled 328 through August and 575 for all of 1999. In 1995 the police set up a child abuse investigation unit to improve the treatment of victims, and in 1996 legislation was passed making it easier for child victims to testify in court using an interviewing suite for recording statements. Legal penalties for mistreatment or neglect of minors also were increased substantially. A witness support program also was launched in 1996 to help child witnesses in need. A child witness information kit in Chinese, with books explaining legal and court proceedings, was published in 1996 to help reduce children's anxiety about testifying. In 1998 a Child Care Center Bill was passed to prevent unsuitable persons from providing child care services and to facilitate the formation of mutual help child care groups.

People with Disabilities.—Discrimination against the physically and mentally disabled persists in employment, education, and the provision of some public services. The 1995 Disability Nondiscrimination Law called for improved building access and sanctions against those who discriminate. The Buildings Ordinance amended in

1997 updated design requirements. However, despite inspections and occasional closure of noncompliant businesses, access to public buildings and transportation remains a serious problem for the disabled. Advocates for the disabled complained that limited access for the disabled at polling stations made voting in both the 1998 and in the September elections difficult because of accessibility problems. The Government has an integrated work extension program in sheltered workshops and expanded vocational assessment and training. No comprehensive statistics are available on the number of disabled persons in the work force, but a consortium of organizations representing disabled persons reported that about 700,000 residents are disabled, and about half are able to work. A 1997 survey by the EOC found that depending on the kind of disability, unemployment rates ranged from 20 to 50 percent. There are 5,259 disabled persons employed as civil servants of a total civil service work force of 185,868—about 2.8 percent of all civil servants. During the first 8 months of the year, the Labor Department's Selective Placement Division found jobs for 1,359 of 2,463 disabled job seekers. Approximately 9,000 students in a school population of 955,000, or just under 1 percent, are disabled. In the 1999–2000 school year, there were 168 places in regular schools for the mildly disabled under the Integrated Education Program. In 1997 the Government started a special university admission scheme for the disabled.

In the first 9 months of the year, three cases under the Disability Discrimination Ordinance were brought to court with EOC involvement. One case was resolved in September when the court ruled in favor of the three plaintiffs who had been given legal assistance by the EOC. The other two cases remained pending.

In 1999 the Government formed the Guardianship Board under the Mental Health Ordinance to protect the interests of persons with mental disabilities or disorders, including dementia.

National/Racial/Ethnic Minorities.—The Government has resisted recommendations by human rights groups, the U.N. Human Rights, legislators, and others that it enact specific antirace discrimination legislation. In June the Government blocked a proposed antirace discrimination bill put forward by a legislator. The Government proposes to combat discrimination through education, rather than by legislation. A government "Code of Practice for Employers" designed to prevent discrimination states that race should not be considered when hiring employees. Minorities, who make up approximately 5 percent of the population, are well represented in the civil service and many professions. However, there are regular allegations of racial discrimination in such areas as private sector employment, admission to public restaurants, placement in public schools, treatment in public hospitals, and acceptance to institutions of higher education. Foreign domestic workers, most of whom are from the Philippines, are particularly vulnerable to discrimination. In January an Indonesian Migrant Workers Union was established to unite Indonesian domestic helpers throughout Asia and to protect members from abuse and exploitation; approximately 41,000 Indonesian domestic helpers work in Hong Kong. Similar organizations work for the interests of Philippine domestic helpers, of whom there are approximately 170,000. According to organizations representing migrant workers, police intimidation of migrant workers is also a problem.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of association and the right of workers to establish and join organizations of their own choosing. Trade unions must be registered under the Trade Unions Ordinance. The basic precondition for registration is a minimum of seven persons who serve in the same occupation. The Government does not discourage or impede the formation of unions. In 1999, 35 unions (comprising 33 employee unions and two mixed organizations of employees and employers) were registered under the Trade Unions Ordinance. During the year, 11 new unions (10 employee unions and one employee/employer mixed union) were registered. As of the end of August, the total number of registered trade unions was 632 (588 employee, 25 employer, and 19 mixed). Over 20 percent of the approximately 3.3 million salaried employees and wage earners belong to a labor organization. Trade unions are independent of political parties and the Government.

The Employment Ordinance includes provisions that protect against antiunion discrimination. Violation of the antiunion discrimination provisions is a criminal offense with a maximum fine of $12,800 (HK$100,000). Employees who allege such discrimination have the right to have their cases heard by the Labor Relations Tribunal. The Tribunal may order reinstatement of the employee, subject to mutual consent of the employer and employee. If no such order is made, the Tribunal may award statutory entitlements (severance pay, etc.) and compensation. The maximum amount of compensation is $20,000 (HK$156,000). However, labor activists complain that complainants are discouraged by the Labor Relations Tribunal's tendency to

push conciliation rather than issue orders. In 1999 the Labor Relations Division of the Labor Department handled 7 complaints of antiunion discrimination. During the first 8 months of the year, there were 3 such complaints. Owing to insufficient evidence or unwillingness of employees to act as prosecution witnesses, no prosecution action has been taken against the employers concerned.

Work stoppages and strikes are permitted. However, there are some restrictions on this right for civil servants. Through August 4 strikes were reported. There were 3 strikes during 1999, which resulted in 299 lost workdays; in 1998 there were 8 strikes. Although there is no legislative prohibition of strikes, in practice, most workers must sign employment contracts that typically state that walking off the job is a breach of contract which can lead to summary dismissal.

The Basic Law commits the SAR to 40 International Labor Organization (ILO) conventions, and the Government has amended labor legislation and taken administrative measures to comply (see Section 6.b.).

In October 1997, the Provisional Legislature promulgated the Employment and Labor Relations (Miscellaneous Amendments) Bill. This bill permits the cross-industry affiliation of labor union federations and confederations and allows free association with overseas trade unions (although notification of the Labor Department within 1 month of affiliation is required).

b. The Right to Organize and Bargain Collectively.—In June 1997, the Legislative Council passed three laws that greatly expanded the collective bargaining powers of workers, protected them from summary dismissal for union activity, and permitted union activity on company premises and time. The new ordinances would have enabled full implementation of ILO Conventions 87 (which was ratified with reservations in 1963), 98, and 154. However, in October 1997, after consultation with the Labor Advisory Board, the Provisional Legislature repealed the 1997 Employee's Right to Representation, Consultation, and Collective Bargaining Ordinance and the 1997 Employment (Amendment) Ordinance, and amended the Trade Union (Amendment) Ordinance. The repeal removed the new legislation's statutory protection against summary dismissal for union activity; the Government argued that existing law already offered adequate protection against unfair dismissal arising from antiunion discrimination.

The 1997 Employment and Labor Relations (Miscellaneous Amendments) Bill removes the legal stipulation of trade unions' right to engage employers in collective bargaining; bans the use of union funds for political purposes; requires the Chief Executive's approval before unions can contribute funds to any trade union outside of Hong Kong; and restricts the appointment of persons from outside the enterprise or sector to union executive committees. The Hong Kong Confederation of Trade Unions promptly filed a complaint against the Hong Kong Government for violation of ILO Conventions 87, 98, and 154. In November 1999, the ILO Committee on Freedom of Association concluded that the new labor ordinance breached conventions 87 and 98 and recommended that the Government take legislative action to remedy the situation. The Government provided the ILO progress reports in May 1999 and January asserting that it was in compliance with all of the 40 ILO conventions that apply to Hong Kong. In January 1999, the Government blocked a legislator's attempt to introduce two bills on collective bargaining and antiunion discrimination on the grounds that they would affect government spending and operations and therefore fell outside the scope allowed for private member bills under the Basic Law (see Section 3).

With the repeal of the short-lived collective bargaining legislation, the prehandover framework continued. There were no laws that stipulated collective bargaining on a mandatory basis. Wage rates in a few trades like tailoring and carpentry were determined collectively in accordance with established trade practices and customs rather than as a statutory mechanism. Collective bargaining is not practiced widely. Unions generally are not powerful enough to force management to engage in collective bargaining. The Government does not encourage it, since the Government itself does not engage in collective bargaining with civil servants' unions but merely "consults" with them.

The Labor Relations Division of the Department of Labor offers free, nonbinding conciliation services to employers and employees involved in disputes that may involve statutory benefits and protection in employment as well as arrears of wages, wages instead of notice, or severance pay. The Department of Labor takes a positive attitude towards the participation of trade unions in such dispute negotiations. In the first 8 months of the year, the Division handled 194 trade disputes and 19,667 claims, 61 percent of which were handled through conciliation. In 1999 the Division handled 290 disputes and 31,890 claims, 61 percent of which were handled through conciliation. In 1998 the Labor Relations Division handled 226 disputes and 24,231 claims, 60 percent of which were handled through conciliation. Depending on the

size of the claim, the remaining cases were referred to the Labour Tribunal or the Minor Employment Claims Adjudication Board.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The use of forced labor is prohibited in the Hong Kong Bill of Rights Ordinance. Trafficking in persons for the purpose of forced prostitution is a problem; there were credible reports that local, foreign, and mainland Chinese sex workers sometimes labor under onerous conditions for organized criminals in exchange for protection or other assistance (see Sections 5 and 6.f.). The law does not specifically prohibit forced or bonded labor by children; however, there were no reports of such practices.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Employment of Children Regulations prohibit employment of children under the age of 15 in any industrial establishment. Children 13 and 14 years of age may be employed in certain nonindustrial establishments, subject to conditions aimed at ensuring a minimum of 9 years' education and protecting their safety, health, and welfare. To enforce compliance with the regulations, the Labor Department conducts regular workplace inspections. In the first 8 months of the year, the Labor Department conducted 114,668 inspections, during which 2 violations of the Employment of Children Regulations were discovered. The Department issued 5 summonses, 3 of which resulted in convictions and fines. In 1999 the Labor Department conducted 160,272 inspections during which 8 violations were discovered and 3 summonses issued, each of which resulted in convictions and fines. In 1998 the Labor Department conducted 156,634 inspections during which 10 violations were discovered and 11 summonses issued, of which 10 resulted in convictions and fines. Work hours for young persons 15 to 17 years of age in the manufacturing sector remain limited to 8 hours per day and 48 hours per week between 6 a.m. and 11 p.m. Overtime is prohibited for all persons under the age of 18 in industrial establishments. Employment in dangerous trades is prohibited for youths except 16- and 17-year-old males. While provisions against forced or bonded labor do not specifically refer to children, there were no reports of such practices (see Section 6.c.).

e. Acceptable Conditions of Work.—There is no statutory minimum wage except for foreign domestic workers. Aside from a small number of trades where a uniform wage structure exists, wage levels customarily are fixed by individual agreement between employer and employee and are determined by supply and demand. Some employers provide workers with various kinds of allowances, free medical treatment, and free subsidized transport. The average wage generally provides a decent standard of living for a worker and family. Two-income households are the norm.

The minimum wage for foreign domestic workers is approximately $450 (HK$3,500) per month. The law requires employers to provide foreign domestic workers with housing, worker's compensation insurance, travel allowances, and food or a food allowance in addition to the minimum wage, which together provide a decent standard of living for a foreign domestic worker. However, there have been credible reports of foreign domestic workers, who are subject to deportation if they are dismissed, and thus who are less likely to raise formal complaints, illegally being forced to accept less than the minimum wage and unacceptable living conditions. There also have been a number of cases of foreign domestic workers successfully taking their employers to court for mistreatment. The standard workweek is 48 hours.

The Factory Inspectorate Division was restructured in 1996 as part of a government effort to strengthen its safety and health promotion and enforcement program. The division—part of a new occupational safety and health branch of the Labor Department—consists of four units: An operations division covering field services such as safety and health advice; a support services division responsible for technical support services; a planning and training division; and a legal services division charged with processing and conducting prosecutions.

The Factories and Industrial Undertakings Ordinance and its 27 sets of subsidiary regulations regulate safety and health conditions. In the first 8 months of the year, the Labor Department conducted 101,368 inspections of industrial and nonindustrial workplaces and issued 2,412 summonses (2,249 of which resulted in convictions with a total of $4.13 million (HK$32 million) in fines). In 1999 the Labor Department conducted 121,414 inspections and issued 2,110 summonses (1,959 of which resulted in convictions with a total of $4.65 million (HK$36 million) in fines). In 1998 the Labor Department conducted 89,846 inspections and issued 3,181 summonses (2,912 of which resulted in convictions with a total of $7.6 million (HK$60 million) in fines). Worker safety and health has improved over the years, due in part to the transfer of many manufacturing jobs to factories in mainland China, but serious problems remain, particularly in the construction industry. In the first quarter of the year, there were 12,425 occupational accidents, of which 7,211 were classified

as industrial accidents. Of the industrial accidents, 6 involved fatalities. In 1999 there were 58,841 occupational accidents, of which 35,986 were classified as industrial accidents. Of the industrial accidents, 52 involved fatalities. Employers are required under the Employee's Compensation Ordinance to report any injuries sustained by their employees in work-related accidents. There is no specific legal provision allowing workers to remove themselves from dangerous work situations without jeopardy to continued employment.

f. Trafficking in Persons.—Trafficking in persons is a problem, and Hong Kong is both a destination and a transit point for trafficked persons. Specific provisions in the Immigration Ordinance, the Crimes Ordinance, and other relevant laws enable law enforcement authorities to take action against trafficking in persons. The courts can impose heavy fines and prison sentences for such activities as arranging passage of unauthorized entrants into Hong Kong (up to $465,000 (HK$5 million) and 14 years in prison), assisting unauthorized entrants to remain in Hong Kong (up to $64,500 (HK$500,000) and 10 years in prison), using or possessing a forged, false or unlawfully obtained travel document (up to $19,350 (HK$150,000) and 14 years in prison), and aiding and abetting any person to use such a document (up to $19,350 (HK$150,000) and 14 years in prison). In late 1999, authorities in the United States and Canada began to find persons smuggled from China in shipping containers on cargo ships arriving from Hong Kong; in the first 3 weeks of the year alone, according to press reports, more than 100 persons had been found in shipping containers in ports on the west coast of Canada and the United States. In one case, 3 trafficked persons were found dead in 1 poorly provisioned and unsanitary shipping container; another 15 survived their ordeal, but 7 of the survivors required hospitalization. Hong Kong officials pledged to and did increase attempts to stop such trafficking out of Hong Kong, and began an investigation into the incidents, resulting in the arrest of one Hong Kong resident. The Hong Kong authorities also investigated many other trafficking incidents during the year. In November 26 intending illegal immigrants discovered the previous month by Hong Kong authorities sealed in a cargo container bound for the United States were convicted of attempting to stow away and of remaining in Hong Kong after having entered unlawfully, with most sentenced to 18 months in jail. Several others were arrested in connection with organizing the alien smuggling operation. In December another 12 intending illegal immigrants were discovered in a shipping container and arrested. Subsequent raids on offices and apartments of persons connected with the operation resulted in 15 additional arrests, including the alleged boss of the alien-smuggling syndicate. These two cases of mainlanders discovered hiding in containers were the first such cases where the illegal immigrants were caught in Hong Kong, but the 12th and 13th this year involving suspected use of Hong Kong as a container transshipment point. Most of these cases came to light through the efforts of Hong Kong authorities who coordinated their efforts with authorities abroad. Shipping companies and terminal operators took steps to detect and stop such smuggling as well. While the Security Bureau has policy responsibility over migrant trafficking, the police, customs and immigration departments are responsible for enforcing laws that combat trafficking. In July an immigration officer who accepted money in exchange for helping mainland Chinese enter Hong Kong illegally was convicted for violating the Prevention of Bribery Ordinance and sentenced to 4-years imprisonment.

Hong Kong is a transit point for persons trafficked from China and other nations to third countries. These persons generally are trafficked by organized crime organizations, and are trafficked for purposes of forced labor, or debt bonded labor, or forced prostitution. Countries to which such persons are trafficked include the United States, Canada, Australia, and various Western European countries. Many trafficked persons agree to pay large sums for their transport, and are forced to work in conditions similar to indentured servitude in order to repay the cost of their passage. Their movements may be restricted and their travel documents may be confiscated. Often, trafficked persons live under poor conditions, and are threatened with deportation or harm to family members if they complain. Thousands of persons are caught in Hong Kong each year with forged travel documents, some at the airport and others elsewhere in the territory. It is presumed widely that thousands of other would-be illegal immigrants pass through the SAR each year. It is unknown how many of these persons are trafficked.

Government figures report the number of applications for the entry of Vietnamese women for taking up residence to join local husbands in recent years are as follows: 1998, 67 applications approved, 3 refused; 1999, 175 approved, 55 refused; this year (through September), 85 approved, 47 refused. Cases where the claimed relationship as husband and wife does not satisfy immigration officers are as a policy rejected. However, it is not known how many women may be trafficked into Hong Kong as mail order brides without going through immigration procedures.

Visitors who are found to be engaged in prostitution are prosecuted for the offence of "breach of condition of stay under the Immigration Ordinance." In 1999 1,193 visitors from mainland China were so prosecuted. Through September 1,468 were prosecuted. The figure for 1998 was 1,247. The Government reports that it rarely encounters cases where visitors were forced to practice prostitution against their will. The number of visitors from the former Soviet Union and Malaysia found by the authorities to be engaged in illegal prostitution is small: 2, 1, and 12 from Russia, Uzbekistan, and Malaysia, respectively, in 1998. In 1999 and this year (through September), the numbers were 5, 2, and 0, and 1, 3, and 4, respectively. The Government has no record of visitor prostitutes from Eastern Europe for the same period. The number of illegal visitors trafficked into the country for the purpose of prostitution is unknown.

TIBET

(This section of the report on China has been prepared pursuant to Section 536 (b) of Public Law 103–236. The United States recognizes the Tibet Autonomous Region (TAR)—hereinafter referred to as "Tibet"—to be part of the People's Republic of China. The preservation and development of Tibet's unique religious, cultural, and linguistic heritage and protection of its people's fundamental human rights continue to be of concern.)

RESPECT FOR THE INTEGRITY OF THE PERSON

The Chinese Government strictly controls access to and information about Tibet. Thus, it is difficult to determine accurately the scope of human rights abuses. However, according to credible reports, Chinese government authorities continued to commit numerous serious human rights abuses in Tibet, including instances of torture, arbitrary arrest, detention without public trial, and lengthy detention of Tibetan nationalists for peacefully expressing their political or religious views. Tight controls on religion and on other fundamental freedoms continued and intensified during the year, especially during spring and summer. There were political protests by Tibetans in a number of ethnic Tibetan areas, including outside of the TAR.

The Government's record of respect for religious freedom in Tibet deteriorated as TAR authorities imposed new, severe restrictions on many traditional religious practices and public manifestations of belief in urban areas during the spring and summer. In the fall, after a new Party secretary assumed power, there were some signs of moderation in the intensity of the crackdown. Local authorities in many areas were not enforcing the new restrictions on lower-level government employees, students, and others. However, tight preexisting restrictions remained in place for higher-level cadres and government workers. Activities viewed as vehicles for political dissent are not tolerated at any time and are promptly and forcibly suppressed. Individuals accused of political activism faced ongoing and serious persecution during the year. There were reports of the imprisonment and torture or the abuse of monks and nuns accused of political activism, the death of prisoners, and the threatened closure of monasteries.

The lack of independent access to prisoners or to prisons makes it difficult to assess the extent and severity of abuses and the number of Tibetan prisoners; however, there were numerous reports of detentions and other punishments meted out during the year. A large number of monks and nuns remain detained or imprisoned. A number of such cases were cited by the U.N. Special Rapporteur on Torture in his report to the 56th session of the U.N. Commission on Human Rights in the spring.

There are reports that those detained, including those who have been tried and those who have not, are frequently subjected to forced labor that is injurious to their health and, in some cases, life threatening. Forced labor is found in prisons, detention centers, reeducation-through-labor facilities, and at work sites where prisoners are used as work forces. Tibetans outside of detention settings at times engage in labor on public projects managed by local governments without remuneration in lieu of paying taxes in cash. Tibetans are reportedly discriminated against in employment in Chinese government manufacturing and other work sites. Other fundamental worker rights recognized by the International Labor Organization, including the right to organize and the right to bargain collectively, that are broadly denied in China are also denied in Tibet.

According to reports, the rate at which Tibetan political prisoners are dying in detention, or soon after their release, demonstrably as a result of abuse while in detention, is increasing. According to the Tibet Information Network (TIN), female political prisoners, particularly those held at Lhasa's Drapchi prison, are at the greatest risk: since 1987, 1 in 27 died while in prison or soon after being released. Drapchi's

male political prisoners died at a rate of about 1 in 33 since 1987. Overall TIN reports a death rate of 1 in 50 for Tibetan political prisoners as of year's end.

There are many credible reports that prisoners are tortured and mistreated. Authorities use electric shocks, suspension in painful positions, and other forms of torture or abuse. Several sources reported the mistreatment and beatings of nuns in prison, including 24-year-old Ngawang Sangdrol, who was imprisoned at age 13, released 9 months later and resentenced at age 15; her prison sentence was extended for a third time in late 1998 to a total of 21 years for her involvement in demonstrations, most recently during May 1998. Ngawang Sangdrol reportedly has been beaten severely on multiple occasions because of repeated participation in protests at Drapchi prison; her health is poor and deteriorating, and she is not receiving adequate medical care, according to credible reports. There were credible reports that guards beat political prisoners at Drapchi prison after the protests in May 1998; some were beaten severely, including monk Thubten Kalsang and nun Phuntsog Nyidrol (who reportedly tried to shield Ngawang Sangdrol from beatings). In at least one cell block, prisoners reportedly were confined to their cells for 14 months after the incidents in May 1998. As a result of the May 1998 protests, 10 prisoners also had their sentences extended for periods of 18 months to 6 years. There are credible reports from a number of prisons that prisoners who resisted the political reeducation imposed by prison authorities, particularly demands to denounce the Dalai Lama and accept Gyaltsen Norbu, the boy recognized by the Government as the Panchen Lama, also were beaten. According to credible reports, punishments meted out to uncooperative prisoner leaders have resulted in hunger strikes among female prisoners on at least two occasions at Drapchi. Officials reportedly have resorted to lengthening periods of solitary confinement to isolate demonstrators. Authorities significantly increased prison capacity in Lhasa through the construction of additional cell blocks at Utritru prison and expansions at Drapchi prison.

In February 1999 TIN and the foreign press reported increased use of military-style drills and exercises (often in either very hot or very cold weather) at Lhasa's Drapchi prison. Prison officials reportedly force prisoners to run barefoot, to stand motionless for extended periods, and to march for extended periods while shouting patriotic slogans. Prisoners who fall behind or who cannot remain still are beaten severely. Prisoners also were treated badly in other prisons.

There were reported deaths and suicides of Tibetan prisoners. According to credible reports, Tashi Tsering, who attempted to raise the outlawed Tibetan flag with explosives tied around his waist during the National Minority Games in August, 1999, committed suicide in prison in February. Sonam Rinchen, a farmer, died in prison in January. He had been arrested for unfurling a Tibetan flag during a protest in 1992 and sentenced to 15 years in prison. According to TIN, Shol Dawa, a 64-year-old political activist, died in Drapchi prison on November 19; the circumstances of his death were not known, but he was said to be suffering from a kidney ailment, was in poor health, and had been subjected to mistreatment and beatings on several occasions in the last few years. He was reportedly serving a 9-year sentence for trying to compile a list of names of political prisoners to send out of Tibet and was convicted of "espionage." Shol Dawa had been imprisoned a few times, starting in 1981. In October TIN published detailed information about the deaths of nine prisoners after the May 1998 protests at Drapchi prison. In June 1998, five nuns reportedly committed suicide together after weeks of severe mistreatment (including being forced to stand motionless in the hot sun on a daily basis over a period of several days, with cups of water on their heads and pieces of paper under their arms) following their participation in the prison protests. The nuns, all in their twenties, had been imprisoned for taking part in peaceful protests. All were near the end of their terms. At least three monks and a criminal prisoner also died in Drapchi during 1998.

According to credible reports, Chadrel Rinpoche, who was accused of betraying state secrets while helping the Dalai Lama choose the 11th reincarnation of the Panchen Lama, has been held in a secret compound of a Sichuan prison where he is separated from other prisoners, denied all outside contacts, and restricted to his cell since his 1997 sentence to 6 years' imprisonment after a trial that was closed to the public. In April the Government told a visiting foreign delegation that he is "fine physically" but gave no further details.

Authorities reported that Ngawang Choephel, a Tibetan ethnomusicologist sentenced in 1996 to 18 years in prison on charges of espionage, was moved from the high security Powo Tramo prison in the TAR to another facility near Chengdu in Sichuan Province so that he could receive medical treatment. In August his mother, Sonam Deckyi, was allowed two 1-hour visits with her son in that Sichuan facility. She reported that he is very thin and that he has complained about pains in his

torso. Also in August, he was said to be suffering from a variety of ailments, including digestive, urinary, kidney, and liver problems.

While there was limited political violence in Tibet during the year, an explosion occurred in Lhasa on October 26. Some have suggested that the explosion, which occurred outside of the offices of the government department that controls neighborhood activities and grassroots organizations, was politically motivated; however, whether the explosion was politically motivated has not been determined, and the blast may well have been a result of construction activity.

Legal safeguards for ethnic Tibetans detained or imprisoned are the same as those in the rest of China and are inadequate in design and implementation. According to TIN the length of the average sentence of Tibetan political prisoners is lengthening. For those currently incarcerated, the average sentence is 8 years, 8 months. Since 1987 the average sentence imposed on all political prisoners is 4 years, 9 months.

A majority of judges are ethnic Tibetans, but most have little or no legal training. Authorities are working to address this problem through increased legal education opportunities. Trials are brief and closed. Courts handle approximately 20 cases involving crimes against state security each year, for which maximum prison sentences are 15 years for each count, not to exceed 20 years in total. Such cases mainly concern actions in support of Tibetan independence; such activities do not have to be violent to be illegal. A TIN report put the number of political prisoners in Tibet at 500 as of the end of 1999. Reportedly 80 percent of female detainees are nuns, and approximately 66 percent of male prisoners are monks. Officials from the Justice and Prison Administration Bureaus told a foreign delegation in April that of the 2,200 prisoners currently serving sentences in the TAR (76 percent of whom were ethnic Tibetan, and 20 percent ethnic Han), 110 were incarcerated for "endangering state security," including approximately 30 nuns and 70 monks.

Refugee and other accounts published by NGO's report on the use of forced labor in prisons and other detention facilities in Tibet. Prisoners, usually working under production quotas, are forced to work in agriculture and lumbering, where the work is described as demanding, and accidents are frequent. Typically, forced labor in detention is without remuneration. Chinese law mandates that prisoners can be required to work up to 12 hours per day, with one rest day every 2 weeks (Article 53 of the Statute of Reform Through Labor). However, some refugees report that work requirements are more onerous that those set forth in the law. At Drapchi prison, male prisoners work in vegetable fields and in factories at the prison facilities. Female prisoners clean toilets and also are involved in tailoring, cleaning, or spinning and sorting wool to be used in the manufacture of carpets and sweaters. According to Human Rights Watch, some Tibetan prisoners are required to work beyond their terms of imprisonment. Prisoners in pretrial detention also are forced to work.

Promotion of family planning remains an important goal for the authorities in Tibet, but family planning policies permit most ethnic Tibetans, as well as other minority groups, to have more children than Han Chinese (who are subject to the same limits as citizens in other areas of the country—generally one child for urban couples and two for some rural couples). Urban Tibetans are permitted to have two children, while those in rural areas often have three or more. In practice Tibetans working for the Government, especially Communist Party members, are pressured to limit themselves to one child.

The Government tightly controls official visits, and delegation members usually have very few opportunities to meet local persons not previously approved by the local authorities. Foreigners, including international NGO personnel and foreign residents, were subject to travel restrictions during several periods over the summer, and many foreign groups reported increased restrictions on movements during the year. The Government also placed restrictions on the movement of Tibetans during sensitive anniversaries and events and increased control over border areas. In February up to 54 persons were detained by Chinese authorities as they tried to leave China and cross without proper travel documents into Nepal. Some were sentenced to prison terms of 2 to 3 years. Scores of ethnic Tibetans studying in India were similarly detained in the spring after entering China from Nepal, according to credible reports.

Some foreign NGO's reported restrictions on their activities and, in some cases, threats of expulsion. One foreign NGO was shut down during the year, and its foreign staff expelled.

Many staff members and teachers of the Gyatso Children's Home, a Lhasa orphanage that was closed by officials in September 1999, remained in detention, according to reliable reports. Authorities allege that the home's personnel were engaged in corrupt activity and were linked to persons who carried out "acts of vio-

lence." Several of the more than 60 Tibetan children who lived at the home were left by officials to live on the streets. Others were sent to live with relatives or placed in local orphanages where conditions reportedly were extremely poor.

FREEDOM OF RELIGION

The Government maintains tight controls on religious practices and places of worship. While it allows a number of forms of religious activity in Tibet, the Government does not tolerate religious manifestations that advocate Tibetan independence or any expression of separatism, which it describes as "splittism." The Government remains suspicious of Tibetan Buddhism in general because of its links to the Dalai Lama, and this suspicion also applies to Tibetan Buddhist religious activities or adherents who do not overtly demonstrate their patriotism for the State. The Government's record of respect for religious freedom deteriorated during the year as authorities imposed new, severe restrictions on many traditional religious practices and public manifestations of belief in the TAR's urban areas during the spring and summer. However, by autumn there were signs that authorities no longer were enforcing the new restrictions, and tensions abated somewhat. The Government harshly criticized the Dalai Lama's political activities and leadership of a governmentin-exile. The official press continued to criticize vehemently the "Dalai clique" and, in an attempt to discredit the Dali Lama and undermine the credibility of his religious authority, repeatedly described him as a separatist who was determined to split China. Both central government and local officials often insist that dialog with the Dalai Lama is essentially impossible and claim that his actions belie his repeated public assurances that he does not advocate independence for Tibet. Nonetheless the Government asserts that it is willing to hold talks with the Dalai Lama as long as he ceases his activities to divide the country and recognizes that Tibet is an inseparable part of China and that Taiwan is a province of China.

The Government continued its "patriotic education" campaign aimed at enforcing compliance with government regulations and either cowing or weeding out monks and nuns who refuse to adopt the Party line and remain sympathetic to the Dalai Lama. The "patriotic education" campaign also is intended to increase the Government's control over the Tibetan Buddhist establishment. The "patriotic reeducation" of monks and nuns, which began in 1996 in Lhasa area monasteries and in subsequent years was intensified and extended throughout Tibet and to monasteries outside of the TAR, continued but at a lower level of intensity. A new round of political education classes in monasteries began at the end of 1999 in Lhasa and in some smaller monasteries in more remote parts of the TAR. However, the current pattern of classes several times per week or per month seems less frequent than previously.

Official "work teams" remain in some monasteries and periodically visit others. Topics for such required classes include relations between Tibetans and Han Chinese, Tibet's historical status as a part of China, and the role of the Dalai Lama in attempting to "split" the country. According to regulations posted at the entrances of many monasteries, monks are required to be "patriotic," and authorities require monks to: Sign a declaration agreeing to reject independence for Tibet; reject Gendun Choekyi Nyima, the boy recognized by the Dalai Lama as the 11th reincarnation of the Panchen Lama; reject and denounce the Dalai Lama; recognize the unity of China and Tibet; and not listen to the Voice of America. According to some reports, monks who refused these terms were expelled from their monasteries and were not permitted to return home to work; others have been detained. Others were forced to leave their monasteries after failing to pass exams on these topics or being found "politically unqualified," and still others left "voluntarily" rather than denounce the Dalai Lama. Resistance to the campaigns has been intense, and the Government's efforts are resented deeply by monks, nuns, and lay Buddhists. Although there has been some reduction of patriotic education activities throughout the region as the objectives of increasing control over the monasteries and reducing the numbers of monks and nuns were achieved, religious activities in many monasteries and nunneries were disrupted severely, and monks and nuns have fled to India to escape the campaigns. Approximately 3,000 Tibetans enter Nepal each year to escape conditions in Tibet, according to the U.N. High Commissioner for Refugees; many of these refugees claim that they left because of the "patriotic reeducation" campaigns. The ban on the public display of photographs of the Dalai Lama continued, and such pictures were not readily available except illegally in many parts of the TAR.

Chinese authorities closely associate Buddhist monasteries with proindependence activism in Tibet. The Government has moved to curb the proliferation of monasteries, which it charges are a drain on local resources and a conduit for political infiltration by the Tibetan exile community. Chinese officials state that Tibet has more than 46,300 Buddhist monks and nuns and approximately 1,787 monasteries,

temples, and religious sites. These numbers apply only to the TAR; thousands of monks and nuns live in other Tibetan areas of China, including parts of Sichuan, Yunnan, Gansu, and Qinghai Provinces. Officials have used these same figures for several years, although there are credible reports that the numbers of monks and nuns have dropped significantly at many sites in the TAR, especially since the beginning of the "patriotic education" campaign. The Government states that there are no limits on the number of monks in major monasteries and that each monastery's democratic management committee decides on its own how many monks the monastery can support. However, these committees are government controlled; and in practice the Government generally imposes strict limits on the number of monks in major monasteries. Some monasteries reportedly have been required to decrease the number of monks associated with them. The Government has the right to disapprove any individual's application to take up religious orders, although it does not always exercise this right. According to a TIN report, in the area around Lhasa, the numbers of monks and nuns in monasteries and nunneries fell during the summer, as part of a drive to restrict religious observance; 30 monks were expelled from the Jokhang temple in July. At year's end, 120 monks, the official quota, remained at Jokhang. Although by regulation monks are prohibited from joining a monastery prior to the age of 18, many younger boys continue the tradition of entering monastic life. However, many young novices, who traditionally served as attendants to older monks while receiving a basic monastic education and awaiting formal ordination, have been expelled from monasteries in recent years for being underage; the fact that these novices were not regular members of the monasteries has allowed authorities to deny that there has been a significant decline in the numbers of monks.

Most Tibetans practice Buddhism to some degree. This holds true for many ethnic Tibetan government officials and Communist Party members. Some 1,000 religious figures hold positions in local people's congresses and committees of the Chinese People's Political Consultative Conference. However, the Government continues to insist that party members and government employees adhere to the Party's code of atheism. A 3-year drive to promote atheism and science, first announced in January 1999, originally aimed at government workers, continued and was extended to more government offices and to schools. The drive was launched to promote economic progress, strengthen the struggle against separatism, and stem "the Dalai clique's reactionary infiltration." Authorities threatened to terminate the employment of government employees whose children are studying in India (where the Dalai Lama's government-in-exile is located) if they did not bring the children back to Tibet, and authorities searched the homes of government workers for religious objects or pictures of the Dalai Lama.

During the spring and summer, authorities in Lhasa and other areas imposed new, severe restrictions on religious activities, prohibiting government and Communist Party officials from going into monasteries, visiting the Jokhang temple, having altars in their homes, participating in religious activities during the Tibetan New Year, or placing new prayer flags on their roofs (a traditional practice during the Tibetan New Year). There were also credible reports that some government employees were forbidden to make donations to monks and nuns in Lhasa. In addition some government workers and Party members were told that they must withdraw their children from monasteries, nunneries, and exile schools in India and were threatened with the expulsion of their children from schools if the workers and Party members participated in forbidden religious practices. In some areas, private citizens also were prohibited from engaging in traditional New Year's activities such as placing prayer flags on the top of Bumpari (a mountain near Lhasa), burning incense, and making the traditional "lingkor" (pilgrimage circuit around the sacred sites of Lhasa) during the June festival of Sagadawa, the most important religious holiday in Tibetan Buddhism. A number of men in street clothes reportedly lined the lingkor route and attempted to film persons walking the traditional circuit. Government employees allegedly were threatened with dismissal if they made the lingkor. During spring and summer, some Tibet University students reportedly also were forbidden to visit monasteries or to have religious objects in their rooms. The homes of private citizens in Lhasa reportedly were searched for religious paintings ("thangkas"). However, enforcement of these restrictions reportedly relaxed slightly later in the year. According to TIN, in July 1999, new restrictions were imposed by the authorities to prevent celebration of the Dalai Lama's birthday; in July these restrictions reportedly were enforced more stringently than in 1999. Reports indicate that Tibetans were forbidden to hold traditional incense-burning ceremonies anywhere in Lhasa, and that some places of worship were closed on the Dalai Lama's birthday.

The Government continues to oversee the daily operations of major religious sites. The Government, which does not contribute to monasteries' regular operating funds, retains management control of the monasteries through the government-controlled democratic management committees and the local religious affairs bureaus. During 1999 the TAR Religious Affairs Bureau confirmed that its officers are members of the Communist Party, and that Party members are required to be atheists; however, it was not possible to confirm that members of the local religious affairs bureaus are atheists. Regulations restrict leadership of democratic management committees to "patriotic and devoted" monks and nuns and specify that the Government must approve all members of the committees. At some monasteries, government officials also sit on the committees. Despite these government efforts to control the Buddhist clergy and monasteries, antigovernment sentiment remains strong.

In January the Karmapa, the highest ranking lama of Tibetan Buddhism's Karma Kargyu school, fled from Tibet to India after he reportedly had been denied access to Kargyu teachers or permission to study with them in India. Soon after officials closed Tsurphu monastery, the home of the Karmapa, to visitors. Many other persons, including lay persons, were questioned in connection with the Karmapa's flight. There were reports that several high ranking TAR officials were called to Beijing after the Karmapa left Tsurphu to account for their actions. According to TIN, authorities replaced monks on the monastic management committee at Tsurphu after the Karmapa's flight, while other monks were admonished to improve their "political attitudes" or face further "patriotic education" sessions. Other officials and monks at the monastery reportedly were under investigation by the authorities. On December 6, foreign officials were allowed to visit the Tsurphu monastery, where approximately 325 monks were said to be in residence. There were few other visitors at the time, even though December usually is a popular time for pilgrims to visit. According to reports, no new monks have been permitted to enter Tsurphu monastery since the Karmapa left; however, religious activity continued at the monastery. Officials reportedly are stationed at the monastery; according to some Western visitors, the atmosphere there is still tense, and monks are reluctant to talk to foreigners.

The dramatic departure of the Karmapa added to tensions and increased the authorities' efforts to control monastic activity in the TAR. TIN reported that the Reting Monastery near Lhasa was closed to visitors in May after the arrest of eight monks for protesting the authorities' selection of 2-year-old Sonam Phuntsog in January as the seventh reincarnation of the Reting Rinpoche. During the summer, another young lama, the 7-year-old Pawo Rinpoche, reportedly was moved to Lhasa from Nenang monastery and was kept under house arrest. He is said to have returned to Nenang Monastery during the fall, where he remains under house arrest, with heavy security. He reportedly has been denied access to his religious tutors. The Pawo Rinpoche was recognized by the Karmapa and is one of the senior Karma Kargyu lamas remaining in Tibet. In December foreign officials were denied permission to visit Nenang Monastery.

TIN reported that the Taglung Drag Monastery in Lhasa municipality was threatened with closure and its monks with expulsion if they refused to denounce the Dalai Lama after monks from the monastery shouted proindependence slogans in two separate incidents in March and August 1999. "Patriotic education" activities reportedly were increased, and 16 of 24 monks reportedly left the monastery in September 1999 rather than denounce the Dalai Lama.

The flight of the Karmapa also has made the authorities pay more attention to illegal border crossings and tighten security on the borders with India and Nepal. As a result, greater numbers of Tibetans have been arrested trying to leave the TAR. According to credible reports, in May as many as 50 Tibetan students returning to Tibet from India were arrested at the Nepal-China border.

The Government approved the selection of 2-year-old Sonam Phuntsog on January 16 as the seventh reincarnation of the Reting Rinpoche. A Tibetan government official stated that officials supervising religion should ensure that the boy "loves the Communist Party of China, the Socialist country, and Tibetan Buddhism" and that he help to "preserve the unity of the Chinese nation." The Dalai Lama, who by tradition would approve the selection of important religious figures such as the Reting Rinpoche, did not recognize this choice; many of the monks at Reting Monastery reportedly did not accept the child as the Reting Rinpoche.

The Panchen Lama is Tibetan Buddhism's second most prominent figure, after the Dalai Lama. The Government continued to insist that Gyaltsen Norbu, the boy it recognizes and enthroned in 1995, is the Panchen Lama's 11th reincarnation. The authorities tightly control all aspects of his life, and he has appeared publicly in Beijing and the TAR only on rare occasions. His public appearances were marked by a heavy security presence. At all other times, the authorities strictly limit access

to the boy. Meanwhile repeated requests for access to Gendun Choekyi Nyima, the boy recognized by the Dalai Lama as the 11th Panchen Lama, by high-level foreign government and private delegations, including the U.N. High Commissioner for Human Rights, to confirm his well-being and whereabouts have been denied. In October Chinese officials showed foreign officials two photographs purportedly depicting the boy. Government officials have claimed that the boy is being held for his own protection and that he lives in Tibet and attends classes as a "normal schoolboy." The authorities also maintain that both boys are being well cared for and are receiving a good education. The vast majority of Tibetan Buddhists recognize Gendun Choekyi Nyima as the Panchen Lama. Tibetan monks have claimed that they were forced to sign statements pledging allegiance to the boy the Government selected as the reincarnation of the Panchen Lama. The Communist Party also urged its members to support the "official" Panchen Lama, and government authorities at both the regional and city levels had pictures of the boy printed for use in public and private religious displays.

The ban on the public display of photographs of the Dalai Lama continued, and such pictures were not readily available except through illegal means. Some monasteries and many individuals displayed them privately. In the spring, Lhasa area neighborhood committees began sending teams to the homes of ordinary citizens to confiscate books about and pictures of the Dalai Lama. Similar restrictions are in effect in Tibetan areas outside the TAR; although a few shops still quietly sell the Dalai Lama's photograph, the vast majority of monasteries no longer display his photo. The Government banned pictures of Gendun Choekyi Nyima, the boy recognized by the Dalai Lama to be the 11th reincarnation of the Panchen Lama. Portraits of Gyaltsen Norbu, the boy recognized by the Government to be the Panchen Lama, were on prominent display in some monasteries, as were sets of rules governing religious activity.

The Government claims that since the end of the Cultural Revolution, it has contributed sums in excess of $40 million (300 to 400 million RMB) toward the restoration of tens of thousands of Buddhist sites, many of which were destroyed before and during that period, in part to promote the development of tourism in Tibet. However, at most sites, restoration efforts are funded privately.

There were reports of some Falun Gong practitioners among the Han minority in Tibet. In addition an official press report said that military authorities had become concerned over the practice by some soldiers of Zhong Gong, a qigong-based spiritual movement, prompting propaganda efforts aimed at eliminating the practice.

In June 1998, the European Union issued a report based on the trip of its ambassadorial delegation to Tibet in May 1998. The report was highly critical of the Government's control of religious freedom and stated that "the delegation was in no doubt that the authorities in the TAR exercise extremely tight control over the principal elements of Tibetan religion and culture."

ECONOMIC DEVELOPMENT AND PROTECTION OF CULTURAL HERITAGE

Tibet is roughly the size of Western Europe, having an area of approximately 1.2 million square kilometers. It has the smallest population of China's administrative regions with approximately 2.4 million inhabitants.

Tibetans, as one of China's 55 minority ethnic groups, receive preferential treatment in marriage and family planning policies, and, to a lesser extent, in university admissions and government employment. According to official government statistics, 74 percent of all government employees in Tibet are ethnic Tibetans. Nonetheless, many positions of real power are held by ethnic Han Chinese, and most key decisions in Tibet are made by ethnic Han. Although government regulations stipulate that government and legal documents are to be in Tibetan, in practice written communications by officials and government documents very frequently only are in Chinese. In the area of private sector employment, discrimination against Tibetans is widespread.

The Central Government and other provinces of China heavily subsidize the Tibetan economy, which has grown by an average annual rate of over 10 percent for the last decade. Over 90 percent of Tibet's budget income comes from outside sources. Tibet also benefits from a wide variety of favorable economic and tax policies. However, these policies have attracted growing numbers of ethnic Han and Hui (Muslim) immigrants from other parts of China, who are competing with—and in some cases displacing—Tibetan enterprises and labor. Government development policies have helped raise the material living standards of many ethnic Tibetans, particularly by providing better transportation and communications facilities, but many of the benefits of development and the expanding commercial sector accrue primarily to Han Chinese. For example, in many areas of Lhasa, almost all small

businesses are run by Han. Rapid economic growth, the expanding tourism industry, and the introduction of more modern cultural influences also have disrupted traditional living patterns and customs and threatened traditional Tibetan culture.

The Dalai Lama, Tibetan experts, and others have expressed concern that development projects and other central Government policies adopted at a 1994 national work conference on Tibet and still in effect encourage a massive influx of Han Chinese into Tibet, which has the effect of overwhelming Tibet's traditional culture and diluting ethnic Tibetan demographic dominance. In recent years, freer movement of persons throughout China, governmentsponsored development, and the prospect of economic opportunity in Tibet have led to a substantial increase in the non-Tibetan population (including China's Muslim Hui minority as well as Han Chinese) in Lhasa and other urban areas. An increased number of immigrants from China's large transient population seek to take advantage of these new economic opportunities. Most of these migrants profess to be temporary residents, but small businesses run by ethnic Han and Hui citizens (mostly restaurants and retail shops) are becoming more numerous in almost all Tibetan towns and cities. Discrimination in employment reportedly is rampant; ethnic Han are hired preferentially for many jobs and receive greater pay for the same work. Ethnic Tibetans reportedly are fired discriminatorily from some jobs. In addition many jobs require proficiency in Chinese (which gives Han an advantage). Connections also reportedly work to the advantage of the ethnic Han (who tend to be in the higher ranking positions), and it is more difficult for Tibetans to get permits and loans to open businesses than it is for ethnic Han.

In Lhasa, the Chinese cultural presence is obvious and widespread. Buildings are of Chinese architectural style, the Chinese language is widely spoken, and Chinese characters are used in most commercial and official communications. Lhasa had a population of 139,683 in 1998. Some observers have estimated that at least half and perhaps more of Lhasa's residents are Han Chinese; elsewhere in the TAR, the Han percentage of the population is significantly lower. In rural areas, the Han presence is often negligible. Chinese officials assert that 95 percent of Tibet's officially registered population is Tibetan, with Han and other ethnic groups making up the remaining 5 percent. This figure does not include the large number of "temporary" Han residents, including military and paramilitary troops and their dependents, many of whom have lived in Tibet for years.

There are reports that malnutrition among Tibetan children is widespread in many areas of the TAR. This is particularly true of rural areas and has resulted in high rates of stunted growth among children. Nutritional deficiency ailments, such as goiter (from a lack of iodine), night blindness (from a lack of Vitamin A), and rickets are said to be relatively common among children in some areas.

Illiteracy and semiliteracy levels are high. According to official government statistics, 42 percent of persons in the TAR are illiterate or semiliterate. Illiteracy and semiliteracy rates are as high as 90 percent in some areas. Chinese officials over the past few years have downgraded the use of Tibetan in education and in 1997 announced that they would begin teaching Chinese to Tibetan children starting in the first grade. The Government stated that this step was taken in order to make Tibetan children more competitive with their Han counterparts, and provide more educational and employment opportunities in the long run. Primary schools at the village level follow a Tibetan curriculum, but these schools usually have only two or three grades.

Approximately 83 percent of eligible children attend primary school, according to official statistics, but most pupils end their formal education after graduating from village schools. According to local education officials, Tibetan is the main language of instruction in 60 percent of middle schools, especially in more remote areas, although there are special classes offering instruction in Chinese. NGO's maintain that this figure is high. Most, but not all, of the students in the Chinese classes are ethnic Han. Most of those who attend regional high schools continue to receive some of their education in Tibetan, but knowledge of Chinese is essential as most classes are in Chinese. Tibetan curriculum high schools exist in a few areas, primarily in Tibetan areas outside the TAR. Since the mid-1980's, the Government has allocated funds to enable Tibetan secondary students to study in schools elsewhere in China. According to government figures, there are 13,000 Tibetan students currently studying in some 100 schools in different parts of China. Knowledge of Chinese is usually necessary to receive a higher education, although some minority colleges allow for study of some subjects in Tibetan.

Tibet University, which has 3,000 students, was established to train Tibetan teachers for the local educational system. Ethnic Tibetans resent the disproportionate Han representation in the student body and faculty. Tibetans, officially said to constitute approximately 95 percent of the region's population, make up approxi-

mately 67 percent of Tibet University's student body and only 50 percent of the faculty. Although Tibetans are given admission preference, Han Chinese students frequently gain admission because they score higher on admission exams due to stronger Chinese-language skills and educational backgrounds. Authorities reportedly require professors, particularly those from Tibet University's Tibetan Language Department, which is viewed as a potential source of dissent, to attend political education sessions and limit course studies and materials in an effort to prevent "separatist" political and religious activity on campus. Many ancient or religious texts are banned from the curriculum for political reasons. The Tibetan Language Department, which was closed to new students in the fall of 1997, was reopened in 1998 after its curriculum had been purged of religious and "separatist" materials. According to TIN, 70 Han students were admitted to the Tibetan Language Department to prepare them to work as administrators in Tibet and Tibetan areas outside the TAR. This is the first time the university has enrolled such a group, and there are reports of tensions between Han students and ethnic Tibetans on campus.

Prostitution is a growing problem in Tibet, as it is elsewhere in the country, according to experts working in the region. Hundreds of brothels operate openly in Lhasa; up to 10,000 commercial sex workers may be employed in Lhasa alone. Much of the prostitution occurs at sites owned by the Party, the Government, or the military. Most prostitutes in Tibet are ethnic Han women, mainly from Sichuan. However, a substantial number of ethnic Tibetans, mainly young girls from rural or nomadic areas, also work as prostitutes. The incidence of HIV/AIDS among prostitutes in Tibet is unknown but is believed to be relatively high.

During the year, there were reports that TAR authorities were pressuring employers of ethnic Tibetans who were raised or educated in India to dismiss such employees, especially in the tourism industry. Lhasa tour agencies have been forced to dismiss ethnic Tibetan tour guides educated in India and Nepal. These guides were required to seek employment with the government's Tibet Tourism Bureau (TTB). Prior to gaining employment with the TTB, applicants must pass an examination on tourism and politics. Many, if not most, Tibetan tour guides educated abroad reportedly fail this exam. Tourist hotels and restaurants have been "encouraged" to dismiss ethnic Tibetan employees educated abroad, as well.

In October 1999, the official news agency Xinhua reported that the Tibet Autonomous Regional Television opened a Tibetan-language satellite television channel. The channel broadcasts in Tibetan for 10 hours each day, and reaches areas in Sichuan, Qinghai, Gansu, and Yunnan Provinces as well. There also are two bilingual channels, on which Tibetan language programs make up 15 percent of the total. According to an NGO report, radio broadcasts by the Oslo-based Voice of Tibet were blocked starting in January. The signals of the Tibetan language services of VOA and RFA suffer from the same jamming of their frequencies by Chinese authorities as the signals of their Chinese language services. However, Tibetans are able to listen to the broadcasts at least some of the time.

The Internet has been open to the public since April 1999. At year's end, Lhasa had several Internet cafes, and estimates put the number of Internet users at several thousand.

Despite the designation of dozens of buildings in the old section of Lhasa as protected cultural heritage sites, there were credible reports during the year that some traditional buildings were destroyed. However, most of the protected sites have been preserved.

China's economic development policies, supported in Tibet by central government subsidies, are modernizing parts of Tibetan society and changing traditional Tibetan ways of life. Although the Government has made efforts in recent years to restore some of the physical structures and other aspects of Tibetan Buddhism and Tibetan culture damaged or destroyed during the Cultural Revolution, repressive social and political controls continue to limit the fundamental freedoms of ethnic Tibetans and risk undermining Tibet's unique cultural, religious, and linguistic heritage.

TAIWAN

The March victory of Democratic Progressive Party (DPP) presidential candidate Chen Shui-bian marked the first transition from one political party to another in Taiwan's history. The president appoints the premier, who heads the Executive Yuan (EY), or Cabinet. Constitutional amendments adopted in 1997 provided the Legislative Yuan (LY) with the authority to dismiss the Cabinet with a no-confidence vote. The previous ruling Nationalist Party (KMT) retains the majority in the LY, whose members were elected in a free and fair election in December 1998.

In addition to the DPP and KMT, the People First Party and the New Party play significant roles in the LY. The Judicial Yuan (JY) is constitutionally independent of the other branches of the political system, but corruption and political influence remain serious problems. However, the new DPP Government made efforts to eliminate corruption and to diminish political influence over the judiciary.

The National Police Administration (NPA) of the Ministry of Interior (MOI), the NPA's Criminal Investigation Bureau, and the Ministry of Justice (MOJ) Investigation Bureau are responsible for law enforcement relating to internal security. The police and security agencies are under effective civilian control. Some members of the police occasionally committed human rights abuses.

Taiwan has a dynamic, export-oriented, free market economy. Liberalization of the economy diminished the dominant role that state-owned and party-run enterprises played in such major sectors as finance, transportation, utilities, shipbuilding, steel, telecommunications, and petrochemicals. As the economy evolved, services and capital- and technology-intensive industries have become the most important sectors. Major exports include computers, electronic equipment, machinery, and textiles. Citizens generally enjoy a high standard of living and an equitable income distribution.

The authorities generally respect human rights; however, problems remain in some areas. Principal problems during the year included police abuse of detainees; prison overcrowding; political and personal pressures on the judiciary; some infringements on citizens' privacy; violence and discrimination against women; child prostitution and abuse; societal discrimination against Aborigines; restrictions on workers' freedom of association and on their ability to strike; and instances of trafficking in women and children. However, during the year, political and personal pressures on the judiciary decreased significantly.

In his May 20 inaugural address, President Chen declared that Taiwan must include international human rights in its legal code and establish a national human rights committee.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the Constitution does not directly address the issues of torture and punishment, the Code of Criminal Procedure stipulates that no violence, threat, inducement, fraud, or other improper means shall be used against accused persons; however, there were credible reports that police occasionally physically abused persons in their custody.

The law allows suspects to have attorneys present during interrogations, primarily to ensure that abuse does not take place (see Section 1.d.). The MOJ claims that each interrogation is recorded and that any allegation of mistreatment is investigated. Nonetheless lawyers and legal scholars note that abuses most often occur in local police stations where interrogations are not recorded and when attorneys often are not present. Informed observers note that police emphasize confessions by suspects as the principal investigative tool. Law enforcement agencies remain weak in scientific investigative skills; however, the NPA has made efforts to improve its investigative skills, upgrading its crime laboratory technology and training crime scene examiners. International observers also have noted that the judicial system sometimes has accepted confessions even when they contradict available physical evidence or logic. The NPA denies that police abuse suspects. It asserts that regulations forbid such abuse and that police who abuse suspects will be punished. The NPA implemented regulations in 1997 to protect further the rights of suspects during questioning, including forbidding the questioning of suspects at night and requiring audio or, whenever possible, videotaping of interrogations. Nevertheless there are credible reports that the physical abuse or the threat of abuse of prisoners is a recurring investigative technique. In one such case in April, in order to obtain a confession, police allegedly physically abused four youths who were suspected of robbing the residence of a prominent person. The head of the police station subsequently made a public apology to the youths when it was discovered that eight other individuals were responsible for the crime. Detainees who are abused physically have the right to sue the police for torture, and confessions shown to have been obtained through torture are inadmissible in court proceedings. In July the parents of the four youths filed suit against the police. In November the Taiwan High Court began a retrial of the "Hsichih Trio"—three youths convicted of murder and sen-

tenced to death in 1992. The three claim that the police tortured them into confessing.

The authorities state that they have made efforts to investigate, prosecute, and punish officials responsible for torture and other mistreatment. Although the basic responsibility for investigating mistreatment lies with prosecutors, the Control Yuan (CY), a coequal branch of the political system that investigates official misconduct, also investigates such cases. While the authorities state that respect for human rights is a part of basic police training, human rights groups assert that the measures the authorities have taken to protect human rights are inadequate to create an ethos of respect for human rights among police and security personnel. Women's and children's rights groups are active in monitoring police and judicial performance and periodically mount campaigns to correct abuses.

Corporal punishment is forbidden under military law and strictly prohibited in practice. The Ministry of National Defense (MND) has taken steps to address the occasional reports of physical abuse of military personnel by promulgating regulations specifying the appropriate treatment of lower ranking personnel and by conducting regular polls of servicemen and their families to discover any abuse. The authorities also have established a telephone hot line to report alleged abuses within the military. Reports of abuse are investigated and handled according to the law. In addition the MND has established practical training and curriculums for all military personnel who have contact with new recruits. Pressure from parents of recruits and a program to retain recruits also have contributed to an apparent reduction in abuses. In 1999 the MND established a committee for the protection of the rights of military personnel. Using the expertise of outside consultants, the committee handles personal problems of military personnel and is part of the MND's effort to promote "humanitarian management" within the military. In January the MND began quarterly evaluations of commanding officers' performance in preventing injuries to soldiers under their command. In August the MND issued a decree prohibiting officers from "bullying" new recruits, spelling out the proscribed behavior, and specifying stiff penalties for violations.

Prison conditions generally meet minimum international standards. However, overcrowding at the 49 prisons and overly long stays at the detention centers for illegal aliens remained problems, although the authorities have begun to address this latter problem (see Section 2.d.). Despite an increase in facilities since 1997, the number of inmates detained at year's end exceeded capacity by 7,385. The primary reason for overcrowding has changed. The number of parolees dropped, and the number of inmates rose after a 1997 amendment to the Code of Criminal Procedure reversed a 1994 amendment that had allowed prisoners to be paroled after serving one-third, rather than one-half, of their sentences. On the other hand, the number of incarcerated drug users, which previously had been the fastest growing category of inmates, leveled off. In addition the Ministry of Justice has set up drug treatment facilities to reduce the number of addicts in the prison population.

The authorities permit prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the authorities generally observe this prohibition. Police legally may arrest without a warrant anyone they suspect of committing a crime for which the punishment would be imprisonment of 5 years or more and may question persons without a formal summons when circumstances are too urgent to report to a public prosecutor. However, immediately after detaining a suspect the authorities must apply to a prosecutor for a warrant to detain the arrestee for up to 24 hours and must give written notice to the detainee or a designated relative or friend, stating the reason for the arrest or questioning. Indicted persons may be released on bail at judicial discretion. In May the NPA ordered all police stations to prohibit the media from photographing persons under detention and to cease providing the names of detainees to the media. However, this order is not being observed in practice, as detainees frequently appear on television news programs.

In 1997 an amendment to the Code of Criminal Procedure shifted the power of investigative detention from the prosecutors to the courts. Under the 1997 law prosecutors must apply to the courts within 24 hours after arrest for permission to continue detaining an arrestee. The duration of this pretrial detention is limited to 2 months, and the courts may approve a single extension of 2 months. Limits also were set for detention during trial. If a crime is punishable by less than 10 years' imprisonment, then no more than 3 extensions of 2 months each may be granted during the trial and appellate proceedings. During the second appeal, only one extension may be granted. The authorities generally observe these procedures, and trials usually take place within 3 months of indictment.

The revised Code of Criminal Procedure requires the police to inform a suspect during an interrogation of the specific charges in question, the right to remain si-

lent, the right to counsel, and the right to ask the police to investigate evidence that would be favorable to the suspect. If the charges are amended subsequently, the police must inform the suspect. The authorities generally respect a detainee's request to have a lawyer present during the investigation phase, but defense lawyers and human rights groups continue to complain that the rules do not provide adequate protection since suspects often do not have legal representation during police interrogation. A contributing factor is that there is no legal requirement that indigent persons be provided counsel during police interrogation, although such counsel is provided during trials. Informed observers report that the "public defense counsels" do not provide effective defense assistance. They typically do not appear until the final debate hearing of the trial, and they seldom spend a significant amount of time discussing the case with their clients.

The authorities do not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, corruption and political influence remain serious problems. The new DPP Government made efforts to eliminate corruption and to diminish political influence.

The Judicial Yuan (JY) is one of the five coequal branches of the political system. The JY is headed by a president and a vice president and also contains the 16-member Council of Grand Justices (CGJ), which interprets the Constitution as well as laws and ordinances. Subordinate JY organs include the Supreme Court, high courts, district courts, the Administrative Court, and the Committee on the Discipline of Public Functionaries. In 1999 the LY passed legislation adding an additional level to the Administrative Court to provide for judicial review.

The law provides for the right of fair public trial, and this is generally respected in practice. Judges, rather than juries, decide cases; all judges are appointed by, and are responsible to, the JY. In a typical court case, parties and witnesses are interrogated by a single judge but not directly by a defense attorney or prosecutor. The judge may decline to hear witnesses or to consider evidence that a party wishes to submit if the judge considers it irrelevant; a refusal to hear evidence may be a factor in an appeal. Trials are public, but attendance at trials involving juveniles or potentially sensitive issues that might attract crowds may require court permission.

A defendant has the right to an attorney. If the defendant is charged with committing a crime for which the penalty is 3 or more years' imprisonment or if the defendant is indigent, the judge may assign an attorney. Attorneys assigned to defendants generally assist during the investigative phase of a case and at trial, but generally are not present during police interrogations. Informed observers report that public defense counsels do not provide effective defense assistance (see Section 1.d.). A 1997 law states that a suspect may not be compelled to testify. The Code of Criminal Procedure states that a confession shall not be the sole evidence used to find a defendant guilty. Nonetheless informed observers note that convictions frequently result from a combination of a confession and circumstantial evidence of varying quality. However, in September a Taipei district court dropped drug trafficking charges against a suspect. The police were unable to present any evidence other than a confession and had failed to record the interrogation. Any convicted person has the right to appeal to the next higher court level. Persons sentenced to terms of imprisonment of 3 years or more may appeal beyond that level. The Supreme Court automatically reviews life imprisonment and death sentences. Under the law, prosecutors have the right to appeal verdicts of not guilty to the next higher court level.

The LY passed legislation in 1997 revising procedures in the 1985 "Antihoodlum" Law, which had departed from international standards of due process. The revised procedures require all witnesses to testify openly but provide procedures for their subsequent protection, "in exceptional circumstances." In 1995 the Council of Grand Justices (CGJ) declared unconstitutional the administrative procedures that had been used to sentence hoodlums to reformatory education.

In February opposition political parties charged the then-ruling KMT administration with interference in the judicial process when a court ordered the search of the residence of the former president of the LY in connection with a banking scandal. The case had been under investigation for more than a year, but the residence was not searched until shortly after the politician in question quit the KMT to support an opposition presidential candidate. The authorities asserted that new evidence had come to light that mandated the search.

The JY took measures to reduce political influence on judges. Measures taken include: Judicial appointments and promotions are decided by secret ballot of an independent committee; judicial decisions no longer are subject to review by presiding judges, except in the case of decisions by "assistant judges;" distribution of cases is decided by the judges themselves; and judges and the President of the JY are pro-

hibited from taking part in political activities. The new administration's anticorruption campaign also has reinforced the JY's efforts to eliminate judicial corruption. The JY's anticorruption department increased efforts to uncover possible corruption cases during the year and is more responsive to public complaints regarding judicial personnel. Measures from the 1999 National Judicial Reform Conference strengthened the supervision and evaluation of judge's performance. These factors have reduced the incidence of judicial misconduct; however, occasionally individual judges still are found to be involved in illegal activities. In September a judge in Tainan was arrested on suspicion of running a brothel since 1998 and using his position to protect the business from police scrutiny.

In June the Shilin District Court in Taipei city and the Miaoli county courts adopted the new trial system in response to the JY President's 1999 judicial reform proposals. Serving as a potential model for the rest of the island, the defendant-oriented trial system will better protect the rights of the accused. Although the LY has yet to enact the JY President's proposed code of judicial conduct, the proposals have resulted in revised precepts for evaluation of judicial performance, and strengthened reviews of judges' financial disclosure reports.

In 1999 the law was revised to create the position of law clerks. Working as assistants to judges, the law clerks are intended to improve judicial performance and the quality of decisions.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution and sections of the Criminal and Civil Codes contain provisions protecting privacy. A prosecutor or a judge must issue a warrant before a search, except when "incidental to arrest." However, critics claim that the "incidental to arrest" provision is not only unconstitutional but also often interpreted broadly by police to justify searches of locations other than actual arrest sites. According to the NPA, warrantless searches are allowed only in special circumstances, such as to arrest an escapee or if facts indicate a person is in the process of committing a crime. In any such case, the police must file a report with the prosecutor or court within 24 hours. A policeman who carries out an illegal search may be sued for illegal entry and sentenced to up to 1 year in prison. Few defendants or their spouses have filed charges against policemen found to have obtained evidence illegally. Furthermore illegally obtained evidence is not excluded automatically from consideration by the court; instead, its admission is left to the discretion of the judge. Increasingly judges are excluding illegally obtained evidence, although in the past such evidence was admitted and frequently provided the basis for conviction. For example, in September a judge refused to admit evidence obtained through an illegal wiretap.

In addition to criminal suspects, persons are subject to searches and identity checks by police in public places. Roadblocks to check vehicles randomly are conducted routinely. Pedestrians also are subject to identity checks. Such checks are based only on a section of the Police Administration Law, and police officers are given wide discretion.

The wiretapping of telephones is a serious problem. The Telecommunication Law and Code of Criminal Procedure provide that judicial and security authorities may file a written request to a prosecutor's office to monitor telephone calls to collect evidence against a suspect involved in a major crime. The 1999 Telecommunications Protection and Control Law sought to bring unauthorized wiretapping under control by imposing severe penalties. The Ministry of Justice maintains that there are many fewer applications for wiretaps under the new law because of the tighter regulations in force. According to the NPA, 3,377 police wiretaps were approved in the 12-month period after the new legislation took effect, compared with more than 15,000 telephones that were reportedly wiretapped in 1999. The law also regulates wiretapping by the intelligence services.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the authorities respect these rights in practice.

Print media represent the full spectrum of views within society. However, some political influence still exists over the electronic media, particularly broadcast television stations. The ruling DPP is associated with Formosa TV (FTV), an island-wide broadcast television station based in Kaohsiung. The Government is the largest shareholder of Taiwan Television Enterprise (TTV), and the military is the largest shareholder of the Chinese Television System (CTS), although it does not appear to play any role in programming. The opposition KMT is the largest shareholder of China Television Company (CTV). A fifth island-wide broadcast station run by a nonprofit public television foundation under the Government Information Office (GIO) was inaugurated in 1998. However, the existence of approximately 100 cable

television stations, some of which carry programming openly critical of the various political parties, including the ruling party, has diminished greatly the importance of political party influence over the broadcast television stations. Over 80 percent of households receive cable television, which includes local, privately financed channels, as well as many major international networks. Cable television call-in programs have given the public an additional means of expressing their views.

Controls over radio stations were more limited than those over television stations and are being liberalized further. During the 12-month period ending in September, the GIO received 496 applications for radio broadcast frequencies. A total of 71 frequencies were made available, and 6 of these were apportioned; applications for the remaining frequencies are under review. However, many of the newly authorized radio stations have limited broadcast ranges, and approximately 40 of the available frequencies are in remote areas, leading critics to charge that the stations do not constitute a genuine counterweight to the authorities' monopoly on island-wide radio broadcasting.

Observers noted that licensing requirements oblige prospective radio station owners to have more capital than actually is required to operate a station. This requirement inhibits individuals or groups from applying for radio station licenses. However, the GIO claims that the $1.5 million (NT$50 million) required capitalization is based upon consideration of actual business costs and notes that the required capitalization is reduced to $31,250 (NT$1 million) for radio stations serving remote areas or designated ethnic groups and civic organizations, or which promote local development. Reportedly over 100 unlicensed "underground" radio stations, many associated with opposition parties, operate illegally.

There is a vigorous and active free press. In 1999 the LY abolished the Publications Law, which had empowered the police to seize or ban printed material that was seditious, treasonous, sacrilegious, interfered with the lawful exercise of public functions, or violated public order or morals. There were no reports of censorship of the print media during the year, nor were there any seizures of materials on political grounds. The police sometimes seize pornographic materials in accordance with the Prevention of Child and Juvenile Sexual Trafficking Law. In October prosecutors searched the offices of a newspaper and homes of two of its reporters in connection with the leak of a confidential transcript concerning a National Security Bureau investigation. Critics charged that the searches violated press freedom and urged reforms that would require judicial approval before such searches could be undertaken. The Ministry of Justice maintained that such limits would cripple law enforcement efforts.

The GIO requires that any publications imported from mainland China be sent to the GIO Publications Department for screening before sale or publication and still seeks to ban the importation of publications that advocate communism or the establishment of united front organizations, endanger public order or good morals, or violate regulations or laws. However, few local publishing companies observe this regulation, and substantial People's Republic of China-origin material is imported every year and is widely available at schools and in research institutes. Moreover, cable television systems broadcast uncensored television channels from mainland China.

Among other restrictions regulating the media are those precluding persons previously convicted of sedition from owning, managing, or working in television and radio stations. DPP leaders, many of whom were convicted of sedition after the 1979 Kaohsiung incident, nevertheless are not affected because their rights were restored through presidential amnesties by the previous administration.

There are few restrictions on academic freedom. The expression of dissenting political views is common.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the authorities respect this right in practice. Permits are required for outdoor public meetings, and they are routinely granted.

The Constitution provides for freedom of association; and the authorities respect this right in practice. The Civic Organization Law requires all civic organizations to register. No groups are known to experience any difficulty registering. Registered civic organizations may solicit donations from the public, contributors to them may take income tax deductions for their contributions, and the employees of such organizations are eligible to receive employment-linked benefits such as national health insurance coverage.

Under the Civic Organization Law the Constitutional Court holds the power to dissolve political parties. Grounds for dissolution include objectives or actions that are deemed to jeopardize the existence of the "Republic of China." The Constitutional Court heard no cases under this law during the year.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the authorities respect this right in practice. Religious organizations may register with

the central authorities through their island-wide associations under either the Temple Management Law, the Civic Organizations Law, or the chapter of the Civil Code that governs foundations and associations. Registered organizations operate on a tax-free basis and are required to make annual reports of their financial operations. While individual places of worship may register with local authorities, many choose not to register and operate as the personal property of their leaders. In the past, concern over abuse of tax-free privileges or other financial misdeeds occasionally prompted the authorities to deny registration to new religions whose doctrines were not clear, but there were no reports that the authorities sought to suppress new religions during the year. In December the President granted a special amnesty to 19 conscientious objectors who had been imprisoned for refusing military service on religious grounds.

d. Freedom of Movement, Foreign Travel, Emigration, and Repatriation.—The authorities do not restrict freedom of internal travel. Foreign travel by passport holders is common.

Nonresident Taiwan passport holders are usually issued "overseas Chinese" passports and must seek entry permits for travel to Taiwan. According to 1992 revisions to the National Security Law (NSL), entry permits may be refused only if there are facts sufficient to create a strong suspicion that a person is engaged in terrorism or violence. Reasons for entry and exit refusals must be given, and appeals may be made to a special board. No exit or entry permit refusals were reported during the year. In September, in connection with the trial of a political dissident who had returned to the island without obtaining clearance, a high court judge applied to the Council of Grand Justices for review of the law. In his application the judge questioned whether the NSL's requirement for nonresident passport holders to obtain permission to enter Taiwan violated constitutional provisions for freedom of movement. In 1993 new measures provided that holders of Taiwan passports who normally reside abroad may return and regain their household registration, a document required to vote or participate as a candidate in an election.

Since 1987 Taiwan has relaxed substantially strictures against travel by residents to the Chinese mainland, and such travel is common. Relatively tight restrictions on the entry of Chinese from the mainland for national security reasons, which previously had been relaxed to permit cross-strait exchanges, were further relaxed in December when the LY passed legislation permitting mainland Chinese to visit for business, academic, or tourism purposes. The Government also revised regulations to permit PRC journalists to come to Taiwan for the first time ever.

There is no law under which noncitizens may ask for asylum, and there were no applications for refugee status during the year. While the authorities have been reluctant to return to the mainland those who might suffer political persecution, they regularly deport to the mainland, under provisions of the Mainland Relations Act, mainlanders who illegally enter the island for economic reasons. There were no reports of forced return of persons to a country where they feared persecution.

The detention centers for illegal immigrants continue to attract media attention. While recent expansion projects sought to relieve overcrowded conditions, some detention centers continued to be overcrowded, and inmates complained about overly long stays at the centers while waiting to be repatriated. The Bureau of Entry and Exit faults mainland Chinese authorities for delays in repatriation. In July the authorities began allowing some detained illegal aliens from mainland China to return to the mainland by airplane via Hong Kong at their own expense. In September the authorities began repatriating illegal alien mainland Chinese directly from the island of Matsu rather than taking them to detention centers on Taiwan.

In 1999 the LY enacted the Entry, Exit, and Immigration Law, which provided strict sentencing guidelines for alien smuggling. Several cases have been brought before the courts under this new law (see Section 6.f.).

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

Citizens have the right to change their government peacefully, and citizens exercise this right in practice. In March for the first time an opposition party candidate was elected President, winning a 39 percent plurality in a 3-man race. Generally free and fair popular elections for the LY have taken place three times since 1992. In April the National Assembly (NA) voted to allow its term to expire without new elections. The NA determined that an election would be called in the event that the NA is needed to decide a presidential recall or to amend the Constitution. Most of the NA's functions were transferred to the LY. Corruption and vote buying, particularly in local elections, are problems that the new administration is seeking to address. Within its first 6 months in office, the Chen Administration had obtained convictions for corruption against one LY member and one former LY member. In addi-

tion, another former LY member and three local government officials are under investigation, and 215 persons were indicted on charges of vote buying. In October the Ministry of Justice Investigation Bureau was ordered to cease political intelligence gathering regarding politicians and political parties, and to concentrate on criminal matters.

In the wake of its victory in the March presidential election, the ruling DPP grew to include some 350,000 members. The KMT remains the largest political party, with over 750,000 members reaffirming their membership in a registration drive following the March electoral defeat. It secured a working majority in the 1998 LY elections and now controls 112 of 220 seats. The runner-up in the presidential election, a KMT-maverick candidate, founded the People First Party, which has 17 LY members. The New Party founded by breakaway KMT members in 1993 has 9 seats in the LY and about 30,000 members.

The KMT benefits from its ownership of a major television channel and of enterprises and business holdings estimated to be worth in excess of $6 billion, and from the fact that its members still hold many key positions throughout the bureaucracy and in local governments. The DPP's election victory notwithstanding, its ability to administer the island is facing a severe challenge. The lack of cooperation between the ruling and opposition parties in the LY has kept the new Administration from fully implementing its legislative agenda. In November the opposition parties formed an alliance in the LY and initiated a campaign to recall President Chen. While by year's end this effort had stalled, the opposition alliance since October has refused to work directly with the Premier.

The Constitution provides for equal rights for women, and, while still underrepresented, their role in government and politics is increasing. In March a woman for the first time was elected vice president, and nine women are members of the Cabinet, including the Minister of Interior and the Chairperson of the Mainland Affairs Council. Two of 29 Control Yuan members are women. A number of women also hold important political party positions. Two of the 11 members of the DPP Central Standing Committee are women, as are 11 of the KMT's 31 Central Standing Committee members.

Aborigine representatives participate in most levels of the political system, partially through holding 8 reserved seats in the LY—half of which are elected by the plains Aborigines and half by mountain Aborigines. An Aborigine serves as Chairman of the Council of Aboriginal Affairs. The magistrate of Taitung County is an Aborigine first elected in 1993 and reelected in 1997.

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

The principal human rights organizations are the Chinese Association of Human Rights and the Taiwan Association for Human Rights. Both organizations operate freely, although coordination between the two is limited. Both organizations investigate human rights complaints, many of which come to public attention through the media and statements by lawmakers from all political parties. The authorities also permit representatives of international human rights organizations to visit and meet with citizens freely. Amnesty International maintains a Taipei office. Women's and children's human rights groups monitor police and judicial performance and campaign to correct abuses (see Section 1.c.).

In his May 20 inaugural address, President Chen declared that Taiwan must include international human rights in its legal code and establish a national human rights committee.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equality of citizens before the law "irrespective of sex, religion, race, class, or party affiliation." Constitutional amendments enacted in 1997 also provide for the rights of disabled persons. While the authorities are committed to protecting these rights, discrimination against some groups continues.

Women.—Violence against women, including domestic violence and rape, remains a serious problem. Wife beating is especially widespread. In 1994 the DPP Women's Development Committee claimed that 35 percent of married women were victims of spousal abuse. The authorities fund domestic violence hot lines, which have handled some 17,000 cases over the past decade. The Ministry of Justice has taken steps to strengthen the protection of women and children against violence in accordance with the 1999 Domestic Violence and Protection Control Law. This law allows prosecutors to take the initiative in investigating complaints of domestic violence without waiting for a spouse to file a formal lawsuit. Although some cases are prosecuted, strong social pressure discourages abused women from reporting incidents to the police in

order to avoid disgracing their families. Rape also remains a serious problem, and its victims are stigmatized socially. One expert estimates that 7,000 rapes occur annually—10 times the number reported to the police. In 1999 the LY passed legislation that permits the prosecution of the crime of rape without requiring the victim to press charges. According to a law passed in 1997, rape trials no longer are public unless the victim consents. The Code of Criminal Procedure establishes the punishment for rape as not less than 5 years' imprisonment, and those convicted usually are sentenced to from 5 to 10 years in prison. There were 2,042 cases of rape or sexual assault reported in 1999. A total of 627 persons were indicted for the crime of rape and 197 were convicted. Marital rape is a crime.

In 1998 the LY passed legislation that required all city and county governments to set up domestic violence prevention and control centers. The centers provide victims with protection, shelter, legal counseling, and other services on a 24-hour basis. From July 1999 to October 2000 the centers handled 34,904 cases of domestic violence. Under the law, a judicial order may be obtained to prohibit violators from approaching victims. The Ministry of Interior also provides assistance, such as financial assistance and shelter, to victims of rape or domestic violence. In 1999 the Ministry established a domestic violence prevention committee to implement a comprehensive program for the protection of women and children.

Prostitution, including coerced prostitution and child prostitution, is also a problem (see Section 6.f.and 6.c.). The authorities are phasing out legalized prostitution; in 1999 the LY banned prostitution, but exempted prostitutes already registered with the authorities. Under the law, no new houses of prostitution may be registered. There have been reports of a growing trend of young women, often well educated, voluntarily entering into part-time prostitution to earn additional spending money. There also are credible reports of women being trafficked into the country for purposes of prostitution (see 6.c. and 6.f.).

The law prohibits sex discrimination, and the LY in recent years has begun a systematic review and revision of those portions of the legal code relating to divorce, property, and child custody. As a result of legislation passed in 1998, many sections of the code that discriminated against women were eliminated. For example, women now are no longer required to adopt their husband's last name after marriage.

There is no equal employment rights law, and enforcement of existing sex discrimination laws remains a problem, although the major city and county administrations have set up committees to accept complaints of sexual discrimination in the workplace. Labor laws provide for maternity leave, but employers do not always grant it. Women also complain of being forced to quit jobs due to marriage, age, or pregnancy. Women often complain of less frequent promotions and lower salaries than their male counterparts, although the Labor Standards Law prohibits gender-based differences in wages. According to the Council on Labor Affairs, salaries for women average 85 percent of those for men performing comparable jobs.

Male spouses of female citizens now are treated the same as female spouses of male citizens. In 1999 the LY passed legislation permitting spouses of citizens to apply for permanent residency after residing in Taiwan for 5 years. However, the Citizenship Law continues to stipulate that the transmission of citizenship occurs exclusively through the father. A citizen mother with a foreign husband thus cannot apply for a Taiwan passport for her child. However, when such a child reaches age 14, the child may apply.

NGO's involved with women's issues include the Women Rescue Foundation and the Women Awakening Foundation, which help women victims of domestic violence; and the Garden of Hope, which helps rescue child prostitutes.

Children.—The Constitution has provisions to protect children's rights, and the authorities are committed to supporting them. Education for children between 6 and 15 years of age is free and compulsory, and this rule is enforced. The percentage of school age children attending primary school is 99.92 percent, and those attending junior high school 99.89 percent. Children also are provided health care under the national health insurance scheme.

Child abuse is a significant problem. In the first 10 months after the Domestic Violence Control Law was passed in mid-1999, the Domestic Violence Protection Center received more than 900 applications for protection of children. The 1993 revision of the Child Welfare Act states that any persons discovering cases of child abuse or neglect must notify the police, social welfare, or child welfare authorities, that child welfare specialists must make such notification within 24 hours, and that the authorities involved must issue an investigation report within 24 hours. Both the Ministry of Interior's Social Affairs Department and nongovernmental specialists assert that these requirements are followed. During the year, a senior member of a Buddhist academy was charged with sexually assaulting several novice monks who were children. In 1999 the LY passed legislation creating a Child Welfare Bu-

reau in the Ministry of Interior to enhance efforts to protect child welfare. Financial subsidies are provided to low-income families with children in day care facilities and to local governments to promote child protection efforts.

In 1999 the first juvenile court was established in Kaohsiung to handle criminal cases. Previously regular courts handled such cases. The new court includes 24 juvenile counselors. There are three juvenile detention centers on the island.

Although no reliable statistics are available, child prostitution is a serious problem, particularly among Aborigine children (see Section 6.c. and 6.f.). Most child prostitutes range from 12 to 17 years of age. The juvenile welfare law enables juvenile welfare bodies, prosecutors, and victims to apply to courts for termination of guardianship of parents and the appointment of qualified guardians if parents have forced their children into prostitution. If children are engaged in prostitution of their own free will, and the parents are incapable of providing safe custody, the courts may order competent authorities to provide counseling for not less than 6 months and not more than 2 years. However, legal loopholes and cultural barriers remain obstacles to enforcement. On occasion parents have sold a child into prostitution, a problem associated mostly with Aborigine families (see Section 6.c.).

According to some reports, brothel owners, to prevent child prostitutes from escaping, use violence, drug addiction, and other forms of coercion. In 1995 the LY passed legislation providing for as much as 2 years' incarceration for customers of prostitutes under the age of 18. The legislation also requires the publication of the names of violators in newspapers. Under a plan adopted by the NPA, city and county authorities across the island have established police task forces to strengthen their efforts against child prostitution. During the first 7 months of the year, 379 persons were arrested for violations of the law, resulting in 66 convictions. In 1999 the LY amended the Prevention of Child and Juvenile Sex Trafficking Law to prohibit the media from running advertisements involving the sex trade and to impose penalties on citizens arrested abroad for having sex with minors (see Section 6.f.).

People with Disabilities.—The Disabled Welfare Law was revised and strengthened in 1990. It prohibits discrimination against the disabled and sets minimum fines at approximately $2,400 (NT$73,800) for violators. Under these revisions, new public buildings, facilities, and transportation equipment must be accessible to the disabled, while existing public buildings were to be brought into conformity by 1995. Although new buildings appear to meet accessibility requirements, there does not as yet appear to be a substantial effort aimed at refitting older buildings to accommodate disabled people.

A leading expert in the field estimates that the number of disabled is between 400,000 and 500,000—possibly as high as 700,000. One-third of the total are severely disabled and receive shelter or nursing care from the authorities. The Disabled Welfare Law requires large public and private organizations to hire disabled persons equal to 2 and 1 percent of their work forces respectively. Organizations failing to do so must pay, for each disabled person not hired, the basic monthly salary (approximately $570 (NT$18,880)) into the Disabled Welfare Fund, which supports institutions involved in welfare for the disabled. Many organizations complain that it is difficult to find qualified disabled workers, and they appear to prefer to pay the fines involved.

Indigenous People.—The island's only non-Chinese minority group consists of the Aboriginal descendants of Malayo-Polynesians already established when the first Chinese settlers arrived. According to the Council of Aboriginal Affairs, there were 381,000 Aborigines at the end of 1998. More than 70 percent are Christian, while the dominant Han Chinese are largely Buddhist or Taoist. The civil and political rights of Aborigines are protected fully under law. The NA amended the Constitution in 1992 and again in 1997 to upgrade the status of Aboriginal people, protect their right of political participation, and ensure their cultural, educational, and business development. In addition the authorities instituted social programs to help Aborigines assimilate into the dominant Chinese society. The cabinet-level Council of Aboriginal Affairs was established in 1996 to protect Aboriginal rights and interests. Critics have noted that its budget is quite small. As part of its efforts to preserve ethnic identities, the Ministry of Education now includes some Aboriginal-language classes in primary schools. Under 1998 legislation, the Ministry of Education subsidizes university education for Aborigines and works to preserve Aboriginal culture, history, and language through the establishment of Aboriginal studies centers.

Although they face no official discrimination, Aborigines have had little impact, over the years, on major decisions affecting their lands, culture, traditions, and the allocation of their natural resources. In addition they complain that they are prevented from owning ancestral lands in mountain areas under the authorities' control, some of which have been designated as national parks or conservation areas. Land rights remain a crucial issue for Aborigines, along with social discrimination,

educational underachievement, low economic status, and high rates of alcoholism. Some Aboriginal leaders have come to believe that only some form of autonomy can preserve their land rights, which constantly are threatened by Chinese developers who use connections and corruption to gain title to Aboriginal land. According to MOI statistics, only about 50 percent of Aborigine children complete elementary school. In the past, Aborigines were not allowed to use non-Chinese personal names on legal documents, but this rule was changed by legislation in 1996.

The sale of Aboriginal girls into prostitution by their parents also is a problem (see Sections 6.c. and 6.f.).

Section 6. Worker Rights

a. The Right of Association.—Although the JY ruled in 1995 that the right to organize trade unions is protected by the Constitution, legislation implementing this decision has not passed; teachers, civil servants, and defense industry workers still are not permitted to form labor unions. Even with this ruling, a number of laws and regulations limit the right of association. Labor unions may draw up their own rules and constitutions, but they must submit these to the authorities for review. Unions may be dissolved if they do not meet certification requirements or if their activities disturb public order. However, there were no instances of the authorities dissolving local labor groups or denying new unions certification.

The Labor Union Law requires that union leaders be elected regularly by secret ballot, and, in recent years, workers have sometimes rejected ruling party or management-endorsed union slates. Under the new administration there has been no reported political interference in union affairs. Unions may form confederations, but no administrative district, including a city, county, or province, can have competing labor confederations.

Under the previous administration the Council of Labor Affairs (CLA) recognized one island-wide labor federation, the KMT-associated Chinese Federation of Labor. The DPP administration significantly eased restrictions on the right of association by recognizing three new island-wide labor federations. In May the CLA recognized the Taiwan Confederation of Trade Unions (previously known as the National Federation of Industrial Unions). The Chinese Labor Unions Federation and the National Trade Union Confederation were established in July and August respectively. Nonetheless the percentage of workers who are labor union members has not increased in recent years due to the extremely low unemployment rate, higher wages, the shift from manufacturing to service industries, the small scale and poor organization of most unions, and past prosecution of labor activists by the authorities. As of March, some 2.9 million workers, approximately 30 percent of the 9.7 million-person labor force, belonged to 3,785 registered labor unions.

The law governing labor disputes recognizes the right of unions to strike but imposes restrictions that make legal strikes difficult and seriously weaken collective bargaining. For example the authorities require mediation of labor/management disputes when they deem the disputes to be sufficiently serious or to involve "unfair practices." The law forbids both labor and management from disrupting the "working order" when either mediation or arbitration is in progress. The law mandates stiff penalties for violations of no-strike and no-retaliation clauses. Employers in the past sometimes ignored the law and dismissed or locked out workers without any legal action being taken against them, although no such cases were reported during the year. The CLA reported that from 1990-99, there were 34 strikes, of which 23 involved workers at bus companies seeking increased pay and reduced hours. Strikes threatened in late 1999 and in August by airport employees did not materialize because workers obtained satisfactory concessions from management. There were no strikes in 1999 and three strikes in 1998.

In 1971 the People's Republic of China replaced Taiwan in the International Labor Organization. The CFL is affiliated with the International Confederation of Free Trade Unions. The new federations are not internationally affiliated.

b. The Right to Organize and Bargain Collectively.—Except for the categories of workers noted in Section 6.a., the Labor Union Law and the Settlement of Labor Disputes Law give workers the right to organize and bargain collectively.

Under the Labor Union Law, employers may not refuse employment to, dismiss, or otherwise unfairly treat workers because they are union members. However, in practice employers sometimes have dismissed union leaders without reasonable cause, or laid them off first during employee cutbacks, and observers point out that the law has no specific penalties for violations. Several union leaders of a container terminal company were laid off at the end of 1998 following a strike earlier in the year. According to the National Federation of Independent Trade Unionists, over 400 trade unionists and supporters have been fired since the labor movement began to expand after the 1987 lifting of martial law.

The Collective Agreements Law provides for collective bargaining but does not make it mandatory. Since such agreements are used only in large-scale enterprises, and less than 5 percent of enterprises fall into this category, the proportion of workers covered remains small. Employers set wages generally in accordance with market conditions.

Firms in export processing zones are subject to the same laws regarding treatment of labor unions as other firms and follow normal practices including collective bargaining agreements with their unions.

c. Prohibition of Forced or Compulsory Labor.—The Labor Standards Law prohibits forced or compulsory labor, and there were no reports of these practices, apart from forced prostitution (see Sections 5 and 6.f.). The law prohibits forced and bonded labor by children, and the authorities generally enforce this prohibition effectively. However, some parents of Aboriginal children sell them into prostitution, and the requirements of the law make prosecution difficult at times (see Section 5).

In 1999 nine women who were forced to work as "comfort women" (women who, during World War II, were forced to provide sex to soldiers of the Japanese Imperial Government) filed lawsuits in Japan seeking $100,000 (NT$3,000,000) and a formal apology from the Japanese Government. The case is before the courts.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Standards Law (LSL) prohibits forced and bonded child labor, and the authorities generally enforce this prohibition effectively, although the sale of Aboriginal children into prostitution remains a problem (see Sections 5 and 6.c.). To protect children from the worst forms of exploitation, the authorities have enacted a Child Welfare Law, Juvenile Welfare Law, and Child and Juvenile Sexual Transaction Prevention Act to protect children from debt bondage, prostitution, pornographic performances, and other illicit activities specified in ILO Convention 182. The LSL stipulates age 15, after compulsory education required by law ends, as the minimum age for employment. County and city labor bureaus enforce minimum age laws.

e. Acceptable Conditions of Work.—The LSL mandates labor standards. The law is not well enforced in areas such as overtime work and pay or retirement payments. A 1996 amendment extended the LSL to all salaried employees. By the end of 1999, the LSL covered 5.7 million of Taiwan's 6.6 million salaried workers. The CLA conducts publicity campaigns to increase public awareness of the law and has set up telephone hot lines to accept complaints of LSL violations.

The CLA did not increase the minimum monthly wage, which remained at $505 (NT$15,840). While sufficient in less expensive areas, this wage does not assure a decent standard of living for a worker and family in urban areas such as Taipei. However, the average manufacturing wage is more than double the legal minimum wage, and the average for service industry employees is even higher. In June the LY passed legislation to reduce working hours from 48 hours per week to 84 hours in 2 weeks. In 1998 the public sector adopted a new system providing for a 5-day workweek every other week. According to a CLA survey, about one-third of private enterprises also have adopted that system.

Because of an acute labor shortage (the unemployment rate remained at 2.7 percent in 1999), there has been a legal influx of foreign workers in the last several years. The law stipulates that foreign workers who are employed legally receive the same protection as local workers. However, in 1998 foreign domestic workers were exempted from the LSL, denying them the right to safeguards provided to citizens. Moreover authorities say that in many cases illegal foreign workers, many from Thailand and the Philippines, receive board and lodging from their employers, but no medical coverage, accident insurance, or other benefits enjoyed by citizens. Illegal foreign workers also are vulnerable to employer exploitation in the form of confiscation of passports, imposition of involuntary deductions from wages, and extension of working hours without overtime pay. In addition observers say that conditions in many small- and medium-sized factories that employ illegal foreign labor are dangerous, due to old and poorly maintained equipment. Observers have alleged that legal foreign workers are sometimes similarly exploited. The CLA has urged employers not to mistreat foreign workers, and employers are subject to the same penalties for mistreating foreign workers as for mistreating citizen workers. In November the CLA ended the practice of requiring foreign female workers to undergo pregnancy tests. In the past, those who tested positive were subject to immediate deportation. According to CLA statistics, there are 311,000 legal foreign workers, including approximately 140,000 workers from Thailand and 108,000 workers from the Philippines. In 1999 the CLA signed a labor agreement with Vietnam permitting its workers to obtain employment in Taiwan. The CLA has stated that its goal is to keep the number of foreign workers at the 300,000 level. In June the authorities placed an indefinite ban on the entry of new Philippine blue-collar workers, insisting that the ban was due to the high rate at which Philippine workers left their

jobs and the aggressive stance of the Philippine Representative Office in labor cases. The ban was lifted in December. Due to increased unemployment among blue-collar workers and Aborigines, the CLA announced on September 1 that it would reduce the foreign labor quota on major construction projects from 50 to 30 percent.

The 1991 revised Occupational Safety and Health Law (OSHL) extended coverage to include workers in agriculture, fishing, and forestry industries and appeared to strengthen penalties for safety violations. It nevertheless still provides only minimal standards for working conditions and health and safety precautions. The OSHL gives workers the right to remove themselves from dangerous work situations without jeopardy to continued employment.

The 1993 Labor Inspection Law was designed to strengthen the enforcement of labor standards and health and safety regulations. It increased the number of enterprises and types of safety factors to be inspected; gave inspectors quasi-judicial powers; required preexamination of dangerous working places such as naphtha-cracking plants, pesticide factories, and firecracker factories; and raised penalties for violations. Critics allege that the CLA does not effectively enforce workplace laws and regulations because it employs too few inspectors. During the year, 33 new inspectors were added resulting in 256 inspectors available for the approximately 300,000 enterprises covered by the OSHL. The inspection rate in 1999 was 8.2 percent, down slightly from 8.3 percent in 1998. The CLA maintains that it has strengthened its safety checks at workplaces with a greater risk of worker injury and is offering training programs to help workers protect their rights. Since many enterprises are small, family-owned operations employing relatives unlikely to report violations, actual adherence to the hours, wage, and safety sections of various labor laws is hard to document but is believed to be minimal in these smaller enterprises. The CLA has established hot lines to receive complaints about OSHL violations.

f. Trafficking in Persons.—There is no law specifically prohibiting trafficking; however, traffickers of persons for sexual purposes may be prosecuted under the Sexual Violation Offenses Act, which outlaws sexual transactions for profit. In addition in 1999 the LY enacted legislation which criminalized alien smuggling (see Section 2.d.). The 1995 Statute for Prevention of Child and Juvenile Sexual Trafficking empowers the authorities to prosecute any person who intends to force a girl below the age of 18 to engage in sex or to sell or pawn her by other means. Nonetheless there are occasional reports of organized crime rings trafficking in women for the purpose of forced prostitution. The majority of cases involve women from mainland China, Thailand, or Cambodia. Criminal gangs in mainland China reportedly use deceptive measures to recruit and procure young women who are then funneled to Taiwan-based organized crime gangs who arrange sham marriages to enable them to obtain visas to enter Taiwan. The women then are forced into prostitution. The extent of the problem is difficult to determine; there have been 50,000 marriages between persons from mainland China and Taiwan since 1992, but less than 1 percent are believed to involve the trafficking gangs. In September Cambodian police arrested two men from Taiwan for allegedly luring Cambodian women into fake marriages for purpose of trafficking them to Taiwan where they would be forced into prostitution. Observers have noted that light sentences for traffickers hamper police efforts to end this trade. Trafficking victims, if arrested for prostitution, also face light sentences, such as fines or deportation (see Sections 5 and 6.c.).

The sale of Aboriginal girls into prostitution by their parents also is a problem. However, this practice is believed to have declined, at least in part due to intensive efforts on the part of social workers and NGO's to combat the practice. The NPA also coordinated the formation of police task forces in local jurisdictions to investigate and prevent the sale of Aboriginal girls into prostitution. From the beginning of 1998 through April 1999, 46 Aboriginal girls were found to be engaged in prostitution.

Taiwan is a major transit point for persons from mainland China attempting to travel illegally to the United States and other countries. In 1999 the LY enacted the Entry, Exit, and Immigration Law, which provided for up to 3 years imprisonment and/or up to $30,000 (NT$ 1,000,000) fine for alien smuggling. Several cases have been brought before the courts under this new law.

EAST TIMOR

East Timor made significant progress in establishing its institutions of democracy and governance; however, during its first full year of independence from Indonesia, reconstruction and recovery from the September 1999 violence that ravaged the territory was a central focus of activity, and numerous problems remained. In a U.N.-

administered consultation vote on August 30, 1999, an overwhelming majority of East Timorese voted against autonomy (and, in effect, for independence from Indonesia), and in early September 1999, the U.N. Secretary General declared the ballot results to be "an accurate reflection of the will of the East Timorese people." As a result, in October 1999, the Government of Indonesia approved revocation of the 1978 Indonesian parliamentary decree that annexed East Timor, allowing for the establishment of the U.N. Transitional Administration in East Timor (UNTAET), which is mandated by the U.N. Security Council to establish a democratic government in East Timor.

UNTAET continued to govern East Timor, and the National Consultative Council (NCC) advised the Transitional Administrator. In July UNTAET established a new governing structure, the East Timor Transitional Administration (ETTA). With the addition in October of the Foreign Affairs portfolio, the ETTA cabinet consisted of nine ministries, four of which were headed by UNTAET officials and five of which were headed by East Timorese. UNTAET appointed members of the NCC and the cabinet in close consultation with the National Council of Timorese Resistance (CNRT), a political umbrella of proindependence parties. An UNTAET-appointed National Council (NC) replaced the NCC in late October. The NC is comprised entirely of East Timorese. In the latter part of the year, divisions within the CNRT complicated the political situation. Under UNTAET regulations, Indonesian law applies throughout East Timor, except in areas in which UNTAET specifically has repealed laws or superceded them with its own regulations.

In February the Australian-led International Force in East Timor (INTERFET), which arrived in September 1999, transferred military authority to UNTAET Peacekeeping Forces (UN-PKF). The UN-PKF's role was to restore and preserve basic social order and prevent violence by pro-Indonesia militias operating inside East Timor. The UN-PKF was present in the eastern and central sectors of the territory but maintained an especially strong presence on the border, where, despite repeated assurances from the Government of Indonesia, crossborder Indonesian-military-supported militia incursions from Indonesia continued. Despite such sporadic militia incursions, the security situation in most of East Timor was stable throughout the year. In mid-January INTERFET transferred responsibility for internal security to the U.N. Civilian Police (CIVPOL). In July the first group of 50 East Timorese cadets graduated from the Police Academy and began working alongside CIVPOL, augmented by a police assistance group comprised of East Timorese who formerly were part of the Indonesian police forces. The former East Timorese guerrilla forces, Falintil, remained in the Aileu cantonment area. By midyear more than half of the estimated 1,500 Falintil personnel had returned to their home areas on "leave," and a dissident commander known as "L-7" led a few dozen of his men out of the cantonment area in July. In August an UNTAET commissioned study recommended that Falintil become the core of a new East Timor Defense Force, and in September the ETTA cabinet approved the study's low-cost option for such a force. In the interim, the UN-PKF employed a number of Falintil personnel as advisors and guides. After an international donors conference in November, plans were underway to begin training a new defense force beginning in early 2001.

East Timor is an extremely poor territory, with two-thirds to three-fourths of the population of 775,000 persons engaged in subsistence agriculture. The Asian Development Bank estimated the per capita gross domestic product (GDP) to be approximately $395. An estimated 70 to 80 percent of East Timor's infrastructure was damaged severely by the systematic scorched-earth campaign that Indonesian military and militia forces conducted in September 1999, as they withdrew from the territory. During the year, reconstruction proceeded slowly. By midyear the majority of the population had basic shelter and sufficient food supplies. Some commercial activity resumed, much of which served the large foreign presence in the territory. The rural agricultural economy began to recover, but unemployment remained high in the urban areas. Coffee remained the territory's only significant export, but falling world prices and a domestic export tax hindered its export. In October negotiations began with Australia over the revenue from the potentially lucrative Timor Gap oil and gas region, located in the waters between East Timor and Australia. However, the Timor Gap is not expected to be economically productive for 5 to 10 years. Property ownership disputes and the lack of a comprehensive commercial code hinder investment and related long-term development. Urban unemployment and wage and price inflation remain significant problems. Most observers believe that East Timor will remain heavily dependent on foreign assistance for the foreseeable future.

UNTAET generally respected the human rights of East Timorese. The arrival of the INTERFET forces and withdrawal of Indonesian forces in September 1999 largely brought to an end the decadeslong pattern of serious human rights abuses by In-

donesian authorities and their East Timorese allies; however, many serious problems remained. East Timorese Indonesia-backed militias based in West Timor, Indonesia, sometimes crossed into East Timor and threatened, robbed, attacked, and occasionally killed local villagers and peacekeeping forces. A U.N. peacekeeper was killed on July 24, and another was killed in August in clashes with militias inside East Timor. Six militia personnel were killed in clashes with the UN-PKF in the first 11 months of the year. There were isolated attacks and instances of harassment of returning refugees who were suspected of being former militia members, and CNRT-sponsored security groups sometimes were involved in such abuses. The vast majority of the prison population is composed of pretrial detainees, despite explicit protective regulations. On occasion the independence of the judiciary was questioned, and the judiciary's resources remained extremely inadequate. The CNRT benefited from its close relationship with UNTAET and at times allegedly misused its political influence for employment advantages. By November more than 170,000 internally displaced persons (IDP's) had returned to East Timor from West Timor and other areas of Indonesia, but many others remained in West Timor. By year's end, most children had returned to school, but the educational infrastructure, which had not been fully rebuilt, suffered from inadequate facilities and educational materials. There were occasional attacks on Protestant churches, which had been closely associated with the prointegration cause. Muslims were subjected to harassment, and the mosque in Dili was attacked. Ethnic Chinese businessmen faced some extortion and harassment, and non-Portuguese speakers reported discrimination in government hiring. Local leaders sometimes forced suspected militia members returning from West Timor, Indonesia, to engage in compulsory labor.

During the year, significant efforts were made to bring to justice those persons responsible for the most serious abuses committed during 1999. UNTAET established a Serious Crimes Investigation Unit (SCIU) to address the most recent and serious cases and concluded a memorandum of understanding with the Government of Indonesia on legal, judicial, and human rights cooperation. In October UNTAET issued an arrest warrant for a prominent militia leader and requested his extradition from Indonesia. On December 11, UNTAET filed indictments against those persons suspected of committing war crimes and related atrocities in 1999. The Indonesian Government had not responded formally by year's end.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killings.—The arrival of the INTERFET forces and withdrawal of Indonesian forces in September 1999, largely brought to an end the decades-long pattern of serious human rights abuses, including extrajudicial killings, by Indonesian security forces. INTERFET members committed no extrajudicial killings during the year. However, East Timorese pro-Indonesia militias based in West Timor, Indonesia, which were armed and supported by elements of the Indonesian armed forces, crossed into East Timor and threatened, robbed, attacked, and sometimes killed local villagers and peacekeeping forces during the year. In addition violence against East Timorese former militias returning from West Timor occasionally was a problem (see Section 1.c.).

During the year, there were reports that returning IDP's, alleged to have militia links, were killed. In January and February, two men were killed in Ermera district. While it is believed that these were retaliatory killings related to the two men's proautonomy sympathies, these two cases still were under investigation at year's end. In March militia members reportedly killed a villager near Maliana. In April Gabriel Alves, a suspected militia member, was beaten and kicked to death in Ulmera, Liquica. A suspect was arrested, but by year's end, no prosecutions had taken place.

On July 24, approximately eight militia members shot and killed New Zealand U.N. peacekeeper Private Leonard William Manning and mutilated his corpse, near Suai, East Timor, where Manning's unit was patrolling the East/West Timor border area. On August 10, East Timorese militia members killed Nepalese U.N. peacekeeper Private Devi Ram Jaisi and wounded four other persons (see Section 1.c.). By year's end, UNTAET and the Government of Indonesia had been unable to capture the militia suspects in these incidents.

UNTAET and the UN-PKF estimated that in September as many as 150 armed militia members were operating inside East Timor. However, in response to the killings of U.N. personnel, the UNPKF liberalized its rules of engagement to permit peacekeepers to shoot at militia members who are perceived to be a threat to the UN-PKF. As of November, peacekeepers had shot and killed six suspected militia members operating within East Timor. By year's end, more than a dozen pro-Indo-

nesia militia members, lacking support from the local population, had surrendered to the UN-PKF and UNTAET, and the UNPKF believes that most of the remaining militia members returned to West Timor.

Elements of the Indonesian security forces (TNI) and prointegration East Timorese militias, armed and largely supported by the TNI, were responsible for numerous extrajudicial killings in East Timor throughout 1999, but especially after the results (an overwhelming vote for independence) of the August 30, 1999 consultation vote were announced (see Section 1.c.). During the year, UNTAET made significant efforts to bring to justice those persons responsible for the most serious abuses committed during 1999. UNTAET established a Serious Crimes Investigation Unit to address the most recent and serious cases. In April UNTAET concluded a memorandum of understanding with the Government of Indonesia on legal, judicial, and human rights cooperation. In October UNTAET issued a warrant for the arrest of Eurico Guterres, a militia member who allegedly was involved in the 1999 mass violence in East Timor, and requested his extradition from Indonesia. At year's end, Guterres remained in Indonesia facing trial for causing a disturbance at a September 24 weapons handover ceremony presided over by Indonesian Vice President Soekarnoputri in Atambua, West Timor. He was being held on charges of illegal possession of weapons and instigating his followers to engage in illegal acts. On December 11, UNTAET filed indictments against those persons suspected of committing war crimes and related atrocities in 1999. The Indonesian Government (Attorney General's Office) had not taken a position or responded formally by year's end.

During the year, UNTAET provided considerable assistance to Indonesian authorities investigating the atrocities committed in East Timor during 1999. In Indonesia the Commission for Investigation of Violations of Human Rights in East Timor (KPPHAM) conveyed its report of human rights violations in East Timor to the Indonesia Attorney General's office on January 31. The report built upon an earlier interim report that held Indonesian security forces responsible for the destruction and violence that followed the East Timor consultation vote on August 30, 1999. The KPP-HAM members recommended the investigation of more than 30 persons, including the commander of the security forces and other high-ranking TNI and police officers. The Indonesia Attorney General said that his office initially would prosecute five major cases arising from the 1999 violence in East Timor and for which pro-Indonesia militia groups backed by TNI forces allegedly were responsible. These cases included the April 6, 1999 massacre in Liquisa, in which at least 25 persons died; the April 17, 1999 killings at proindependence activist Manuel Carrascalao's house, in which at least 15 persons died; the September 5, 1999 attack on the compound of the Catholic Diocese in Dili; the September 6, 1999 massacre of at least 50 priests and IDP's at a church in Suai; and the September 21, 1999 killing of Dutch journalist Sander Thoenes. The cases did not include the September 26, 1999 attack on a humanitarian convoy near Los Palos by "Team Alfa" paramilitary personnel, in which Team Alfa members killed eight persons, including nuns and religious workers. The Indonesia Attorney General's office named a total of 23 suspects in September and October (one of whom, an East Timorese militia commander, militia members killed in early September). Those accused included several Indonesian army and police generals, but not then-Indonesian Armed Forces Commander General Wiranto, former Indonesian Armed Forces intelligence chief Zacky Anwar Makarim, or other senior members of the Indonesian military leadership who were named as responsible parties in the KPP-HAM report. Progress on these cases was slow, and the number of suspects named small in comparison to the number of persons believed responsible.

There also were efforts to hold persons accountable for killings of suspected militia members in 1999. For example, four suspected militia members reportedly were murdered in Bobonaro town on September 29, 1999. A suspect was arrested during the year and investigation of this case was ongoing as of year's end.

During the year, the U.N. began investigating the 1975 murders of five journalists in East Timor (see Section 2.a.).

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

There were numerous reports of abductions and disappearances in East Timor following the flight and forced relocation of more than 250,000 East Timorese civilians in September 1999. In addition dozens of East Timorese prisoners, including political prisoners, previously held in Becora prison in Dili, reportedly were taken to West Timor in September 1999. By year's end, nongovernmental organizations (NGO's) had tracked down the vast majority of the former prisoners. Some had returned to East Timor, while others remained in West Timor.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—UNTAET regulations provide that all persons undertaking public duties or holding

public office shall observe internationally recognized human rights standards, as reflected in the U.N. Convention Against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment. In the early part of the year, there were isolated cases of local residents mistreating returning refugees who were suspected of being former militia members or militia sympathizers. Such mistreatment occasionally took the form of interrogations, stonings, beatings, and forced labor (see Section 6.c.). Irregular CNRT-sponsored security groups sometimes facilitated the abuse of such returning refugees, and CIVPOL and local UNTAET officials often permitted the CNRT security groups to screen returnees to determine if they had been associated with militias or Indonesian intelligence or had committed abuses. This screening usually occurred once the returnees had arrived back in their home areas. Those returnees that were suspected of having committed abuses sometimes were beaten during these sessions, at times severely. For example, in early February a CNRT investigation unit (which was questioning returnees about past militia affiliations) beat and stabbed a militia member in Liquica. However, the returning refugees generally were reintegrated without significant problems (see Section 2.d.).

Throughout the year, pro-Indonesia militias clandestinely entered East Timor from West Timor and threatened, robbed, and sometimes beat and killed local villagers (see Sections 1.a. and 2.d.).

Rivalries between members of the politically dominant CNRT and the small opposition group known as the Democratic Republic of East Timor (RDTL) occasionally led to intimidation and violence. Some members of the CNRT reportedly extorted protection money from businesses.

There were numerous acts of rape and sexual abuse that TNIsupported militia groups perpetrated against displaced East Timorese women in 1999, in addition to the widely reported rapes of women whom the Aitarak militia group kept as sex slaves in their Dili headquarters, also during 1999 (see Section 5). The Dili court indicted one militia member on a rape charge stemming from the September 1999 violence in Suai, and a Serious Crimes Investigation Unit (see Section 1.e.) special team established to address sexual violence was investigating numerous other rape cases. In 1999 the KPP stated that it received reports that the TNI and the militias raped 60 women in East Timor during the September 1999 wave of violence. Cases of East Timorese women whom Indonesian soldiers and civilian personnel allegedly raped in previous years remained unresolved.

Prison conditions meet the basic food, sanitation and health requirements of prisons.

UNTAET permits visits by independent human rights monitors to prisons.

d. Arbitrary Arrest, Detention, or Exile.—UNTAET regulations, which are based on the U.N. Convention on Civil and Political Rights, explicitly preclude arbitrary arrest and detention, and require a hearing within 48 hours of arrest to review the lawfulness of the arrest and detention. UNTAET regulations provide the right to a trial without undue delay.

Pretrial detention is allowed only for crimes carrying a sentence of over 1 year. In principle a judge must review pretrial detention every 30 days; however, in practice limited resources have hindered this review, and some persons remained in pretrial detention longer than stipulated. The maximum pretrial detention period is not to exceed 6 months for suspects who are charged with crimes carrying a sentence of 5 years or less. In the case of a suspect who is charged with a crime carrying a sentence of more than 5 years, a court panel may extend the pretrial detention for an additional 3 months. For crimes with a sentence of over 10 years, a court panel may order additional pretrial detention beyond 9 months. Upon the expiration of the maximum detention period, a judge may order the release of a detainee. Throughout the year, roughly half of all detainees were overdue for review of their pretrial detention. UNTAET's general policy is to keep the prison population as low as possible. Consistent with this approach, during the year 236 detainees were released on bail upon review; however, charges against them were not dropped, and their legal status was uncertain. Ninety-seven percent of the total prison population, or 158 persons, were pretrial detainees at year's end. Of the pretrial detainees, three-quarters were charged with murder, manslaughter, rape, or other violent crimes that carried a sentence of over 10 years.

In East Timor, arbitrary detention of persons suspected of proindependence sympathies by prointegration militia groups was a continuing problem in the months prior to and shortly after the September 1999 consultation. However, during the year, there were few reports that UNTAET officials arbitrarily detained persons. The one known exception occurred in September when a foreign reporter was arrested for "offending the dignity" of the CNRT president (see Sections 1.e. and 2.a.). There also were no confirmed reports of militia groups having committed such abuses in East Timor. While there were reports that Falintil members detained

some persons in their cantonment area at Aileu, it was not clear whether the detainees were in "protective custody" (some suspected militia members ended up in Aileu after being driven from their home areas) or held against their will.

e. Denial of Fair Public Trial.—UNTAET regulations—specifically the new Court Law—provide for the establishment of an independent judiciary in East Timor. Section two of the Court Law provides that judges perform their duties "independently and impartially" without "improper influence." Similarly the new Prosecution Law requires that all public prosecutors discharge their duties impartially. These regulations generally were respected during the year; however, the independence of the judiciary occasionally was questioned. For example, following disturbances in Dili in late April, a judge reportedly issued arrest warrants at the request of CNRT officials. In September the Dili District Court ordered the arrest of a Japanese reporter for "offending the dignity" of CNRT President Xanana Gusmao—a crime under the Indonesian Criminal Law Code that the East Timor courts still were using during the year, despite Indonesia's revocation of the law. The reporter later was released, and UNTAET subsequently revoked the Indonesian statute used in the case (see Sections 1.d. and 2.a.). In March UNTAET created a civil law court system with 13 district courts and 1 national Court of Appeal. In June UNTAET established a public prosecutor's office. However, by year's end, only the Dili District Court and Court of Appeals were functioning. By December ETTA had made progress in creating a legal basis for the justice sector, but it still faced serious challenges in recruiting and training enough qualified judges, prosecutors, and defense lawyers. The judiciary's shortage of personnel largely accounts for UNTAET's inability to process criminal cases against most detained suspects within a reasonable time (see Section 1.d.).

UNTAET established a special legal mechanism to prosecute those Indonesian and pro-Indonesian East Timorese persons responsible for the mass killings in 1999 and other serious human rights abuses. In March UNTAET established a special Serious Crimes Panel within the Dili District Court to serve as a de facto international tribunal for the 1999 atrocities. The special panel—which is expected to consist of two international judges and one East Timorese judge—has exclusive and "universal" jurisdiction to adjudicate cases of genocide, war crimes, crimes against humanity, murder, sexual offenses, and torture that occurred between January 1 and October 25, 1999. In June UNTAET created a corresponding Serious Crimes Prosecution Division under the General Prosecutor. This unit then incorporated an internationally staffed Serious Crimes Investigation and Prosecution Unit that originally was created during the early part of the year under the office of Human Rights Affairs. UNTAET also adopted international definitions of genocide, war crimes, crimes against humanity, torture, and command responsibility into a criminal code for the Serious Crimes Panel. On December 11, UNTAET filed the first indictments against Indonesian and pro-Indonesia suspects. Those persons indicted included both Indonesians and East Timorese; as of year's end, some suspects were in detention in Dili while others were at large in Indonesia. UNTAET requested assistance from the Government of Indonesia in extraditing identified suspects at large in Indonesia; however, by year's end, the Government of Indonesia had refused to extradite suspects to East Timor or to allow UNTAET investigators to question suspects in Indonesia.

The Transitional Authority's ability to employ fully this legal mechanism and to begin prosecutions by year's end was constrained severely by insufficient staff and funding and by procedural and organizational disputes within UNTAET. In particular, the UNTAET Serious Crimes Investigation Unit was understaffed and underfunded, limiting its ability to investigate the five priority incidents related to the 1999 atrocities.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—UNTAET allows for these rights, as provided by relevant U.N. human rights covenants. However, the CNRT receives material support and derives legitimacy from its close relations with UNTAET; other political entities do not enjoy such advantages (see Section 3). There were credible charges that the CNRT used its political position to influence the allocation of jobs in education, possibly including illegally adding names to payrolls.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—UNTAET regulations provide for the freedom of speech and press as stipulated in the U.N. International Covenant on Civil and Political Rights. There are two independent newspapers in the territory, published in several languages, whose editorials freely criticize UNTAET, the CNRT, and other political entities. One of the newspapers was founded during the year. While insufficient financial resources and facilities have constrained the development of

independent print and broadcast media, there are no political or legal impediments to new entries to the media market. In September a foreign reporter was arrested for "offending the dignity" of the CNRT president; he later was released (see Sections 1.d. and 1.e.). In Indonesia no one was held accountable for the September 1999 killing of Dutch journalist Sander Theones in Dili by assailants believed to have been members of the Indonesian Battalion 745. In September it was announced that the U.N. was investigating the October 1975 murders of five Australia-based journalists in East Timor (see Section 1.a.).

UNTAET operates one television and one radio station. The Catholic Church operates one radio station, and there are several small community radio stations that were founded during the year.

Although the telecommunications infrastructure largely is underdeveloped, there are no legal or administrative restrictions on Internet access.

UNTAET respects academic freedom. The University of East Timor reopened in a new location in November after the university's previous facilities were destroyed in September 1999.

b. Freedom of Peaceful Assembly and Association.—UNTAET allows for freedom of assembly, and this right exists in practice. Many peaceful demonstrations occurred throughout the year. Most demonstrations centered on complaints over allocation of jobs, salaries, severance pay issues, and admission of students to the university.

UNTAET allows for the freedom of association, and strongly advocates for the freedom of political parties (see Section 3). Many NGO's were established during the year (see Section 4).

c. Freedom of Religion.—UNTAET regulations provide for freedom of religion. Representatives of the Roman Catholic Church, Protestant churches, and the Islamic community, occupy appointed seats on the National Council. More than 90 percent of the population of East Timor is Roman Catholic. The relatively few Protestant churches in East Timor previously were identified with the Indonesian military forces and pro-Indonesia East Timorese. Accusations that Protestant clergymen were linked to pro-Indonesia East Timorese militias sometimes led to violent incidents. East Timor's small Muslim community consists of ethnic East Timorese as well as ethnic Malay migrants from other parts of Indonesia. The former group was well-integrated into East Timorese society, but the latter group experienced some harassment. Some Muslim groups at times were victims of harassment, and in December gangs attacked the main mosque in Dili. Local gangs attacked the main mosque in Dili on December 31, injuring three persons in the mosque. The mosque members' resistance to the gang's demand for a car apparently precipitated the violence. There were no arrests in cases related to religious violence or attacks against churches and mosques (see Section 5). UNTAET's ability to respond to such attacks was hindered by insufficient prison space and judicial resources (see Sections 1.c. and 1.e.).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—UNTAET respects the rights of freedom of movement, foreign travel, emigration, and repatriation.

Throughout the year, pro-Indonesia militias entered East Timor from West Timor and attacked, threatened, and sometimes killed local villagers (see Sections 1.a. and 1.c.). The fear of such violence sometimes led East Timorese residents to abandon their villages temporarily. For example, in August militia members who penetrated East Timor as far as the Manufahi district, in the central sector, caused more than 1,000 local residents to flee their villages for fear of militia attacks.

During the year, UNTAET worked closely with the U.N. High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) to provide for the repatriation of IDP's from West Timor to East Timor, including the provision of transportation, shelter, and food. Working in cooperation with NGO's, UNTAET, the IOM, and the UNHCR have resettled in East Timor an estimated 170,000 of the approximately 250,000 former residents who fled, or whom pro-Indonesia militia removed forcibly to West Timor and elsewhere, in September 1999.

There were no reports of the forced return of persons to a country where they feared persecution.

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

In January 1999, the Government of Indonesia announced its willingness to consider broad-based autonomy or independence for East Timor, paving the way for a U.N.-sponsored agreement concluded between Indonesia and Portugal in May of that year. The agreement provided for the holding of a popular consultation on the issue of East Timorese independence, under the supervision of the U.N. Following

the agreement, the U.N. Mission in East Timor (UNAMET) was established in order to oversee the preparatory arrangements leading to, and implementation of, the referendum. After three postponements due to a fragile security situation, the referendum was held on August 30, 1999. Indonesian armed forces-backed militia groups attempted, through numerous killings, attacks, rapes, and other abuses to intimidate the East Timorese population into voting for autonomy (and, in effect, against independence), or to prevent them from voting at all; nevertheless, some 98 percent of registered voters cast their ballots, and 78.5 percent of the voters opposed the autonomy proposal. In early September 1999, the U.N. Secretary General declared that the ballot results were "an accurate reflection of the views of the East Timorese people." However, in the period after the announcement of the results, incidents of mass killing, violence, and destruction were reported widely throughout the province (see Sections 1.a., 1.c., 2.d., 4, and 5). Indonesian security forces allowed armed militia groups that opposed independence for East Timor to intimidate and kill at will, and the Indonesian military and prointegration militias allegedly systematically forced the relocation of East Timorese refugees into West Timor, Indonesia, partly in order to undermine the legitimacy of the U.N. consultation. However, in October 1999, the Indonesian Parliament approved revocation of the 1978 parliamentary decree that annexed East Timor, allowing for the establishment of UNTAET. In late October 1999, UNTAET became responsible for maintaining a police and military apparatus in East Timor.

UNTAET is mandated by the U.N. Security Council to establish a democratic government in East Timor. During the early part of the year, UNTAET governed East Timor, and the NCC advised the Transitional Administrator. The National Consultative Council consisted of 15 members, including 4 UNTAET officials, 7 representatives of the CNRT, 3 representatives of pro-Indonesia political groups, and 1 representative of the Roman Catholic Church. In July UNTAET established a new governing structure, the East Timor Transitional Administration. The ETTA cabinet consists of nine ministries after the addition in October of a Ministry of Foreign Affairs. UNTAET officials head the ministries of Internal Security; Justice; Political, Constitutional and Electoral Affairs; and Finance. East Timorese head the ministries of: Internal Administration; Infrastructure; Economic Affairs; Foreign Affairs; and Social Affairs. UNTAET appointed members of the NCC and the cabinet in close consultation with the CNRT, a political umbrella of proindependence parties, which functioned as the main East Timorese political interlocutor for UNTAET.

UNTAET responded positively to initial East Timorese criticism that it failed to integrate the views of East Timorese and their representatives sufficiently. An UNTAET-appointed 36-member National Council replaced the NCC in late October. The NC, a body of representatives appointed by UNTAET, also in close consultation with the CNRT, is responsible for exercising important policy decisions concerning East Timor's transition process. The NC is comprised entirely of East Timorese, representing the 13 districts, the CNRT, other political groups, and a variety of NGO, youth, and religious groups. In the latter part of the year, disagreement within the CNRT complicated the political situation. Following the CNRT Congress in August, the leaders of the two largest pre-Indonesian era parties, Fretilin and the Timorese Democratic Union (UDT), broke relations with the CNRT leadership and refused to participate in the CNRT-successor organization, the CNRT/National Congress.

In December in his capacity as President of the CNRT, Xanana Gusmao presented to the NC a proposed timeline for the process leading to the election of a constituent assembly, the drafting and adoption of a constitution, and eventual independence. By year's end, UNTAET, the CNRT, and the NC, were overseeing the promulgation of East Timor's first constitution and subsequent government.

Under UNTAET regulations, Indonesian law applies throughout East Timor except in areas where UNTAET specifically has repealed laws or superceded them with its own regulations.

UNTAET advocates the freedom of political parties and adheres to the U.N. International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. However, the CNRT receives material support and derives legitimacy from its close relations with UNTAET; other parties do not enjoy the same advantages. During the year, there were credible charges that the CNRT used its political position to influence the allocation of jobs (see Section 1.f.).

UNTAET and the CNRT have made significant efforts to include women in appointed political bodies, and there are 13 women on the National Council; however, women remain underrepresented in the government and politics, especially at top leadership levels.

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

There are no restrictions on the right of persons to form NGO's. Numerous NGO's were established during the year, devoted to a wide variety of civil society issues.

UNTAET adheres to the Universal Declaration on Human Rights, and actively has promoted investigation of human rights abuses occurring in East Timor. On October 15, 1999, the U.N. High Commissioner for Human Rights appointed the International Commission of Inquiry on East Timor (ICIET), which issued a report in January that made several recommendations, including that an international tribunal be established to prosecute those responsible for the mass abuses. UNTAET facilitated visits to East Timor of members of the KPP-HAM (see Section 1.a.). Within UNTAET itself there is a Human Rights Unit and a Serious Crimes Investigation Unit to investigate past human rights violations and to bring the perpetrators of past abuses to justice (see Section 1.e.). UNTAET also has engaged a special rapporteur to produce a comprehensive report on human rights abuses in East Timor since 1975. Nevertheless, resource constraints as well as procedural and organizational disputes within UNTAET have hampered progress on these investigations (see Section 1.e.).

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

UNTAET regulations prohibit all forms of discrimination. Nonetheless, violence against women is a problem, as is discrimination against women and religious and ethnic minorities.

Women.—Domestic violence against women is a significant problem in East Timor. It is alleged widely that TNI-backed militias raped numerous women during the September 1999 violence in East Timor, and kept many as sex slaves (see Section 1.c.). Kirsty Sword Gusmao, wife of East Timorese independence leader Xanana Gusmao, reported to the international press in November that 33 pregnant East Timorese women returned to East Timor and claimed that they had been abducted and forced to serve as sex slaves for the TNI in West Timor, Indonesia. Rape is a punishable offense, as specified by Indonesian law. Few cases of rape have been prosecuted in the courts, although there was one indictment and numerous charges during the year (see Section 1.c.). The NGO FOKUPERS offers some assistance to women who have been victims of violence.

Customary practices in East Timor discriminate against women. For example, in some regions or villages where traditional practices hold sway, women may not inherit or own property. More importantly women's groups are concerned that the CNRT is encouraging women to resolve rape and domestic violence cases through traditional rules, which usually provide only for compensation to be paid to the victim. UNTAET regulations implement the U.N. Convention on the Elimination of All Forms of Discrimination Against Women; however, discrimination complaints were not a priority during the year, and no cases are known to have been reported.

There were no reports of gender-based employment discrimination during the year. Women usually deferred to men when job opportunities arose at the village levels.

East Timor Women against Violence (ETWAVE) is an East Timorese human rights NGO that advocates on behalf of women. FOKUPERS, a women's organization, has set up a women's and children's shelter for victims of domestic violence and incest.

Children.—Primary education is compulsory and free; however, while the majority of children returned to school during the year after having fled their villages during the 1999 violence, a shortage of schools and educational materials still remained at year's end. The government is rebuilding and replacing the educational infrastructure destroyed by the Indonesian military and proIndonesia militias in September 1999. The government heavily relies on international aid in its efforts to rebuild educational infrastructure. The government has coordinated widespread inoculation programs and provided free medical care in many areas of the territory.

People with Disabilities.—There are no reports of discrimination against disabled persons in employment, in education, or in the provision of other government services. However, UNTAET has not enacted legislation or otherwise mandated a provision of accessibility to buildings for the disabled.

Religious Minorities.—There were isolated instances of communal and sectarian violence during the year, although such incidents also have strong political and cultural undertones. Local, presumably Roman Catholic, residents attacked Protestant churches in East Timor, which had been associated closely with the pro-Indonesia cause, and Roman Catholics often accused Protestant clergymen of being linked to

pro-Indonesia East Timorese militias. In June villagers burned three Protestant churches in Aileu district after a dispute between Catholic and Protestant youths.

East Timor's small Muslim community consists of ethnic Timorese and ethnic Malay migrants from Indonesia. Ethnic East Timorese Muslims generally are wellintegrated into society, but ethnic Malay East Timorese Muslims are not integrated very well and experienced some societal harassment during the year. In the early months of the year, a group of approximately 250 ethnic Malay Muslims residing at the mosque compound in Dili were harassed by local youth gangs who were throwing stones at the mosque and surrounding structures. Such harassment appeared to have abated during the latter part of the year; however, on December 31, local gangs attacked the main mosque in Dili, injuring three persons. The mosque members' resistance to the gang's demand for a car reportedly precipitated the violence.

There were no arrests in cases related to attacks on churches or mosques, largely because of insufficient resources (see Sections 1.c., 1.e., and 2.c.).

National/Racial/Ethnic Minorities.—Ethnic Chinese businessmen have been subjected to extortion and harassment, sometimes from elements reportedly associated with the CNRT which accused the ethnic Chinese businessmen (who make up less than 1 percent of the population) of, among other things, financially backing rival groups. Local gangs have harassed Muslims who are ethnic Malays. In addition there have been tensions between the Makasai-speaking group of East Timorese origin located in the eastern part of the island and Tetum-speaking and other ethnic groups around Dili.

The CNRT has proclaimed Portuguese the official language of East Timor, although only a small minority of the population speaks it. The majority of non-Portuguese speakers, especially members of the younger generation educated under the Indonesian system, complain that non-Portuguese speakers are discriminated against when political and civil service positions are filled.

Section 6. Worker Rights

a. The Right of Association.—UNTAET generally applies Indonesian labor statutes, with some modifications to suit local conditions. Indonesian law permits private sector workers to form worker organizations without prior authorization, and unions may draft their own constitution and rules and elect their representatives. No labor unions had been organized in East Timor by year's end. Workers in East Timor generally have little experience negotiating contracts, promoting worker rights, or engaging in collective bargaining and negotiations. As a result, dissatisfied workers or disappointed job applicants frequently resorted to strikes, demonstrations, and sometimes destruction of property. Disputes usually centered on demands for higher salaries or severance pay for jobs in which short-term contracts had expired. Without organized labor unions, many of these disputes were resolved through the arbitration of local NGO's or UNTAET.

b. The Right to Organize and Bargain Collectively.—It is estimated that roughly two-thirds to three-quarters of East Timor's work force is in engaged in subsistence agriculture, and thus is not employed for pay. While collective bargaining is permitted, attempts to organize workers only were beginning by year's end.

c. Prohibition of Forced or Compulsory Labor.—Indonesian law still in effect in East Timor prohibits forced labor. However, during the year, local leaders informally required a number of returnees accused of involvement in the post-consultation destruction of September 1999 to engage in compulsory labor as a means of punishing them for their alleged offenses (see Section 1.c.). Examples of such compulsory labor included repairing damaged structures and participating in clean-up operations. UNTAET tolerated this practice.

Forced or bonded labor by children is not known to occur (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Indonesian law prohibits children under the age of 15 from working more than 4 hours per day. UNTAET has not addressed this issue and numerous children in East Timor, especially in rural areas, work in the agricultural sector. Forced or bonded child labor is not known to occur.

e. Acceptable Conditions of Work.—There is no minimum wage. Indonesian laws still in effect provide for minimum standards of worker health and safety, days off, and other standard benefits. There are no restrictions on the rights of workers to file complaints and seek redress.

f. Trafficking in Persons.—Applicable Indonesian law prohibits the trafficking in women and children, whether for the purposes of prostitution or for forced labor; however, trafficking of women and children from Indonesia to East Timor is a problem.

There were numerous international media reports that in 1999 over 40 East Timorese children were flown from refugee camps in West Timor, Indonesia, for the domestic sex trade.

FIJI

Until May 19, the country was governed by a democratically elected Government; however, on that date, following a protest march against Indo-Fijian Prime Minister Mahendra Chaudhry's Government, armed indigenous Fijian supremacists led by George Speight, with the support of a number of rebel soldiers and hundreds of civilians, seized Parliament and took Chaudhry hostage along with several Members of Parliament. On May 29, President Ratu Mara was ousted in a nonviolent coup led by the military forces. Military commander Frank Bainimarama appointed himself Head of State, attempted to abrogate the Constitution, declared martial law, and began to rule by decree. After the May 19 takeover of Parliament, violent incidents occurred in many parts of the country. Roads were barricaded, public and private property was seized by rebel sympathizers, troops on Vanua Levu mutinied, Indo-Fijian settlements were terrorized by Ethnic Fijians, and IndoFijian businesses were looted and burned. In July a military-backed civilian interim administration was installed after lengthy negotiations between the military regime and the rebels, and a meeting of the ethnic Fijian Great Council of Chiefs. In late July, the militarybacked civilian interim administration arrested the rebel leadership, charged the leaders with treason, and began to assert control over the country. A Constitutional Review Commission (CRC) was endorsed by the Great Council of Chiefs in September and was asked to draft a new constitution. However, the CRC suspended its work in December following a High Court ruling that the CRC had no legal standing. In November the High Court ruled that the 1997 Constitution remained in force. The interim administration appealed this decision and requested a stay of the High Court's ruling. The Court of Appeal denied the request. The full Court of Appeal is scheduled to hear the appeal in February 2001.

The 1997 Constitution was designed to promote greater political stability. Ethnicity remains a dominant factor in Fijian life and affects the country's politics, economy, and society. The population is a multiracial, multicultural mix, with indigenous Fijians comprising 51 percent, Indo-Fijians (descendents of immigrants from the Indian subcontinent) approximately 42 percent, and Asians, Caucasians, and other Pacific Islanders making up the rest of the population of more than 775,000 persons. The ethnic division is illustrated by the contrast between the private and public sectors; IndoFijian families largely control most private businesses, while indigenous Fijians largely head the government ministries and the military forces. Prior to the May takeover of Parliament, the judiciary was independent; however, with the purported abrogation of the Constitution and other events, including the abolition of the Supreme Court, the status of the judiciary is uncertain.

Until the military coup in late May, the Fiji Military Forces (FMF), a small professional force, came under the authority of the Ministry for Home Affairs, as did the police. The Fiji Intelligence Service was dissolved by the Cabinet in 1999, but its functions were absorbed by the Police Special Branch and by a new analytical unit that was established in the Ministry of Home Affairs. Police and military forces committed human rights abuses.

Sugar and tourism are the mainstays of the economy, accounting for more than half of foreign exchange earnings. Investment is depressed due to continuing concerns over the resolution of land lease issues and political upheaval. Economic growth of approximately 7 percent was achieved in 1999 due to record numbers of tourists and a large sugar crop following 2 years of droughts and floods. However, the economy has suffered significantly as a result of the political turmoil. Targeted sanctions were imposed on the country by a number of states, and the key garment, sugar, and tourism sectors were affected adversely. Tourism remained depressed at year's end. The gross domestic product (GDP) has declined by an estimated 10 percent since 1999. Skilled workers and professionals have departed the country in large numbers. Health and education services in particular were affected.

The Government's human rights record deteriorated during the year and is generally poor. With the ouster of a democratically elected Government, the purported abrogation of the Constitution in May, and the installation of a military-backed civilian interim administration in July, citizens lost the right peacefully to change their government. The Constitution contains provisions that reduce previous factors that abridged the right of citizens to change their government. However, it also maintained a partially ethnically based electoral system. A major human rights

problem remains ethnically based discrimination. A number of government policies, including hiring practices, education policies, and land tenure preferences continue to provide protection for indigenous Fijian interests. Other human rights problems include several political and extrajudicial killings; occasional police and military abuse of detainees and suspects; informal and formal constraints on the freedom of speech and the press and selfcensorship; restrictions on freedom of assembly and movement; violence and discrimination against women; instances of abuse of children; racial discrimination and violence; reports of forced labor; and trafficking in persons.

Ethnically motivated societal violence led to abuses, including looting and destruction of property.

Rebel forces committed abuses, including killings and beatings.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—At least 16 persons died as a result of political turmoil arising from the takeover of Parliament on May 19 and culminating in the mutiny in Queen Elizabeth barracks on November 2 (see Section 1.c., 3, and 5). Throughout this period, a number of rebel supporters reportedly were beaten in detention, and five rebel soldiers implicated in the November 2 mutiny were beaten to death (see Section 1.c.). Two of the five rebels were not directly involved in the attack on the barracks, but were arrested elsewhere and subsequently killed. By year's end, no disciplinary action had been taken against the soldiers involved in these incidents.

In July in Naboro prison, security officers killed one prisoner in quelling a violent uprising (see Section 1.c.).

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

c. Torture and other Cruel, Inhuman, or Degrading.—Treatment or Punishment

Police and military personnel sometimes abuse detainees and suspects; the authorities have punished some of the offending officers, but these punishments have not deterred all police abuses. There were a number of reports that military and police authorities used excessive force when apprehending and interrogating suspects, and there continued to be incidents of abuse of persons after they were released on bail. The Police Department's Internal Affairs Unit is required to investigate complaints of police brutality. The law permits corporal punishment as a penalty for criminal acts but this provision seldom is invoked by the courts.

On July 26, the military-backed civilian interim administration arrested the rebel leadership, including George Speight, and charged them with treason (see Section 1.d.). Two to three dozen rebels reportedly were injured while resisting arrest by the military forces; one reportedly was shot and injured. In early September, Varinava Tiko, a cousin of George Speight and the rebel who led the takeover of Korovou town, was admitted to a hospital after being interrogated by the military forces. He reportedly suffered a broken jaw and broken ribs. In August the Chief Magistrate stated publicly that he was concerned that military and prison officials abused rebel leader George Speight and his supporters following their arrests in July. At their first court appearance, a number of rebels bore visible signs of beatings.

Concerns were raised regarding the police investigation of the takeover of Parliament in May. The Police Commissioner was placed on leave and subjected to a closed disciplinary hearing before the Chief Justice regarding alleged negligence and other misdeeds with respect to the May 19 rebel takeover of Parliament. He was reinstated after the review found that a number of accusations were unsubstantiated. A number of nongovernmental organizations (NGO's) continued to express concerns about the Commissioner's alleged behavior during the takeover of Parliament and subsequent events as well as the manner in which he was "cleared" of any wrongdoing by the Chief Justice.

In early July, Speight supporters burned and looted shops in Levuka. Also in July, the 50 Indo-Fijian families in a settlement at Tailevu reportedly were robbed and beaten by ethnic Fijians. Livestock, vehicles, and household items were stolen (see Section 5).

On November 2, members of the Special Forces First Meridian Squadron (also known as the Counter Revolutionary Warfare Unit) mutinied at the Queen Elizabeth barracks in Suva. Approximately 50 soldiers reportedly participated in the mutiny, and at least 8 soldiers were killed, 5 of them due to beatings in custody. Two of the rebel soldiers killed or wounded were not at the barracks when the mutiny occurred. By year's end, no disciplinary action had been taken against the soldiers involved in the beating deaths of the mutineers. By year's end, over 30 rebel First Meridian Squadron members were detained. International observers have not been

granted access to the detained rebel soldiers, and family members have been granted only restricted access to them, after an initial period of being denied access (see Section 1.d.).

Soon after the November mutiny, a relative of former Prime Minister Sitiveni Rabuka was forcibly taken from his car and beaten by soldiers. The victim was a member of the Fiji Military Forces and was suspected of having been part of the mutiny.

On December 15, while free on bail, one of the rebels involved in the May takeover of Parliament was beaten severely and threatened with death by several soldiers. He suffered a broken arm and three broken ribs as a result of the attack. The military forces admitted to having detained the rebel briefly for spreading false rumors that had the potential to destabilize the country. By year's end, no disciplinary action had been taken against the soldiers involved in the incident.

Former Prime Minister Chaudhry stated that he and his son were assaulted while being held hostage in Parliament by George Speight and his supporters. Chaudhry also stated that his life was threatened while he was held hostage.

After the May 19 takeover of Parliament and subsequent military takeover, unrest developed in many parts of the country (see Sections 1.a., 3, and 5). Much of the violence was directed at Indo-Fijian settlements; many such settlements, especially in rural areas, were terrorized (see Section 5). Some Indo-Fijian residents in the Muaniveni area reported that they went to the nearest police station to report the attacks, only to find that some of the police officers assisted the attackers. Indo-Fijian businesses also were looted and burned by mobs made up mainly of ethnic Fijians. On June 16, the home of the Permanent Secretary for Fijian Affairs was subjected to an attempted firebombing by unknown persons; the Permanent Secretary is the brother of Commander Frank Bainimarama. On July 11, supporters of George Speight seized the police station in Labasa on Vanua Levu; five police officers reportedly were beaten. The same day, the airport in Lomaloma in the Lau islands was occupied by supporters of George Speight. Following the July 26 arrest of George Speight, two foreign pilots were held hostage briefly when their airplane was seized at the Savusavu airport on Vanua Levu. In June and July, several resorts were taken over and some foreign tourists were held hostage. On July 11, 45 resort guests were released; they had been held at the Turtle Bay resort after it was taken over by persons claiming indigenous rights to the land.

There were reports of arbitrary arrests of persons by civil and military authorities, followed by beatings and release in remote places.

Prison conditions do not meet minimum international standards, and conditions are extremely harsh, particularly at Suva and Naboro prisons. Food and sanitation in prisons are limited. The Government established a separate detention center on Nukulau island outside of Suva to hold George Speight and a number of his supporters, all of whom were charged with treason.

A number of prison disturbances (some politically motivated) and escapes occurred during the year. In one incident in July at Naboro prison, 20 prison officials were held hostage by inmates. The Prison Department's Special Response Unit, reportedly with the aid of military forces, quelled the uprising, but 1 prisoner was killed by security officers, 15 were injured, and 9 prisoners escaped (see Section 1.a.). Many of the injured prisoners were hospitalized with serious wounds; some officers also were injured in the incident. Concerns exist that rules requiring the use of "appropriate force" to subdue prisoners were ignored.

The Government permits visits to prisons, other than restricted Nukulau Island, by church groups, family members, and the Fiji Red Cross; however, the military-backed civilian interim administration has been less willing to allow the Fiji Red Cross access to prisoners since the November 2 mutiny (see Sections 1.a.). The International Committee of the Red Cross (ICRC), which established a permanent office in the country during the year, has been denied access to prisoners.

d. Arbitrary Arrest, Detention, or Exile.—The Law of Arrest and Detention provides that a person may be arrested only if police believe that a criminal law has been broken or is about to be broken; however, there were instances of arbitrary arrest and detention. Arrested persons must be brought before a court without "undue delay." This requirement normally is taken to mean within 24 hours, with 48 hours as the exception (such as when an arrest is made during a weekend). Under the Emergency Powers Decree presently in force, the police and military forces may detain individuals for up to 7 days before charges are brought. Rules governing detention are designed to ensure that suspects are questioned fairly. Detainees have the right to a judicial review of the grounds of their arrest; in urgent cases, detainees may apply to a judge at any time, whether he is sitting or not. Incommunicado and arbitrary detention, both illegal, occasionally occur.

There were reports of arbitrary arrests and beatings during the year (see Section 1.d.). The military forces periodically "release," then immediately rearrest, persons in order to remain in nominal compliance with the Emergency Powers Decree.

On July 26, the military-backed civilian interim administration arrested the rebel leadership, including George Speight, and charged them with treason. Hundreds of rebel supporters were arrested, charged with various offenses, but released. Treason charges also were dropped against four persons associated with the May 19 takeover of Parliament (see Section 1.e.). Several persons who reportedly were involved, including a number of chiefs, were not charged. Nine persons who were charged with treason remain under detention on Nukulau Island.

The head of the Fiji Trade Union Congress, Diwan Shankar, was detained briefly by soldiers in June while traveling in the western part of the country (see Section 6.a.). He was not charged with any crime.

In July hundreds of IndoFijians temporarily were held hostage by ethnic Fijians on Vanua Levu (see Section 5).

In September the National Fire Authority Administrator was detained briefly but not charged by the military forces after holding a union meeting.

Family members and international NGO's questioned the lengthy detainment without charge of persons allegedly involved in the November 2 mutiny. More than 30 soldiers of the First Meridian Squadron remained in detention while their investigations continued at year's end. Access to these detainees by the ICRC is prohibited (see Section 1.c.). Family access is severely restricted, and the detainees have been moved repeatedly for security reasons.

Exile is not practiced.

e. Denial of Fair Public Trial.—The 1997 Constitution provided for an independent judiciary, and prior to the takeover of Parliament in May, the judiciary was independent; however, with the putative abrogation of the Constitution and subsequent events, including the abolition of the Supreme Court, the status of the judiciary is uncertain. The Supreme Court was abolished by decree. The independence of the High Court, in particular that of the Chief Justice, was questioned following the participation of the Chief Justice in the drafting of a number of the decrees issued by the militarybacked civilian interim administration. One of the decrees extended the time in office of the Chief Justice. The Chief Justice also was criticized for his role in "interfering" in a case brought by the deposed Chaudhry Government in Lautoka and for deciding to exclude the public and media from hearings regarding the conduct of the Police Commissioner. In October the Lautoka court rebuked the Chief Justice for attempting to move a case in which he was one of the accused to Suva and for attempting to select a judge to hear the case. A number of judges resigned. Fiji's Law Society met on several occasions and issued a number of critical statements regarding the status of the judiciary.

The judicial structure is patterned on the British system. The principal courts are the magistrate courts, the High Court, the Court of Appeal, and the Supreme Court. However, in late May the Supreme Court was abolished by decree; the Court of Appeal, the High Court, and the magistrate courts continued to function.

There are no special courts; military courts try members of the armed forces. Magistrate courts continue to try the large majority of cases. In addition to its jurisdiction in serious civil and criminal cases, the High Court is granted special interest jurisdiction on behalf of the public and is empowered to review alleged violations of individual rights in addition to its jurisdiction in serious civil and criminal cases.

Defendants have the right to a public trial and to counsel. Trials in the High Court provide for the presence of assessors (citizens randomly selected to represent the community); cases in magistrate court do not. In litigation involving lesser complaints, a public legal advisor assists indigent persons in domestic or family law cases. The right of appeal exists but continues to be hampered by delays in the appeals process. Bail is granted freely, and most defendants do not experience pretrial detention. There is no provision for bail for the charge of treason.

The Muanikau Accord between the rebels and the military regime, which led to the release of the hostages taken at Parliament in May, included an immunity decree for the rebels covering unspecified "political crimes" (see Section 3). However, on July 26, the military-backed civilian interim administration arrested the rebel leadership, including George Speight, and charged them with treason. In early October, the High Court ruled that the immunity decree did not apply to one rebel leader, who is accused of shooting two police officers and a foreign journalist. It is unclear whether other rebel leaders likewise may be found not to be immune from prosecution. In October the military-backed civilian interim administration stated its intention to prosecute those involved in the May 19 takeover of Parliament. However, treason charges against eight soldiers involved in the takeover of Parliament were dropped on October 11. A number of the soldiers released after treason charges

were dropped on October 11 were involved in the November 2 mutiny. Five rebels were beaten to death following the mutiny (see Sections 1.a. and 1.c.). Four others, including the former chief of the Fiji Intelligence Service, had their treason charges dismissed and were released in December. The soldiers who were not released reportedly are to be tried under military law.

The law sometimes treats women differently from men. In some instances, there is a presumption of reduced competence and thus reduced responsibility for women. For example, only women can be charged with infanticide (if a man kills an infant the act is treated as murder, a more serious charge). A female defendant in an infanticide case is presumed to have diminished mental capacity, and sentences are reduced or suspended accordingly.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—In general the Government respects the privacy of the home; however, the Home Affairs Ministry has powers, within specific operational guidelines, to search persons and property, access private financial records, and monitor mail and telephones when a warrant is issued by the National Security Council. The military forces and police have similar capabilities. The Home Affairs Ministry conducts surveillance of persons whom it believes represent a security threat.

A military curfew initially imposed countrywide in May ended in the capital in December. An all-day curfew was imposed briefly in Suva after the mutiny by rebel soldiers on November 2; it ended on November 4. Military checkpoints continue to be manned countrywide and impromptu checkpoints occasionally are erected. All curfews had been lifted by year's end, and special passes for travel after curfew are no longer required (see Section 2.d.).

Section 2. Respect for Civil Liberties, Including

a. Freedom of Speech and Press.—Freedom of speech generally is respected; however, there were both informal and formal governmental constraints on freedom of speech and press. The Chaudhry Government was criticized for attempts to regulate the independent media, and there were credible reports of attempts by individual members of the Chaudhry Government and the military-backed interim civilian administration to pressure editors or otherwise interfere with the press. The former editor of the Fiji Times was denied a renewal of his work permit in April by the Chaudhry Government. One foreign television crew was prevented from transmiting a news story following the May 19 takeover of Parliament because of allegations that it altered certain photos. After the assumption of power by the military-backed civilian interim administration in July, a number of steps were taken to limit citizens' ability to speak publicly or privately about issues such as human rights and democracy; meetings and protests concerning such topics were canceled and otherwise limited by the authorities (see Section 2.b.).

Political figures and private citizens can and do speak out against the Government. However, the Public Order Act and other laws prohibit actions that are likely to incite racial antagonism.

Legislation pertaining to the press is contained in the Newspaper Registration Act and the Press Correction Act. Under the Newspaper Registration Act, all newspapers must be registered with the Government before they can publish. The Press Correction Act gives the Minister of Information sole discretionary power to order a newspaper to publish a "correcting statement" if, in the Minister's view, a false or distorted article is published; however, this provision has never been used. Should the newspaper refuse to publish the Minister's correction, it may be sued in court and, if found guilty, fined approximately $500 (FJ$1,000). Individuals may be fined $150 (FJ$300) and imprisoned for 6 months or both. The acts allow the Government to arrest anyone who publishes "malicious" material. This includes anything the Government considers false news that could create or foster public alarm or result in "detriment to the public."

The media operate without prior censorship but with considerable self-censorship. Government ownership of shares in the Fiji Post newspaper and its links to the Fiji Sun newspaper through Fijian Holdings, an investment company on whose board a number of ministers have served, call into question the complete independence of the press. Newspapers occasionally print editorials critical of the Government and occasionally conduct investigative reporting. They widely report statements about the political situation by opposition figures and foreign governments. In addition the letters-to-the-editor columns of the two daily newspapers frequently carry political statements from a wide cross section of society, including members of the deposed precoup government. These letters are highly critical of the Government, its programs, and the Constitution. Criticism, albeit muted, of the once-sacrosanct tradi-

tional chiefly system is appearing more frequently. However, the Government still views negative comments about individual chiefs with disfavor.

An active local organization, the Fiji Islands Media Association, is an affiliate of the Pacific Islands News Association (PINA). These associations provide training opportunities for journalists and have established a code of ethics for the media. The Fiji News Council strives to promote high journalistic standards, safeguard media independence, and resolve complaints from the public.

In 1999 the Chaudhry Government bought one of the country's two daily newspapers, the Fiji Post, and announced that all government advertising and official statements would be published only in the Fiji Post. The Fiji Islands Media Association noted its concern about these developments and their effect on media freedom. However, the military-backed interim civilian administration has placed ads in all three daily newspapers.

The country's television news production is owned and operated by Fiji One, the only national non-cable television station. A trust operating on behalf of the provincial governments owns 51 percent of Fiji One; the other 49 percent is owned by private individuals and interests. The Chaudhry Government commenced legal proceedings against Fiji One in an attempt to cancel its exclusive license. The company reached an out-of-court agreement with the Chaudhry Government agreeing to the early termination of its exclusive license. The television station was attacked in May by coup supporters following a broadcast that was perceived to be critical of George Speight. The lives of a number of reporters were threatened, and the station stopped broadcasting for a number of days as a result of extensive damage to its equipment. On October 20, several soldiers detained the executive director, the news director, and a journalist of the public radio station at the offices of the Fiji Broadcasting Corporation in Suva. Earlier in the month, the radio station had reported on tensions within the military forces, and the arresting soldiers reportedly asked the journalists for the names of their sources within the military forces. The authorities have accused the radio station of trying to destabilize the military-backed civilian interim administration. On October 21, the Fiji Sun reported that the Minister of Information sent a letter to Fiji Television asking that former Prime Minister Chaudhry not be interviewed on the "Close Up" program.

Both the Chaudhry government and the military-backed civilian interim administration were forbidden to comment on politically sensitive issues such as the Constitution, land issues, and relations between communities, citing the need to respect the sovereignty of the State and noninterference in internal matters.

Academic freedom generally is respected; however, government work permit stipulations and University of the South Pacific (USP) contract regulations effectively deter university employees from participating in domestic politics. The USP media center web site was temporarily closed in August by the university chancellor following the posting of an editorial considered too "political" by the head of the media center. Student groups organize freely.

b. Freedom of Peaceful Assembly and Association.—The 1997 Constitution provided for the right to assemble for political purposes, subject to restrictions in the interest of public order; however, both the Chaudhry Government and the military-backed civilian interim administration restricted this right in practice. Permits for public gatherings had to be obtained from the district officer, and the Chaudhry Government did not always grant permits for large outdoor political meetings or demonstrations, particularly if the police advised of difficulties with the anticipated crowd size or their ability to assure public safety. Nevertheless, until May the Chaudhry Government routinely issued permits for rallies organized by political parties, religious groups, and groups opposed to government policies. Authorities allowed two protest marches against the elected Government to proceed, one in April and one in May, despite concerns about security. The April protest march, however, was one of the largest antigovernment protests in the country's history, with 2,000 marchers and up to 8,000 participants. On May 4, Home Affairs Minister Joji Uluinakauvadra announced that no further permits would be issued to groups protesting against the Government. According to press reports, the police and other authorities were ordered not to allow any such protests.

The military-backed civilian interim administration also banned all requests for political rallies or marches, and a number of marches and other protests that called for the restoration of the 1997 Constitution and the reinstatement of the elected government were not allowed by the military forces or the interim administration, including a "peace march" organized by the son of one of the hostages that was to be held on June 12.

An Emergency Powers Decree and a series of other decrees provide sweeping powers to the military and police forces to prevent all types of meetings and gatherings. For example, the militarybacked civilian interim administration announced on Sep-

tember 13 that all meetings, public or private, would require a special permit. Agendas of proposed meetings reportedly were required to be submitted to the military forces for review before the permits were to be issued, and no permits for events deemed political would be issued. However, meetings for some indigenous political parties were allowed.

The military and police forces prevented a protest march in July that was scheduled to take place between Lautoka and Suva. The head of the Fiji Trade Union Congress (FTUC) was detained briefly in July by the military forces while on union business in Lautoka (see Section 6.a.). He was released without being charged (see Section 1.d.). The executive meeting of the Fiji Public Service Association in August was disrupted by the military forces. In September the National Fire Authority Administrator was held briefly but not charged by the military forces after holding a union meeting. A private meeting of Indo-Fijian leaders in midSeptember was delayed due to a demand by the police and the military forces that they be allowed to attend. A youth rally for democracy scheduled to be held at Suva's Civic Center in mid-September did not take place after the military authorities informed organizers that they could not hold the meeting as Commander Bainimarama was "out of the capital." A meeting organized by Fiji's Women's Rights Groups in December was canceled only hours before it was scheduled to have been held and after initial approval had been granted.

The 1997 Constitution provides for freedom of association, and the Government generally respected this provision in practice. Opposition parties operate largely without government interference. Political organizations operate and issue public statements. However, the deposed prime minister was accused of treason by political leaders associated with the militarybacked civilian interim administration for his activities to try to restore constitutional democracy.

c. Freedom of Religion.—The 1997 Constitution provides for religious freedom, and this provision was respected in practice by both the Chaudhry Government and the military-backed civilian interim administration. The Government does not restrict foreign clergy and missionary activity or other typical activities of religious organizations.

However, the role of religion in the State continued to be a political issue. In the past, former Prime Minister Sitiveni Rabuka publicly indicated his willingness to consider making the country "a Christian state;" however, he helped to create the Constitution's compromise language. From September until its demise, a number of submissions were made to the Constitutional Review Commission calling for the country to be considered a Christian state. Several predominantly ethnic Fijian political parties that participated in the 1999 general elections called for a Christian state and the reintroduction of measures to mandate respect for Christian values, such as a ban for all but essential services on Sunday (such a ban was introduced following the two 1987 coups, but it was lifted in 1995). Other parties, which are dominated by Indo-Fijians, do not support such actions and insist that church and State should remain separate. The president of the Methodist Church, the dominant religion particularly among ethnic Fijians, has stated that the church has no official role in politics. However, senior Methodist leaders, including a past church president, were candidates for office in the 1999 general elections. The Christian Democratic Party used the Methodist Church headquarters to hold the swearing-in ceremony for its candidates.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government generally does not restrict freedom of movement within the country or abroad; however, a military curfew was imposed countrywide from 10 p.m. to 5 a.m. daily; it was removed in December in the capital area. An allday curfew was briefly imposed in Suva after the mutiny by rebel soldiers on November 2; it was lifted on November 4. During periods when curfews were in effect, military checkpoints were located across the country, and special passes were required for travel after curfew. Access to Nukulau Island, located near Suva, was curtailed, since it is being used to detain individuals charged with treason.

Citizens are free to emigrate. More than 50,000 have done so since the 1987 coups. There was a significant increase in the number of citizens who took steps to leave the country during the year. The Government does not restrict the return of citizens if they choose to do so and has encouraged those who left after the 1987 coups to return. Occasional detentions at the airport occur, but the courts have ordered redress where warranted.

An internally displaced persons (IDP) camp was established in Lautoka, which houses over 300 Indo-Fijians from the Nausori area. As of December, over 400 displaced Indo-Fijians were housed in camps set up in Labasa and Western Viti Levu. The ICRC and the Fiji Red Cross visited the camps and provided assistance.

The law includes provisions for providing refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. In the past, the Government has been reluctant to grant first asylum without assurances that the asylum seeker would be moved to a third country. There were no reports of the forced return of persons to a country where they feared persecution.

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

Until May 19, the country was governed by a democratically elected Government; however, citizens subsequently lost the right to change their government peacefully as a result of a military takeover, which followed the seizure of Parliament by indigenous Fijian supremacists.

On May 19, following a protest march against Prime Minister Chaudhry's Government, armed indigenous Fijian supremacists led by George Speight, with the support of over 50 rebel soldiers and hundreds of civilians, seized Parliament and took Prime Minister Mahendra Chaudhry and members of parliament hostage. On May 29, President Ratu Mara was ousted in a nonviolent coup led by the military forces. On the same day, military commander Frank Bainimarama seized executive power and issued a number of decrees, including the purported abrogation of the 1997 Constitution and the implementation of emergency powers imposing martial law. Bainimarama then began to rule by decree. In July a military-backed civilian interim administration was installed after lengthy negotiations between the new military regime and the rebels, and a meeting of the ethnic Fijian Great Council of Chiefs. With these events, citizens lost the right to change their government peacefully. The last of the hostages held in Parliament were released on July 13. In late July, the militarybacked civilian interim administration arrested the rebel leadership, including George Speight, despite an immunity decree and began to assert effective control over the country (see Section 1.e.).

In October the military-backed civilian interim administration stated its intention to prosecute those involved in the takeover of Parliament on May 19. A number of persons have been charged with treason and other crimes. However, treason charges against eight soldiers involved in the takeover of Parliament were dropped on October 11 (see Section 1.e.). A number of the soldiers released later were involved in the November 2 mutiny. Treason charges also were dropped in December against four others, including the former head of the Fiji Intelligence Service. The soldiers reportedly are to be tried under military law. The police force and the acting Police Commissioner were criticized for not charging high profile senior figures, particularly ethnic Fijian chiefs, who allegedly were involved in criminal acts. Media and public criticism has focused on what has been called "two sets of laws," one for the elite Fijian community and another for other persons.

From September until its demise later in the year, a Constitutional Review Commission endorsed by the militarybacked civilian interim administration was charged with drafting a new constitution. Its terms of reference, approved by the Great Council of Chiefs for the commission, would ensure ethnic Fijian political supremacy. A number of concerns were raised regarding the legitimacy, membership, and terms of reference of the Commission. There were no Indo-Fijian representatives on the Commission and its membership included a number of individuals closely associated with the ouster of the elected Government.

The deposed "People's Coalition" government of former Prime Minister Chaudhry initiated a legal challenge to the putative abrogation of the Constitution and the removal of the elected Government. In November the High Court ruled that the 1997 Constitution remained in force and that the military-backed civilian interim administration had no legal basis. The decision was appealed by the interim administration, which asked for a stay of the High Court ruling. The Court of Appeal denied the request for a stay. The full Court of Appeal is scheduled to hear the appeal in February 2001. Former Prime Minister Chaudhry, the country's first Indo-Fijian Prime Minister, also began an international campaign to restore constitutional democracy.

The Constitution, as amended in 1997, reduced the ethnically based factors that previously abridged the right of citizens to change their government. Under its provisions, the Prime Minister and the President can be of any race. It established a 71-member lower house with 25 open seats and 46 seats allocated to different ethnic communities. The open seats, which were unprecedented, were established by an electoral commission and apportioned into districts of approximately equal population. Of the 46 communal seats, 23 were allotted to indigenous Fijians, 19 to Indo-Fijians, 3 to "general voters" (for the most part Caucasians and East Asians), and

1 was alloted to the Rotumans (an ethnically distinct Polynesian group), roughly proportional to the different communities' representation in the population. The amended Constitution also contained an alternate vote system for elections to the lower house to replace the winner takes all system of the previous constitution. The Senate remained an appointed body—the President appoints 32 members, of which the Great Council of Chiefs nominates 14 members, the Prime Minister nominates 9, the opposition leader nominates 8, and the Council of Rotuma nominates 1 member.

Included in the 1997 Constitution was a strengthened bill of rights and a compact among the country's citizens to protect their respective rights and interests; however, the Constitution acknowledged that the paramountcy of indigenous Fijian interests could not be subordinated to the interests of other communities. In July 1998, Parliament passed a new Emergency Powers Act that could be invoked if Parliament determined that there was a threat to the life of the nation. International media organizations criticized the law due to concerns that the Government could close or censor publications during times of crisis. The Emergency Powers Act was amended by decree by the military-backed civilian interim administration, which also invoked the amended act. The amended Emergency Powers Decree has been in force since May 29.

The military-backed civilian interim administration, which had no cabinet representatives from the Indo-Fijian minority (44 percent of the population), stated that it intended to promulgate a new constitution that would protect the rights of ethnic Fijians, institute affirmative action for ethnic Fijians, and safeguard the property rights of ethnic Fijians. The interim administration also stated that it intended to hold elections by March 2002.

Women in both the Fijian and Indian communities have functioned primarily in traditional roles, and are underrepresented in government and politics. However, until the takeover of Parliament in May, an increasing number of women were rising to prominent positions in politics and public service. The May 1999 elections resulted in an increased number of women elected to Parliament. Five women were members of the 27-member Cabinet, with 1 selected as Deputy Prime Minister. There is one female cabinet member in the military-backed civilian interim administration—the Minister for Women's Affairs. Women also play important roles in the chiefly system and can be chiefs in their own right. The former President's wife is one of the three highest ranking chiefs.

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

Several new local nongovernmental organizations began campaigns that focus on human rights. These include the Citizens' Constitutional Forum and Fiji Blue. In addition women's rights' organizations, the labor movement, religious groups, and political parties have begun campaigns focused on human rights issues. The Fiji Red Cross was permitted access to the hostages held at Parliament and assisted communities throughout the country affected by the political turmoil. However, the military-backed civilian interim administration has been less willing to allow the Fiji Red Cross access to prisoners since the November 2 mutiny (see Sections 1.a. and 1.c.).

There are also several small, foreign-based organizations that concentrate on local human rights causes, including the Coalition for Democracy in Fiji (with offices in New Zealand and Australia) and two United Kingdom-based groups, the International Fiji Movement and the Movement for Democracy in Fiji. There is little interaction between the Government and these groups.

The ICRC established a permanent office in the country during the year.

The Fiji Human Rights Commission, which was established by the Chaudhry Government, while still in place, ceased to function in practice. One commissioner resigned. The chair of the commission was accused of conflict of interest because of his marriage to a minister in the military-backed civilian administration. The Commission staff reportedly was denied permission by its chairman to investigate human rights abuses in the Muaniveni area—the site of a number of abuses against the Indo-Fijian community. A number of reports were compiled by the Citizens' Constitutional Forum and the Fiji Human Rights Group documenting alleged human rights violations, mostly concerning crimes against rural Indo-Fijian settlements. These reports were submitted to the United Nations, the European Union, and the British Commonwealth.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The amended 1997 Constitution, prohibits discrimination on the basis of race, sex, place of origin, political opinion, color, religion, or creed, and contains specific affirmative action provisions for those disadvantaged as a result of such discrimination. In the compact included in the amended Constitution, there was a specific provision for affirmative action and "social justice" programs to secure effective equality of access to opportunities, amenities, and services for the Fijian and Rotuman people and for all disadvantaged citizens and groups.

Women.—Reliable estimates indicate that 10 percent of women have been abused in some way, and this abuse is a major focus of the women's movement. Women are addressing the problem of domestic violence actively. Police have adopted a "no drop" rule, according to which they prosecute cases of domestic violence even when the victim does not wish to press charges. The traditional practice of "reconciliation" between aggrieved parties is sometimes taken into account in mitigation of sentences.

There is a small but active women's rights movement that has pressed for serious punishment for rape. Courts have imposed sentences that vary widely but generally are lenient. Women have sought to have all rape cases heard in the High Court where sentencing limits are higher.

Suva, the capital, and Ba, Labasa, and Lautoka have established privately funded women's crisis centers; the centers offer counseling and assistance to women in cases of rape, domestic violence, and other problems, such as child support.

Constitutional changes that came into effect in the 1997 Constitution were designed to redress the imbalance in spousal and offspring rights between male and female citizens. Under the amended Constitution, male and female citizens enjoy equal rights in regard to the granting of residence for spouses, and registering and racially designating children in regard to electoral rolls and ethnic communal property.

In general women in the ethnic Fijian community are more likely to rise to prominence in their own right than are women in the IndoFijian community. Women have full rights of property ownership and inheritance, and a number are successful entrepreneurs. Women generally are paid less than men, a discrepancy that is especially notable in the garment industry. Garment workers, most of whom are female and many of whom are Chinese laborers, are subject to wages that are considerably lower than in other sectors. A significant number of garment workers reside at their places of work. According to press reports, some garment workers supplement their low income through prostitution.

Trafficking in persons, particularly women, is a problem (see Section 6.f.).

Children.—The Government is committed to children's rights and welfare but has limited financial resources to carry out the commitment. In addition the legal system is at times unable to protect the rights of children, since children's testimony is inadmissible in court unless corroborated by an adult. Societal changes have undermined the traditional village and extended family-based structures; outgrowths of this evolution include increased child abuse and a growing number of homeless youths in urban centers.

School is mandatory through the primary grades. NGO reports indicate that over 5,000 students dropped out of school following the political upheaval in the country beginning in May. Concerns over security and inability to pay school fees following loss of employment were cited as two reasons for the decrease in attendance.

Corporal punishment is administered in some schools. The Ministry of Education has guidelines for the administration of such punishment by principals and head teachers. A number of incidents were reported during the year of alleged beatings of children at school. There is credible information that not all abuses are reported or punished.

People with Disabilities.—Discrimination against the physically disabled in employment, education, and the provision of state services is illegal. However, there is no legislation or mandated provision for accessibility for the disabled. Several voluntary organizations promote greater attention to the needs of the disabled.

Religious Minorities.—Police no longer are investigating reports of damage to a small number of Hindu temples in 1997. Religious leaders in the minority Muslim population continued to request the establishment of separate Islamic courts for their community.

National/Racial/Ethnic Minorities.—The stated purpose of two military coups in 1987 was to ensure the political supremacy of indigenous Fijians and to protect their traditional way of life and communal control of land. To this end, the post-1987 coup government initiated a number of constitutional and other measures to ensure ethnic Fijian control of the executive and legislative branches. The Govern-

ment also successfully raised the proportion of ethnic Fijians and Rotumans in the public service to 50 percent or higher at all levels, but most significantly at the senior level: Indo-Fijians represent only approximately 10 percent of the highest levels of the civil service. The 1997 Constitution sought to redress this imbalance by specifically noting that "the composition of state services at all levels must be based on the principle of reflecting as closely as possible the ethnic composition of the population." George Speight, who led the May 19 takeover of Parliament, professed to be taking action on behalf of ethnic Fijians (see Section 3). The military-backed civilian interim administration continued to profess that it intends to ensure the political supremacy of indigenous Fijians and to protect their traditional way of life and communal control of land.

Control of the land remains a highly sensitive issue. Ethnic Fijians hold, communally, over 80 percent of land, the State holds another 8 percent, and the remaining land is freehold. The British colonial administration instituted the present land ownership arrangements to protect the interests of indigenous Fijians whose traditional beliefs, cultural values, and selfidentity are tied to the land. Most cash crop farmers are Indo-Fijians, who lease land from the ethnic Fijian landowners through the Native Land Trust Board. Many IndoFijians, particularly farmers, believe that the absence of secure land tenure discriminates against them. A number of Agricultural Landlord and Tenant Agreement (ALTA) leases have expired and a large number are scheduled to expire in coming years. The uncertainty over future land tenure arrangements is a significant cause of tension between the ethnic Fijian and IndoFijian communities. A parliamentary select committee was established following the election of the Chaudhry Government to review agricultural land tenure agreement issues, but Parliament has not met since May. According to press reports, the Chaudhry Government was considered by many ethnic Fijians to be working in favor of Indo-Fijians, because it tried to get leases renewed without much of an increase in rent. On July 11, 45 resort guests were released; they had been held at the Turtle Bay resort after it was taken over by persons claiming indigenous rights to the land.

Prior to the political upheaval that began in May, Indo-Fijians were subjected to occasional harassment based on race. There have been no credible allegations of government involvement in such incidents, which the police have investigated, sometimes resulting in arrests. Since the takeover of Parliament on May 19, violence against Indo-Fijians was perpetrated by ethnic Fijians. On May 19, over 160 stores were looted and 30 stores were burned in downtown Suva, most of them belonging to IndoFijians. Police arrested 275 persons for looting in connection with that day's events. In Suva on May 31, armed protesters supporting the rebels reportedly stoned cars, beat the motorists in them, and stole vehicles; the protesters appeared to target IndoFijians in the attacks. After the takeover of Parliament in May, Indo-Fijian settlements also were terrorized. IndoFijian businesses continued to be looted and burned through year's end. On June 11, Speight supporters set fire to and destroyed a bar owned by an Indo-Fijian. On the following day, the home of Indo-Fijian labor leader Diwan Shankar was firebombed, but suffered minimal damage (see Section 6.b.). An IDP camp was established in Lautoka; it houses more than 300 Indo-Fijians from the Nausori area. Additional camps were established in Labasa and Western Viti Levu by cane growers' unions. The ICRC and the Fiji Red Cross visited the camps and provided assistance.

The Muaniveni and Baulevu areas near Nausori, in Naitasiri province, experienced a particularly high level of violence, including looting, arson, and physical intimidation, directed against Indo-Fijians. The attacks reportedly were carried out by persons with ties to George Speight. On June 19 and 20, 52 Indo-Fijian homes were attacked in Muaniveni. The IndoFijian families in the area reportedly left their homes at night to avoid the attackers. Some residents reported that they went to the nearest police station to report the attacks, only to find that some of the police officers had assisted the attackers. According to press reports, the police assisted ethnic Fijians in the area to steal crops, kill cattle, and transport items to supporters of George Speight in Suva. There were a number of arrests in connection with the attacks, and the police began an internal investigation into these complaints that confirmed these reports. Violence also was reported in the Dreketi and Rakiraki areas, including theft, looting, and arson. Soldiers dispatched to Vanua Levu to quell disturbances there reportedly killed one Speight supporter and arrested 37 others in early August. In early July, Speight supporters burned and looted shops in Levuka. Also in July, the 50 Indo-Fijian families in a settlement at Tailevu reportedly were robbed and beaten by ethnic Fijians (see Section 1.c.). Livestock, vehicles, and household items were stolen. Hundreds of IndoFijians were held hostage temporarily on Vanua Levu in July (see Section 1.d). There continued to be

credible reports of arson and looting of Indo-Fijian settlements in remote rural areas, and sporadic attacks on Indo-Fijians continued at year's end.

The Chaudhry Government established a special police unit to investigate allegations of criminal activity within the Chinese community. It also focused particular attention on what it termed the "expatriate" business community and had announced its intention to review all immigration records relating to foreign workers. It intervened in a number of visa cases, refusing visas or renewals of work permits. In 1999 it called on private companies to "localize" their hiring practices. The minority Chinese community complained about perceived government harassment in this regard, and the nation's employers' organization spoke against government interference.

Section 6. Worker Rights

a. The Right of Association.—The law protects the right of workers to form and join unions, elect their own representatives, publicize their views on labor matters, and determine their own policies, and the authorities respect these rights in practice. However, the law permits restrictions to be applied in government employment and in the interests of defense, public safety, public order, public morality, or public health, or to protect the rights and freedoms of other persons. An estimated 55 percent of the workforce is unionized.

All unions must register with, but are not controlled by, the Government. The only central labor body is the Fiji Trade Union Congress (FTUC), which was associated closely with the opposition Fiji Labor Party until mid-1992; unions operate under its auspices. The FTUC subsequently adopted a more independent political stance. While certain unions remain ethnically based, both Indo-Fijians and ethnic Fijians hold leadership roles in the trade union movement. In the past, the FTUC participated, along with the employer's federation, in the Government's Tripartite Economic Strategies Committee; however, it has not been active since the seizure of Parliament on May 19.

Strikes are legal, except in connection with union recognition disputes, and trade unions can conduct secret strike ballots without government supervision. There are credible reports that in July and August, following the takeover of the democratically elected Government, the military forces actively intervened to prevent union efforts to mobilize strike action in the sugar cane belt. The head of the FTUC and other union representatives have been briefly detained by the military authorities while on union business. The FTUC has coordinated closely with the international labor movement in the aftermath of the ouster of the elected Government. Representatives of Australian and New Zealand unions have visited Fiji to support the FTUC.

Unions can affiliate internationally. The FTUC associates internationally.

b. The Right to Organize and Bargain Collectively.—The law recognizes the right to organize and bargain collectively. Employers are required to recognize a union if more than half of the employees in a workplace have joined it. Recognition is determined by union membership rather than by an election. The Government has the power to order recalcitrant employers to recognize unions and has done so. Key sectors of the economy, including sugar and tourism, are heavily organized. Following the 1992 return to accountable government, the Government lifted wage guidelines, and unrestricted collective bargaining on wages is now the norm.

Wage negotiations generally are conducted on an individual company or enterprise basis, although industry wide negotiations are on the increase. The law specifically prohibits antiunion discrimination, but the law does not mandate that fired workers be reinstated.

Export processing zones (EPZ's) are subject to the same laws as the rest of the country. However, the FTUC has been unsuccessful in obtaining collective bargaining agreements in EPZ's and claims that intimidation of workers by employers is widespread. The FTUC sees union recognition as the single issue that does not have effective legal recourse. The FTUC argues that because of alleged illegal and intimidating practices in EPZ's, including threats of loss of work for those active in organizing workers, unions are unfairly prevented from representing workers in the EPZ's.

c. Prohibition of Forced or Compulsory Labor.—The Constitution specifically prohibits forced labor, including forced and bonded labor by children; however, trafficking in women is a problem (see Section 6.f.), and there were media reports that a form of bonded labor may be practiced on a remote copra plantation on an outer island. Media reports also allege that working conditions in some garment factories may amount to bonded or forced labor and may include overcrowded factory housing and excessive work hours. Workers at a garment factory in Lami reportedly conducted a hunger strike in December to protest working conditions (see Section 6.e.).

The Government enforces the prohibition against forced and bonded labor by children effectively.

d. Status of Child Labor Practices and Minimum Age of Employment.—Children under the age of 12 may not be employed in any capacity. "Children" (under age 15) may only be employed outside school hours in family enterprises and not in the industrial sector. "Young persons" (ages 15 to 17) may be employed in certain occupations not involving heavy machinery and with specified hours and rest breaks. Enforcement by the Ministry of Labor and Industrial Relations generally is effective except for family members working on family farms or businesses and "self-employed" homeless youths. There has been an increase in self-employed school-aged youths in urban areas, particularly in those working as shoeshine boys. School is mandatory only through the primary grades. Children (under age 15) may be employed outside school hours only in certain occupations.

e. Acceptable Conditions of Work.—There is no national minimum wage. Certain sectors have minimum wages set by the Ministry for Labor and Industrial Relations, which enforces them effectively. The manifesto of the ousted "People's Coalition" government called for the establishment of a minimum wage. Minimum wage levels provide a sparse but adequate standard of living for a worker and family in all sectors except the garment sector. Wages are generally lower in the garment industry, which largely comprises female (mainly Chinese) workers; in the garment industry, the starting hourly wage is $0.36 (FJ$0.72) for learners and $0.47 (FJ$0.94) for others. The wages are based on an assumption that garment workers are young adults or married women living at home and not supporting a household.

Working conditions and employee contracts in garment factories vary widely, with conditions in some factories reportedly amounting to indentured servitude (see Section 6.c.). There are no regulations specifying maximum hours of work for adult males. Women can perform night work in factories and overtime but are prohibited from underground work in mines. Workers in some industries, notably transportation and shipping, complained of excessive hours of work. Indo-Fijians, who generally require a cash income to survive, are more vulnerable to pressure to work long hours than are ethnic Fijians. Many ethnic Fijians return to their villages rather than work what they consider excessive hours. Particularly in the garment industry, migrant workers (predominantly Chinese) are increasing in number and are a largely unregulated work force.

There are workplace safety regulations, a Worker's Compensation Act, and an accident compensation plan. Government enforcement of safety standards under the direction of the Labor Ministry suffers from a lack of trained enforcement personnel and from lags in compensation hearings and rulings, but unions do a reasonable job of monitoring safety standards in organized workplaces. The International Labor Organization's (ILO) 1992 recommendations cited the need to improve working conditions, particularly in the garment industry. The Government, supported by the FTUC, passed occupational health and safety legislation, which came in to effect in 1997. The Government continues to work with the ILO (which maintains an office in Suva) to address problems concerning working conditions. By law an employee has the right to remove himself from a hazardous work site without jeopardizing his employment, but most fear the loss of their jobs if they do so.

f. Trafficking in Persons.—There are no laws that specifically address the subject of trafficking in persons, although laws against bonded and forced labor could be used to prosecute traffickers; trafficking in persons is a problem. There was an increase in the number of persons arriving in or transiting the country with altered or falsified travel documents. Nadi International Airport is a hub for travel in the Pacific and an increasing number of Asian nationals without appropriate travel papers were apprehended and deported during the year. The police believe that an organized Asian criminal network exists in the country that coordinates illegal trafficking in persons. There are unconfirmed reports that some laborers recruited from Asian countries, particularly in the garment sector, are held in conditions of forced labor (see Section 6.c.). There are also reports that Chinese women working in the garment sector may be involved in prostitution.

There is no available information as to whether persons working in the sex industry are forced into prostitution.

INDONESIA

Indonesia made progress in some areas of its transition from a longentrenched authoritarian regime to a more pluralistic, representative democracy; however, the country also encountered significant setbacks in areas of democratic governance. In

October 1999, President Abdurrahman Wahid was elected in the country's first pluralistic elections, in a process judged free and fair by international monitors. The democratically-elected government faced enormous challenges because institutions required for a democratic system either do not exist or are at an early stage of development. Existing institutions, including the government bureaucracy and security establishment, often were obstacles to democratic development. When governmental authority changed hands from President B.J. Habibie to President Wahid the political system was revamped to provide for separation of powers, with an executive branch, a president, and an appointed cabinet that ultimately are accountable to a directly elected parliament. The Parliament (DPR) and the People's Consultative Assembly (MPR) were installed in October 1999, replacing the former DPR, which was elected in 1997, and the former MPR. In accordance with constitutional procedures, the new MPR elected, in a transparent balloting procedure, Wahid as President, and Megawati Soekarnoputri as Vice President in October 1999. The 500-member DPR, of which 462 members were chosen in the 1999 elections (but which also includes 38 unelected members of the military), became a forum for vigorous debate of government policy and practice during the year. The Parliament frequently challenged the authority and policies of the executive branch, and in mid-July formally exercised its right to summon President Wahid to respond to questions about his actions. The MPR, which consists of the Parliament, 130 elected regional representatives, and 65 appointed functional group representatives, held its first annual session in August; previously the MPR ordinarily had met every 5 years to elect the President and Vice President and to consider other matters reserved for the MPR. Severe criticism of President Wahid's performance led the MPR in August to issue a decree mandating the President to cede additional authorities over daily governance to Vice President Megawati as stipulated in a subsequent presidential decree. This decision has not appeared to alter significantly the power relationship between the President and Vice President. During its August session, the MPR amended the 1945 Constitution to, among other changes, incorporate human rights protections modeled on the U.N. Universal Declaration of Human Rights, although human rights activists expressed concern that a constitutional amendment prohibiting retroactive application of laws could be used to shield past human rights violators from prosecution. The Constitution provides for an independent judiciary; however, it remains subordinated to the executive and suffers from pervasive corruption.

The 275,000-member armed forces (TNI) are under the supervision of a civilian defense minister but retain broad nonmilitary powers and an internal security role, and are not fully accountable to civilian authority. The military and police jointly occupy 38 appointed seats in the DPR reserved for the security forces, as well as 10 percent of the seats in provincial and district parliaments. During the first half of the year, political leaders considered phasing out reserved seats for the security forces in the DPR and MPR. The security forces agreed to relinquish their appointed seats in the national and regional legislatures in 2004, but the MPR adopted a decree during its August session that extended the security forces' presence in the MPR until the year 2009. In March President Wahid signed a decree abolishing the Agency for Coordination of Assistance for the Consolidation of National Security (BAKORSTANAS), which had given the security forces wide discretion to detain and interrogate persons who were perceived as threats to national security. In July President Wahid signed a decree removing the national police force of 175,000 members from the supervision of the Minister of Defense and providing for civilian oversight. This step, in addition to the formal separation of the police from the armed forces in 1999, was intended to give the police primary responsibility for internal security. Notwithstanding these changes, the military continues to play a substantial internal security role in areas of conflict, such as Aceh, the Moluccas, and Irian Jaya. Both the TNI and the police committed numerous serious human rights abuses throughout the year.

The economy, which is market-based with a significant degree of government intervention, increased by approximately 3.5 percent during the year, following a more than 13 percent decline in real terms in 1998 and no real growth in 1999. Industrial exports grew strongly, particularly in labor-intensive textile, electronics, wood products, and other light manufacturing industries based on the densely populated islands of Java and Bali. Underemployment remained high at approximately 19 million persons. Over 40 percent of the adult working population is employed in agriculture, which in Java, Bali, and southern Sulawesi primarily involves rice and other food crops but elsewhere concentrates on cash crops such as oil palm, rubber, coffee, tea, coconut, and spices. Per capita gross domestic product among the population of 211 million was $580 in 1999, well below the levels achieved before the severe economic downturn that began in July 1997. The downturn affected most se-

verely the urban poor, particularly in Java, partly as a result of a wholesale shift in employment from the higher-paying formal sector to the less secure informal sector. The negative impact of the economic and financial downturn was smaller in less populated, natural resource-rich Kalimantan, Sulawesi, and Sumatra. Large disparities in the distribution of wealth and political power contributed to social tensions across the country and continued to create demands for greater regional autonomy. In response, the Government prepared for the implementation of two potentially significant 1999 laws providing for greater political and economic decentralization and for revenue sharing among the country's provinces and districts.

The Government's human rights record was poor, and the overall human rights situation worsened during the year, despite the Wahid Government's efforts to continue the country's democratic transition and permit the exercise of basic freedoms. Security forces were responsible for numerous instances of, at times indiscriminate, shooting of civilians, torture, rape, beatings and other abuse, and arbitrary detention in Aceh, West Timor, Irian Jaya (also known as Papua or West Papua), the Moluccas, Sulawesi, and elsewhere in the country. TNI personnel often responded with indiscriminate violence after physical attacks on soldiers. They also continued to conduct "sweeps" which led to killing of civilians and property destruction. The Government and the leaders of the Free Aceh Movement members signed an agreement in May providing for a humanitarian pause in the fighting between them, beginning on June 2. During the pause, both sides agreed not to undertake offensive operations or maneuvers. Initially the humanitarian pause greatly reduced violence in Aceh, but by September violence had returned to roughly pre-pause levels. Army forces, police, and GAM members committed numerous extrajudicial killings. In Irian Jaya (Papua) police shot and killed persons involved in Papuan independence flag-raisings or demonstrations on a number of occasions, even when these demonstrations were nonviolent. There continued to be credible reports of the disappearance of dozens of civilians, including Jafar Siddiq Hamzah, a nongovernmental organization (NGO) activist, and Tengku Hashiruddin Daud, an Acehnese Member of Parliament. Both later were found dead with indications of torture. East Timorese prointegration militias resident in West Timor, armed and largely supported by the army, were responsible for numerous acts of violence in West Timor directed at local West Timorese residents and international aid workers, including the murder of three U.N. High Commissioner for Refugees (UNHCR) officials in Atambua in September. The militias made repeated crossborder raids into East Timor, which resulted in the deaths of two U.N. Peacekeeping Force personnel. In West Timor, the militias attacked and threatened UNHCR and other humanitarian aid workers throughout the year, leading to the withdrawal of international aid workers on several occasions, intimidated East Timorese internally displaced persons (IDP's) and the local population in West Timor, and destroyed property belonging to international organizations. Twenty-four army personnel received jail sentences of 8 to 10 years in May for the massacre of 58 civilians in Beutong Ateuh, West Aceh, in July 1999. However, the most senior military officer involved in the incident inexplicably disappeared after the convictions. In response to past abuses, joint civilianmilitary courts and various other investigative bodies are pursuing several other cases involving army and police officers, but aside from the Beutong Ateuh, West Aceh case, no other cases were brought to trial. Security forces systematically employed arbitrary arrest and detention without trial in Aceh. The Government has not prosecuted any persons in connection with the militia-related crimes in West or East Timor dating back to 1999, although the Attorney General in September and October named 23 persons as suspects in East Timor human rights cases (one of whom was killed in early September).

Rapes and sexual exploitation by security forces continued to be a problem, particularly in West Timor. Prison conditions are harsh. Despite initial steps toward reform, the judiciary remains subordinate to the executive, suffers from corruption, and does not always ensure due process. Security forces infringe on citizens' privacy rights. The Government generally respects freedom of speech and the press; however, journalists continued to suffer intimidation and assaults. The Government places significant controls on freedom of assembly, but allowed most demonstrations to proceed without hindrance during the year, except in Aceh and Irian Jaya. Security forces sometimes resorted to excessive force in order to disrupt peaceful demonstrations. There were numerous credible reports that police assaulted persons detained in Irian Jaya after violent clashes, and police detained persons for organizing peaceful independence flagraisings. The Government generally respects freedom of association, although the Communist Party remains banned. The Government legally provides for religious freedom for five designated religions; unrecognized religions are subject to restrictions. The Government continues to restrict freedom of movement to a limited extent. Thousands of Acehnese residents fled their villages

during conflicts between the security forces and separatists. The army, East Timorese militias in West Timor, and militant groups in Maluku also forced the relocation of hundreds of thousands of persons. In West Timor, the Government's failure to disarm and disband the East Timorese prointegration militias impeded the repatriation or resettlement of thousands of East Timorese IDP's.

Domestic human rights organizations continued to play a significant role in advocating improved human rights conditions; however, the authorities continued to subject some NGO's to monitoring and interference, and in August in Jakarta, unknown persons allegedly kidnaped, held, and threatened a group of agrarian activists for 2 weeks before releasing them. Violence and discrimination against women are widespread problems. Child abuse and child prostitution are problems, and female genital mutilation (FGM) persists in some areas. Discrimination against the disabled, and against indigenous, religious, and ethnic minorities also are widespread problems. Interreligious violence, particularly in the Moluccas, claimed over 3,000 lives, and thousands of Christians in Maluku were forced to convert to Islam. Discrimination against ethnic minorities continued. Attacks against houses of worship continued, and the lack of an effective government response to punish perpetrators and prevent further attacks led to allegations of official complicity in some of the incidents.

During the year the Government ratified International Labor Organization (ILO) Convention 182 on the worst forms of child labor, enacted a new law on trade unions, and continued to allow new trade unions to form and operate. Nonetheless, enforcement of labor standards remains inconsistent and weak in some areas. Millions of children work, often under poor conditions. Forced and bonded child labor remains a problem, although the Government continued to take steps during the year to remove children from fishing platforms, on which bonded child labor most commonly occurs. Trafficking of persons into and from the country for the purpose of prostitution and sometimes for forced labor is a problem.

The Government was ineffective in deterring social, interethnic, and interreligious violence that accounted for the majority of deaths by violence during the year. Enforcement of the law against criminal violence deteriorated, resulting in religious groups purporting to uphold public morality, and mobs dispensing "street justice" operated with impunity.

In Aceh dozens of lowlevel civil servants, police, and military personnel were murdered and abducted during the year. Private non-Acehnese residents also sometimes suffered attacks. It generally is believed that separatists carried out many of these, and other, killings. In Irian Jaya, mobs killed over 20 migrant settlers and wounded scores of others on October 6 and 7 after police opened fire on indigenous Papuans resisting the removal of Papuan independence flags. Unknown attackers killed two police members and a security guard in Abepura, Irian Jaya, on December 7, and two timber workers near the Irian Jaya-Papua New Guinea border on December 9. Police blamed both attacks on the Free Papua Organization (OPM) although local human rights groups believe that groups with ties to the security forces were involved.

The DPR enacted landmark legislation establishing a human rights court, and deliberated on and debated other draft legislation with human rights implications, such as a bill on broadcasting. In January President Wahid issued Presidential Decree No. 6, which repealed the ban (passed in 1967) on the practice of Chinese religion (Confucianism), beliefs, and customs. Ethnic Chinese celebrated New Year's openly for the first time in over 30 years.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Historically, politically-related extrajudicial killings have occurred most frequently in areas where separatist movements were active, such as Aceh, Irian Jaya and East Timor, and security forces continued to employ harsh measures against separatist movements in these areas. In addition security forces killed unarmed demonstrators, and there also were numerous instances of reported extrajudicial killings by security forces in cases involving alleged common criminal activity.

In Aceh army and police personnel committed many extrajudicial killings and used excessive force or directed force against noncombatants in an attempt to quell separatist movements; at times the police and army forces were responding to rebel attacks. On February 9, in Cot Merbo village, North Aceh, TNI troops shot and killed four Acehnese civilians, whom the military claimed were GAM guerillas. On March 10, police shot and killed two apparently unarmed men at a police checkpoint near Banda Aceh. Police later stated that the two men were members of GAM and

were shot while fleeing the scene. According to a TNI spokesperson, on March 12, TNI troops shot and killed three armed separatists after they resisted arrest and fired shots at the troops in Bate Pila, North Aceh. On May 17, police shot and killed a civilian in Cunda, a village north of Lhokseumawe. According to police, he was shot after he attempted unsuccessfully to steal a police officer's revolver from his holster at a checkpoint. Other witnesses confirmed that the man fled the checkpoint; however, they denied that there was a struggle over the gun and instead claimed that the police chased and caught the man, and then executed him. On May 17 and 18, police killed eight villagers in Hagu Barat Laout, North Aceh. Police claimed that the eight villagers were armed separatist guerillas; local residents claim that all the victims were fishermen and that they were watching a soccer match when, without provocation, the police attacked. In November police and army troops attempting to prevent Acehnese from attending a rally calling for a referendum on Acehnese independence killed over 20 persons in the provincial capital of Banda Aceh (see Section 2.b.). On December 6, three Acehnese humanitarian workers with the NGO Rehabilitation Action For Torture Victims in Aceh (RATA) were killed at close range near Lhokseumawe (see Section 4). A survivor of the shooting said that a group of Acehnese government collaborators and plainclothes military personnel shot the victims. Police arrested 11 persons, including 3 policemen and 4 soldiers, in connection with the RATA killings; they remained in detention at year's end. There were numerous other instances of excessive force by the military and police during the year that went unpunished.

During the year there were numerous extrajudicial killings in Aceh that could not be clearly attributed to either the security forces or to the armed separatist movement, the Free Aceh Movement. According to domestic NGO's and press reports, 636 persons were killed in Aceh during the year, 494 of whom were civilians and 142 of whom were police or military members. On January 24, Tengku Nashiruddin Daud, an Acehnese representative to the DPR, disappeared in Medan, North Sumatra. His body was found outside Medan on January 25, and family members identified it on January 30. Nashiruddin had advocated strongly for the trial of military officers accused of human rights violations in Aceh; he also was opposed to an independent Aceh. Police had made no progress in identifying Nashiruddin's killers by year's end. The body of Sukardi, a volunteer with the Bamboo Thicket Institute, a local environmental and human rights organization based in Aceh, was found on February 1, after he was reported missing the day before. On April 6, unknown persons shot and killed a female doctoral candidate at Aceh's Syah Kuala University. On May 27, eight armed men abducted Sulaiman Ahmad, a TNI lieutenant colonel, and hanged him. On May 29, unknown persons shot and killed a TNI lieutenant in a videostore in Geudong, Aceh. On August 5, foreign-resident Acehnese NGO activist Jafar Siddiq Hamzah disappeared in Medan. His body was found on September 4, along with four other unidentified bodies southeast of Medan. All bodies had multiple stab wounds and bruises. Police had made no progress in identifying the perpetrators of the killings by year's end. On September 16, unknown persons shot and killed Tengku Safwan Idris, rector of the Ar-Raniry State Islamic Institute, at his home in Banda Aceh. Police investigated the murder but were unable to identify the perpetrators.

In Irian Jaya (Papua) police shot and killed persons involved in largely peaceful Papuan independence flag-raisings or demonstrations on at least 6 occasions, injuring numerous persons and killing at least 33 (see Sections 1.c., 2.a., and 5). For example, Police Mobile Brigade (Brimob) troops opened fire on a group of Papuans who were raising a Papuan Independence Flag in Sorong, Papua on the morning of August 22. Three Papuans were killed and at least 12 others were injured; 1 policeman was injured. After the police failed to persuade the crowd to disperse peacefully heated arguments broke out between the Papuans and the police. Some sources allege that police then began firing their weapons; two other sources allege that members of the crowd began a scuffle and threw stones first. However, all sources agree that the police overreacted and began firing indiscriminately into the crowd. The incident was similar to a series of police reactions to flag-raisings over the past 2 years, although the number of victims was significantly higher in this case. On October 6, police killed six persons in Wamena, Papua, who resisted police efforts to take down Papuan flags. At least 20 other persons were injured (see Section 5). Police and Papuans clashed in Merauke on November 3 and 4. Reports indicate that 5 Papuans died of gunshot wounds and another Papuan died of stab wounds; police injured at least 17 other Papuans. The circumstances of the incident are unclear. According to police, Papuans injured several persons and damaged non-Papuan property during the incident (see Section 5). Police killed two Papuans during a clash in Fak Fak on December 1. Police and Papuans clashed again in Merauke on the morning of December 2, and police fired into a crowd, shooting and

killing seven Papuans and injuring at least eight others. After a December 7 attack on a police station in Jayapura, police killed 3 persons, and detained and beat over 100 others (see Section 5). On December 18, troops shot and killed four Papuans near Tiom, Papua, after the Papuans shot arrows at the soldiers, killing one soldier.

East Timorese prointegration militias based in West Timor, who, according to credible reports, continued to be armed and supported by the army, committed numerous extrajudicial killings. On July 24, approximately eight militia members shot, killed, and mutilated a New Zealand U.N. peacekeeper near Suai, East Timor, where the U.N. unit was patrolling the East/West Timor border area. On July 30, East Timorese IDP's from TNI Battalion 744 killed Bernard Loddo, a resident of Kupang, West Timor. On August 10, East Timorese militias killed a Nepali U.N. peacekeeper and wounded three other peacekeepers and one East Timorese civilian near Suai. On September 6, a mob of East Timorese IDP's led by militia members attacked UNHCR offices in Atambua, West Timor and killed three international UNHCR staff members, then mutilated and burned their bodies. Security forces that were assigned to protect the UNHCR office failed to prevent the militia forces from attacking and left the area before the militia's second attack on the building, when the three UNHCR workers were killed. In December authorities began to process for trial six suspects linked to the attack; at year's end, authorities had not detained any other suspects.

According to credible reports, security forces in the Maluku island chain, especially in the centrally located island of Ambon, were responsible for some of the shooting deaths that occurred during widespread riots and communal clashes throughout the year. Despite claims to the contrary, there was no credible evidence to suggest that the security forces as an institution supported one side or the other during the violence (see Sections 2.c. and 5).

In March a foreign citizen disappeared while in the custody of immigration officials in East Kalimantan; the citizen continued to be presumed dead at year's end. Immigration officers detained him for overstaying his visa in November 1999. In March the foreigner was being transferred from Kalimantan to Jakarta on an interisland ferry when he allegedly jumped overboard and drowned. Government officials waited over 2 weeks before informing his government of his disappearance. No disciplinary action was taken against the immigration personnel responsible for his disappearance and presumed death, and there were no developments in the case by year's end.

The police on several occasions used deadly force to disperse demonstrators. For example, in Medan, North Sumatra on May 1, police shot and killed two students at Nommensen University after crowds took two police hostage and threw Molotov cocktails during a demonstration to protest the detention of another student. On June 14, in Pontianak, West Kalimantan, police shot and killed one student during a demonstration in front of the governor's office. On June 18, in Blitar, East Java, police shot and killed two persons involved in a long-running protest and land dispute at a plantation. On June 21, in Porsea, North Sumatra, police reportedly shot and killed one person during a clash with demonstrators. On July 20, in Muara Enim, South Sumatra, police shot and killed one person during a demonstration by farmers over land rights. On September 27, in Bondowoso, East Java, police killed five persons in a crowd that was demanding the release of a detainee in police custody.

The police often employed deadly force in apprehending suspects or dealing with alleged criminals, many of whom were unarmed. During the year police shot and killed at least 15 Africans suspected of trafficking in narcotics. Other nationalities were not subjected to similar harsh treatment in narcotics or other criminal cases, suggesting that the killings were racially motivated. In response to criticisms that the methods used were unjustifiably harsh and amounted to execution without trial, police generally claimed that the suspects were fleeing, resisting arrest, or threatening the police. Complete statistics about the number of these cases were not released by year's end (see Section 5).

The military or police rarely are held accountable for committing extrajudicial killings or using excessive force, and with the exception of the 24 soldiers who were convicted for the death of 58 civilians in Aceh in July 1999, no government personnel were held accountable during the year. However, during the year, the Government initiated and continued an unprecedented number of investigations into human rights cases in Aceh, East Timor, and other areas of the country.

In July 1999, the Government appointed an independent commission (KPP Aceh) to investigate human rights violations in Aceh. In November 1999, the Commission recommended that the Government investigate five cases of alleged human rights violations. On April 17, the trial of 24 army personnel and a civilian, who all previously were convicted for the killing of 58 civilians in Beutong Ateuh in July 1999,

began; however, none of the accused was above the rank of lieutenant colonel. During the trial, soldiers testified that they had killed civilians but argued that they were not guilty of murder because they were following their commanders' orders. The commander reportedly disappeared; however, NGO's reported a subsequent sighting of him in the company of other military officials. The trial ended in May when the 24 defendants received sentences of 8 to 10 years. By year's end, no one had been charged in the other four cases, which include: the May 1999 massacre at Krueng Geukey, North Aceh; the February 1999 attack on demonstrators that resulted in seven persons killed in Idi Cut, East Aceh; a series of killings and abductions at a detention facility in Pidie from 1997–98; and an August 1996 rape of Sumiati, an Acehnese women, by a soldier.

There were no new developments during the year in the killings that occurred when security forces broke up a peaceful proindependence demonstration in Biak, Irian Jaya in 1998.

The Commission for Investigation of Violations of Human Rights in East Timor (KPP-HAM) delivered its report of human rights violations in East Timor to the Attorney General's Office on January 31. The Attorney General said that his office would initially prosecute five major cases arising from the April 6, 1999 massacre in Liquisa; the April 17, 1999 killings at independence leader Manuel Carrascalao's house; the September 5, 1999 attack on the compound of the Catholic Diocese in Dili; the September 6, 1999 massacre of priests and displaced persons at a church in Suai; and the September 21, 1999 killing of Dutch journalist Sander Thoenes. The Attorney General's Office named 23 suspects in September and October (one of whom, an East Timorese militia commander, militia members killed in early September). Those accused included several army and police generals, but did not include then-Armed Forces Commander General Wiranto, former Armed Forces intelligence chief Zacky Anwar Makarim, and other senior members of the military leadership who were named as responsible parties in the KPP-HAM report. Progress on these five cases was slow, and the number of suspects named was small in comparison to the number of persons believed responsible. Although Indonesian authorities were assisted greatly in their investigation by the U.N. Transitional Administration in East Timor (UNTAET), the Government did not cooperate fully in December when UNTAET requested similar support for its own investigations into the atrocities.

In November the national police spokesman announced that the police would summon for questioning by military police 11 policemen who were suspected of involvement in the May 1998 shooting deaths of 4 students at Trisakti University in Jakarta; however, none of the 11 policemen had been questioned by year's end. In December the Parliament formed a special committee to conduct an investigation of the Trisakti killings.

The police conducted an investigation of the July 27, 1996 attack on the headquarters of the Indonesian Democratic Party (PDI), questioning the top army and police leadership at the time. A joint police/military team subsequently questioned witnesses and potential suspects, and by November had begun submitting cases to the Attorney General's Office for prosecution (see Section 1.b.).

The East Java police reopened an investigation into the 1993 murder of labor activist Marsinah, questioning again over a dozen witnesses and previous suspects, including civilians and army and police personnel. In December the East Java police chief said Australian laboratory tests confirmed that Marsinah's blood had been found in the home of the owner of the factory where Marsinah worked and in a van believed to have transported her to the place where she was found. However, by year's end, there was no further action on the police investigation.

In February the National Human Rights Commission (KOMNASHAM) formed a commission to investigate the September 1984 killing of scores of demonstrators by security forces at Tanjung Priok, Jakarta. The commission questioned senior army and police officials, exhumed mass graves where victims were buried, and reported the investigation results, including names of 23 persons considered to be responsible for the killings, to the Attorney General in October (see Sections 1.c. and 4).

There were no new developments during the year in the shooting deaths of at least nine demonstrators at Atma Jaya University in November 1998.

On March 14, President Wahid went on national television and asked for forgiveness for the 1965–67 massacre of suspected members of the banned Indonesian Communist Party (PKI), and for the role of his organization, Nahdlatul Ulama, in the killings. In November researchers from the Indonesian Institute for the Study of the 1965–66 Massacre unearthed the remains of 24 persons in a forest near Wonosobo, Central Java. They are believed to have been killed in March 1966 because of their PKI affiliation.

Citizens' attacks on other citizens caused the majority of killings during the year.

In Aceh armed separatist groups killed many soldiers, police, civil servants, and local residents throughout the year. On January 1, a mob surrounded a TNI sergeant who was buying fish in a market in Simpang Tiga, Pidie, Aceh and stabbed him to death. According to press reports, on January 6, the bodies of two men who had been shot to death were found wrapped in separatist flags and left on a roadside in Muara Dua, North Aceh. On April 5, alleged GAM members killed four TNI personnel in an ambush near Lhokseumawe. GAM has claimed responsibility for a July 2 attack in Nissam district, North Aceh, in which assailants killed three Brimob members and wounded six others. On September 20, GAM forces attacked a police post in Pidie with a grenade launcher, killing three soldiers.

On October 6 and 7, in Wamena, Irian Jaya, members of Papuan "task forces" (Satgas Papua—informal private security organizations of Papuan men and youths that ostensibly provide protection for Papuan tribal and other leaders and groups), and other Papuans armed with knives, spears, and arrows killed at least 24 non-Papuans, after security forces opened fire on and killed 2 task force members who resisted efforts to take down Papuan independence flags flying in the town. Unknown persons killed two police officers and a security guard in Abepura, Irian Jaya, on December 7, and two timber workers near the Irian Jaya-Papua New Guinea border on December 9. Police blamed both attacks on the Free Papua Organization (OPM) (see Section 5). On December 16, Papuans reportedly attacked soldiers with traditional weapons near the town of Tiom, killing one soldier and injuring three others. The soldiers responded with gunfire.

According to multiple sources, over 3,000 persons were killed, largely because of their religious identity, in North Maluku, Maluku, and Central Sulawesi provinces in the eastern part of the country. The fighting in all three provinces had political, economic, ethnic, and religious overtones (see Sections 2.c. and 5). While initial conflicts emerged over land tenure issues and the political and economic status of local residents versus migrants, in many cases the conflicts later evolved into highly-charged religious clashes. One of the major factors contributing to the continuation of violence in these islands was the failure to bring the perpetrators to justice (see Sections 2.c. and 5); another factor was the failure of the authorities to prevent armed militants from traveling in large groups to the Moluccas from Java.

Interreligious fighting in the Moluccan island group, which began in Ambon in January 1999, spread to most major islands in the Moluccas during the year. Christian and Muslim groups used increasingly sophisticated weapons as the fighting continued, causing over 3,000 deaths and destroying many churches, mosques, and, in some cases, entire towns. The level of violence intensified in late 1999 and in the early part of the year after Christian gangs and militia (and to a lesser extent, Muslim gangs and militia) attacked isolated villages in Halmahera and other parts of North Maluku. During the first 6 months of the year, and following the December 1999 attacks by Christians, Muslim militias drove Christian populations away from many areas of North Maluku and Maluku provinces (see Section 2.d.). As IDP's fled to neighboring areas and islands, their resentment against those who had attacked them often sparked conflict in their new places of residence. In addition unverified reports of provocations and conspiracies fueled the continuous cycle of violence. The violence decreased in Ambon in late January, after security forces began enforcing a curfew and disarming civilians. At the same time, mutually-destructive fighting escalated in Halmahera and other parts of North Maluku. By April there were some signs of reconciliation in Ambon after the provincial government established reconstruction programs and markets in border areas between Muslim and Christian communities. However, in late April, serious rioting broke out immediately following a visit by Vice President Megawati Soekarnoputri. There was a further upsurge in violence in midMay after boats filled with members of the Laskar Jihad, Muslim militants from Java, arrived in Ambon and other parts of the Moluccas (see Section 5). As many as 2,000 to 3,000 militants ultimately arrived via boat. Law and order continued to deteriorate steadily, and in late June, violent mobs stormed through Ambon city with little or no security force interference. There also were large-scale Muslim attacks against Christians in Halmahera in May and June. The level of violence decreased, particularly in North Maluku, after President Wahid declared a state of civil emergency in both provinces in late June (see Section 2.d.); the state of emergency still was in effect at year's end. However, violent interreligious clashes continued occasionally during the remainder of the year, especially in Ambon and neighboring islands in central Maluku.

Beginning in late May, the area of Poso in Central Sulawesi, and numerous villages in the region experienced renewed religious riots and violence, resulting in numerous deaths and widespread destruction. Christian gangs from surrounding villages reportedly expelled Muslims from the town of Poso in retaliation for past hostilities, which included the burning of hundreds of Christians' houses in the pre-

ceding months (see Section 2.d.). In the most serious incident, Christian gangs killed over 100 unarmed Muslims in a small village outside Poso. In July the regional military commander announced that 211 persons had been confirmed dead in and around Poso; other estimates ranged as high as 500 fatalities. Both Christian and Muslim outsiders were accused of instigating the violence (see Sections 2.c. and 5).

Over 30 persons were killed in a series of bombings in Jakarta and Medan during the year (see Sections 1.c. and 5). Ten persons died when a car-bomb exploded in the basement of the Jakarta Stock Exchange on September 13, two persons died in a car bomb incident near the gate of the Philippine Ambassador's residence, and several others were killed in bombings in Medan. Eighteen persons died in an apparently coordinated series of bombings at or near churches in nine cities on the night of December 24 (see Sections 1.c. and 5). Except for the case of the Stock Exchange bombing, no suspects had been apprehended by year's end.

According to press reports, during the year 145 persons accused of committing crimes (usually theft or responsibility for vehicular accidents) were killed by mobs of persons on the scene of the alleged crimes in the most populous urban areas of Jakarta, West Java, East Java, and North Sumatra. Countrywide statistics were not available at year's end.

In Kalimantan interethnic clashes resulted in killings on at least two occasions. In Kumai, Central Kalimantan, four persons died in fighting between indigenous Dayaks and Madurese migrants (originally from the island of Madura near Java) in July. In Pontianak, West Kalimantan, at least 11 persons died in fighting between ethnic Malay and Madurese in October. Sectarian violence between Dayaks and Madurese migrants erupted on December 16 in Central Kalimantan. According to official news agency reports, about 100 Dayaks attacked and burned approximately 20 migrant houses. The attacks were in reprisal for a number of unsolved killings of Dayaks, allegedly committed by Madurese. An estimated 50,000 Madurese who fled their homes during interethnic violence in 1999 (see Section 5) remained in IDP camps in West Kalimantan.

During the year, there were a number of reports of killings of persons who practice traditional magic ("dukun santet") (see Section 5). In the Malang area of East Java, police reported to the press that unknown persons killed 10 persons suspected of being dukun santet. There also were reports of killings of dukun santets in West and Central Java. In February in West Java, police arrested 12 persons suspected of participating in the killing of 7 dukun santet. Police acknowledged in November that at least 20 villagers in the Cianjur area of West Java had been executed for allegedly practicing traditional magic. Police arrested 20 persons suspected of involvement in the killings in November. However, none of the cases had come to trial by year's end.

b. Disappearance.—According to a report issued by the Committee for Missing Persons and Victims of Violence (KONTRAS), 843 persons still are missing as a result of military operations, land disputes, and political and religious activities over the past 20 years.

In Aceh there continued to be credible reports of the disappearance of many civilians. KONTRAS reported in December that 53 cases of forced disappearance involving 69 persons had occurred between January 1 and the end of November. Three prominent Acehnese disappeared in Medan, North Sumatra: Member of Parliament, religious leader, and human rights activist Tengku Nashiruddin Daud in January; armed separatist spokesman Ismail Syahputra in June; and NGO activist Jafar Siddiq Hamzah in August. Nashiruddin's and Jafar's bodies later were found, bearing signs of torture (see Section 1.a.); Syahputra remained missing at year's end. NGO's allege that TNI forces or police personnel are responsible for many cases of civilian disappearances.

There were no developments in the investigation into the causes of death or the identification of the remains of 32 bodies found floating around Biak, Irian Jaya in July 1998 after navy and police forces broke up a proindependence demonstration. Multiple reports claimed that many of the bodies were demonstrators who had been detained and then killed while in custody.

There were no developments in the numerous disappearances of persons in East Timor in 1999 and in earlier years.

Four members of the Agrarian Reform Consortium (KPA), an NGO based in Bandung, West Java that advocates for dispossessed farmers, claimed that they were kidnaped at gunpoint by unknown persons on August 14. Their alleged abduction came after police forcibly removed them from a demonstration and hunger strike that they were conducting inside the Parliament building in Jakarta. They claimed that after several days in solitary confinement they were driven to different locations and interrogated at length about their organization's activities, finances, and aims. They said that they were not tortured physically, but that their lives and

those of their families and colleagues frequently were threatened. Their captors released them on August 27. Police opened an investigation into the kidnaping, but were unable to identify the perpetrators (see Sections 1.e. and 4).

There were no developments in the case of 12 persons who disappeared (and are presumed dead) in Java during a series of kidnapings of opponents of the Soeharto regime carried out by Army Special Forces (Kopassus) personnel in 1997 and 1998. However, the police conducted an investigation into the 1996 PDI incident in which 16 persons disappeared, and submitted cases to the Attorney General's Office (see Section 1.a.). No new information emerged on the fate of the 16 missing persons by year's end.

In Aceh armed separatists often abduct army members, police personnel, civil servants, and others, although they do not always acknowledge responsibility for these incidents. Militia groups are believed to have killed some civilians based on suspicions that they were collaborators or informants of the security forces.

In Irian Jaya, the six plantation employees who were abducted in July 1999 near Arso remained missing.

Kidnaping of children for ransom is a recent and reportedly growing phenomenon. In October a man was arrested for kidnaping three children from wealthy families living in the Jakarta area; one child was murdered after his parents failed to pay the ransom.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Criminal Code makes it a crime punishable by up to 4 years in prison for any official to use violence or force to elicit a confession; however, in practice legal protections are both inadequate and widely ignored, and security forces continued to employ torture and other forms of mistreatment, particularly in regions where there were active security concerns, such as Aceh and Irian Jaya. Police often resort to physical abuse, even in minor incidents.

In Aceh army and police officials routinely use excessive force and violence when investigating attacks by armed separatists. Police and army personnel also routinely respond to attacks on soldiers by engaging in indiscriminate violence against bystanders. For example, on March 18, Brimob units beat and otherwise abused at least 20 villagers in Gulampang Tiga, Pidie district, apparently while searching for a prominent GAM leader. In August after a soldier was shot in Idi Rayeuk's central market, troops fired indiscriminately, beat many bystanders, and burned over 60 market stalls. Soldiers beat or shot over 100 persons during the incident, including 3 children who were shot. An army commander later publicly apologized for the troops' actions; however, there were no reports of personnel being held accountable for the Idi Rayeuk incident. In October police allegedly shot 1 man and burned 150 market stalls after rebels attacked police in the regency of Pidie. Police denied responsibility for the shooting and burning.

There were numerous credible reports that the army and police continued routinely to torture detainees in Aceh. For example, on August 27, police detained three local workers of the international NGO Oxfam, and beat them while they were detained. According to Amnesty International, police pulled out one worker's fingernails and burned him with cigarettes. Amnesty International also reported that on September 5, in Meukek subdistrict, Brimob detained Amrisaldin, a volunteer worker with the humanitarian organization SAVE Emergency for Aceh (SEFA). Police released Amrisaldin on September 6, after they reportedly punched him, kicked him, and slashed him with a knife. Police allegedly also threatened him with death and burned his pubic, chest, and armpit hair with matches. On September 19, in Banda Aceh, police arrested three leaders of the student NGO Aceh Referendum Information Center (SIRA) and beat them with rifle butts, cables, and belts while they were in custody (see Sections 1.d. and 4). Methods of torture documented in the past include beating, whipping, electric shock, and rape.

There were numerous credible reports that police assaulted persons detained in Irian Jaya after violent clashes in Wamena in October, Merauke in November, and Jayapura in December. In the Jayapura case, police detained and beat, often severely, over 100 persons following an attack on a police station, including 19 persons between the ages of 7 and 18. Two Papuan students died of injuries inflicted by the police, and a third student was shot and killed (see Sections 1.a. and 5).

On March 7, in an isolated area of North Aceh's Matangkuli subdistrict, a group of armed men in army fatigues raped 4 women and sexually molested 12 others; they also beat severely 6 men and robbed their families; no persons had been charged by year's end. The trial for the rape of Sumiati, an Acehnese woman allegedly raped by a TNI soldier, did not begin by year's end; Sumiati's rape case is one of five human rights trials that the special commission was scheduled to hear (see Section 1.a.). No charges were brought in the August 1999 rape of nine Acehnese

women in Kecamatan Tangse Selatan, Pidie district, for which TNI soldiers allegedly were responsible.

There are allegations that prointegration East Timorese militias in West Timor are holding East Timorese women as "sex slaves" (see Section 5). In November 33 pregnant East Timorese women returned to East Timor and claimed that the TNI had abducted them and forced them to serve as their sex slaves in West Timor. No one was held accountable for the numerous acts of rape and sexual abuse that TNIsupported militia groups perpetrated against displaced East Timorese women in 1999.

On June 17, a mob of approximately 65 East Timorese IDP's assaulted UNHCR staff, including UNHCR West Timor Director Craig Sanders, at the Noelbaki camp near Kupang. One demonstrator smashed the windshield of the vehicle in which Sanders was riding with a machete. No UNHCR staff members were injured. Although the security forces were present, they did not intervene to prevent the violence. The army apprehended nine suspects and handed them over to the police, who promptly released them without taking any action.

In January the Minister of State for Women's Empowerment said that the Government would follow up on the recommendations of the joint factfinding team (TGPF) that investigated the May 1998 civil unrest that struck Jakarta and other cities. The team's report, issued in November 1998, found evidence that some elements of the army may have been involved in provoking the violence, which included attacks against Sino-Indonesian women, and urged further investigation of the at least 85 instances of violence against women that the team verified. However, no further investigations have taken place (see Section 5).

There were instances in which security forces responded with brutality to peaceful demonstrations, although they usually allowed peaceful demonstrations to proceed without resorting to force. In January police wounded 13 persons, some with gunshots, when they forcibly dispersed persons protesting inadequate compensation for land acquired for a resort on Bintan Island near Singapore. In at least six instances in Irian Jaya during the year, police attempted to break up peaceful demonstrations in which Papuans raised the Papuan independence flag, and when Papuans resisted, police responded with excessive force, killing and injuring demonstrators (see Sections 1.a., 2.a., 2.b., and 5).

Security forces often responded forcefully when demonstrators wielded canes, threw stones or Molotov cocktails, or tried to break through police lines. Such responses occurred on several occasions during the year when demonstrators sought to approach former President Soeharto's residence to protest the Government's failure to bring him to justice for his actions while in office.

KONTRAS reported that during the first 11 months of the year, the police were responsible for 872 serious human rights violations nationwide, the bulk of them in Aceh province. Police violations included 26 instances of forced disappearance, 140 extrajudicial killings, 408 cases of torture or inhumane treatment, and 298 arbitrary detentions. According to KONTRAS, joint police and military operations were responsible for an additional 64 violations, and the armed forces themselves were responsible for 21 violations.

Police entered and caused property damage to the building housing the Indonesian Legal Aid Foundation (YLBHI) and Jakarta Legal Aid Society (LBH) on two occasions in which they pursued demonstrators who sought refuge in the LBH building. Police broke windows and damaged cars with rocks, nightsticks, and bullets during the incidents.

In May a group of approximately 55 East Timorese persons ransacked the Jakarta office of the NGO People's Solidarity with East Timor (Solidamor), injuring two Solidamor staff members, one of whom required hospitalization. The attackers smashed office equipment, smeared blood on the porch, and stole approximately $2,400 (Rp. 22.8 million) in cash from the office. Police detained four of the attackers for 24 hours, but no attackers were charged.

On July 1, a group of East Timorese IDP's vandalized several West Timorese schools approximately 12 miles outside Kupang, near Oesau. They reportedly were unhappy with the low school grades their children had received. Later the same day a group of East Timorese militia members wearing camouflage and ninja masks, armed with grenades and possibly automatic weapons, burned 16 buildings that housed over 40 West Timorese families in Oesau. Local residents believe that the attackers were former soldiers from East Timorese territorial infantry battalions 744 and 745.

On August 22, East Timorese militias beat and severely wounded two UNHCR staff members at the Naen camp near Kefamenanu, West Timor. The UNHCR staff had been invited to the camp to distribute shelter supplies when a machete-wielding man attacked them and a mob stoned them.

A series of bombings occurred in Jakarta, Medan, and other cities during the year (see Section 1.a.). Targets included churches in Medan (see Section 5), the Attorney General's Office in Jakarta, the Philippines Ambassador's residence, the Malaysian Embassy, a bus near the building where former President Soeharto's corruption trial was held, the Jakarta Stock Exchange, the office of KONTRAS (see Section 4), the Jakarta Governor's residence, and a Jakarta hotel. An apparently coordinated series of bombings at or near churches in 9 cities on the night of December 24 killed 18 persons and wounded numerous others (see Sections 1.a., 2.c., and 5). Except for the case of the Stock Exchange bombing, no suspects were apprehended by year's end.

In June the Islamic Defenders' Front (FPI) attacked and vandalized KOMNASHAM's office to protest the Commission's findings following an investigation of the 1984 Tanjung Priok killings (see Sections 1.a. and 4). FPI members, who alleged that "immoral" activities were occurring within the establishments, openly ransacked restaurants and nightclubs in several neighborhoods of Jakarta, injuring patrons of the establishments in the process. No FPI members were investigated or charged, despite the fact that criminal trespass and vandalism are violations of the Criminal Code. Several Islamic groups threatened Western persons and conducted "sweeping" operations at hotels and other public venues in Solo, Central Java, in late October and early November to drive such persons out of the city. Police questioned members of Islamic groups about these threatening activities, but no further action was taken against the perpetrators.

Prison conditions are harsh, with mistreatment and extortion of inmates by guards and violence among prisoners common. The incidence of mistreatment drops sharply once a prisoner is transferred from police or military custody into the civilian prison system or into the custody of the Attorney General. Credible sources report that criminal prisoners in some facilities are beaten routinely and systematically as punishment for infractions of prison rules and to extract information about other prisoners. Punishments have included the use of electric-shock batons and the stapling of the ears, nose, and lips. In June a dispute between prisoners led to rioting by hundreds of inmates at the Bulak Kapal Prison east of Jakarta. Prison guards shot and wounded five inmates, and prisoners stabbed two guards during the incident. Prison authorities acknowledged that overcrowding was a factor in the riot (the prison was built for 300 inmates but held 531 persons at the time). In July police questioned three prison guards at Jakarta-area prisons who were suspected of drug trafficking in the prisons. Former inmates at Jakarta's Cipinang Prison told the press in November that drug use among prisoners is common, and that inmates can obtain drugs, better treatment, and better conditions by bribing guards.

The Government generally does not permit routine prison visits by human rights monitors, although some visits occasionally are permitted.

The International Committee of the Red Cross (ICRC) was able to visit identified prisoners and detainees of concern during the year (see Section 4).

d. Arbitrary Arrest, Detention, or Exile.—The Criminal Procedures Code contains provisions against arbitrary arrest and detention, but it lacks adequate enforcement mechanisms, and authorities routinely violate it. The code specifies that prisoners have the right to notify their families promptly and that warrants must be produced during an arrest except under specified conditions, such as when a suspect is caught in the act of committing a crime. The law authorizes investigators to issue warrants to assist in their investigations or if sufficient evidence exists that a crime has been committed. However, authorities sometimes made arrests without warrants.

The law presumes that defendants are innocent and permits bail. They or their families also may challenge the legality of their arrest and detention in a pretrial hearing and may sue for compensation if wrongfully detained. However, it virtually is impossible for detainees to invoke this procedure, or to receive compensation after being released without charge. In both military and civilian courts, appeals based on claims of improper arrest and detention rarely, if ever, are accepted. The Criminal Procedures Code also contains specific limits on periods of pretrial detention and specifies when the courts must approve extensions, usually after 60 days.

The authorities routinely approve extensions of periods of detention. In areas where active guerrilla movements exist, such as Aceh and Irian Jaya, there are many instances of persons being detained without warrants, charges, or court proceedings. Bail rarely is granted. The authorities frequently prevent access to defense counsel while suspects are being investigated and limit or prevent access to legal assistance from voluntary legal defense organizations. Special laws on corruption, economic crimes, and narcotics are no under the Criminal Code.

In March President Wahid abolished the Agency for Coordination of Assistance for the Consolidation of National Security (BAKORSTANAS), which had operated

outside the legal code and had wide discretion to detain and interrogate persons who were perceived as threats to national security.

Security forces frequently detained participants suspected of inciting demonstrations, although most were released after questioning (see Section 2.b.). In November police in East Kalimantan arrested Wuaya Kawilarang, a regional coordinator for the Indonesian Prosperity Trade Union (SBSI), for investigation of charges that he incited workers at a large oil and gas operation to violence. He remained in detention at year's end (see Section 6.b.).

There are no reliable data on the number of arbitrary arrests or detentions without trial, particularly in Aceh and Irian Jaya, but there is ample evidence that arbitrary arrests and detention without trial are employed systematically in Aceh.

During the year several Acehnese were detained pending trial on political charges. Police arrested Muhammad Nazar, the chairman of the Information Center for a Referendum in Aceh (SIRA), on November 20 on charges of inciting hatred (see Sections 1.a. and 4). He remained in detention at year's end.

Police detained numerous persons in Irian Jaya after violent clashes in Wamena in October, Merauke in November, and Jayapura in December (see Sections 1.a., 1.c., and 5). In March the regional police command for Irian Jaya investigated criminal charges against 16 leading members of the Papuan Presidium Council for crimes against the security of the state and public order, based on claims that they had organized a gathering of Papuan community leaders in February and a peaceful Papuan independence flag-raising on December 1, 1999. The investigation against some of the 16 persons later was dropped; however, in November police arrested the chairman, secretary general, and three other Papuan Presidium Council members on the same charges (see Sections 2.a. and 5). On December 1, police arrested seven persons during a demonstration in front of a foreign embassy to draw attention to human rights violations in West Papua (Irian Jaya) and to press for an international dialog to resolve the Papuan issue. Four of the detainees remained in police custody at year's end. On December 15, police detained the director of the Institute of Human Rights Study and Advocacy in Papua (ELS-HAM Papua) for 22 hours (see Section 4). In mid-December, 17 Papuan activists went on trial in Wamena on charges of endangering state security by promoting separatism. The trial was continuing at year's end.

Several foreign tourists have been subject to arbitrary arrest and detention while traveling in Irian Jaya. In most cases, travelers who take photographs are accused of being journalists without proper journalist visas and are detained and deported. In one case, a person was held without formal charges for 2 weeks before being deported; although no formal charges were filed and he never was served with a deportation order, highranking government officials publicly alleged of espionage at the time of his deportation, although they later retracted these accusations. In December police arrested a foreign journalist who did not have the proper visa (see Section 2.a.).

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for the independence of the judiciary; however, in practice the judiciary is subordinated to the executive and the military. Pursuant to a 1999 law, a gradual transfer of administrative and financial control over the judiciary from the Department of Justice to the Supreme Court is taking place over a period of 5 years. However, judges currently are civil servants employed by the executive branch, which controls their assignments, pay, and promotion. Low salaries encourage widespread corruption, and judges are subject to considerable pressure from governmental authorities, who often exert influence over the outcome of numerous cases.

A quadripartite judiciary of general, religious, military, and administrative courts exists below the Supreme Court. The right of appeal from a district court to a high court to the Supreme Court exists in all four systems. The Supreme Court does not consider factual aspects of a case, only the lower courts' application of the law. The Supreme Court theoretically is an equal branch in relation to the executive and legislative branches, but it does not have the right of judicial review over laws passed by Parliament.

A panel of judges conducts trials at the district court level, which consists of posing questions, hearing evidence, deciding guilt or innocence, and assessing punishment. Initial judgments rarely are reversed in the appeals process, although sentences can be increased or reduced. Both the defense and the prosecution may appeal cases.

In November the DPR enacted a law establishing a permanent human rights court. The law, mandated by the 1999 Human Rights Law (Law 39/99), creates four new district courts to adjudicate gross violations of human rights. The law requires that each of the five-member human rights courts include three human rights

judges appointed to 5-year terms by the President upon nomination by the Supreme Court. Although cases are appealed to the standing High Court and Supreme Court, the law requires that those courts include three human rights judges on an ad hoc basis on the five-member panel when hearing human rights cases. The law provides for internationally-recognized definitions of genocide, crimes against humanity, and command responsibility as core elements of gross human rights violations. However, it does not include war crimes as defined in the 1949 Geneva Conventions as a gross violation. The law strengthens the powers of the Attorney General, who is the sole investigating and prosecuting authority in cases of gross human rights violations, and who is empowered to appoint ad hoc investigators and prosecutors. The law also empowers the Attorney General (as well as the courts) to detain suspects or defendants for multiple fixed periods in cases of gross human rights violations. However, the law requires the extension of any detention of alleged violations to be approved by the human rights court. For gross human rights violations that occurred before the enactment of the law, the law allows the President, with the recommendation of the DPR, to create an ad hoc bench within one of the new human rights courts to hear cases associated with a particular offense.

Defendants have the right to confront witnesses and to produce witnesses in their defense. An exception is allowed in cases in which distance or expense is deemed excessive for transporting witnesses to court; in such cases, sworn affidavits may be introduced. State prosecutors are reluctant to use existing legal powers to plea bargain with defendants or witnesses, or to grant witnesses immunity from prosecution. As a result, witnesses generally are unwilling to testify against the authorities. The courts commonly allow forced confessions and limit the presentation of defense evidence. Defendants do not have the right to remain silent and can be compelled to testify against themselves.

The Criminal Procedures Code gives defendants the right to an attorney from the time of arrest, but not during the prearrest investigation period, which may involve prolonged detention. Persons summoned to appear as witnesses in investigations do not have the right to legal assistance even if information developed during testimony subsequently becomes the basis of an investigation of the witness. The law requires counsel to be appointed in capital punishment cases and those involving a prison sentence of 15 years or more. In cases involving potential sentences of 5 years or more, an attorney must be appointed if the defendant is indigent and requests counsel. In theory indigent defendants may obtain private legal assistance, such as that provided by the Indonesian Legal Aid Foundation. However, in practice defendants often are persuaded not to hire an attorney, or access to an attorney of their choice is impeded.

In many cases, procedural protections, including those against confessions coerced by the security forces or police, are inadequate to ensure a fair trial. Corruption is a common feature of the legal system, and the payment of bribes can influence prosecution, conviction, and sentencing in civil and criminal cases.

Despite the beginning of the transfer of administrative and financial control over the judiciary from the Department of Justice to the Supreme Court, there were few signs of judicial independence. The Courts continued to be used to take action against, or deny legal remedy to, political activists and government critics.

During the year, victims of human rights violations sought for the first time to use the courts to obtain redress. In July the People's Democratic Party sued former President Soeharto and 13 other former senior officials for damages associated with the imprisonment of party leaders, the banning of the party, and the destruction of its property. The suit still was being heard at year's end. In addition four members of the Agrarian Reform Consortium (KPA) sued the police in Jakarta for forcibly removing them from a peaceful demonstration and hunger strike that they were conducting inside the Parliament building in Jakarta. After being forcibly removed, they later were kidnaped and threatened by unknown persons (see Sections 1.b. and 4). A district court dismissed the suit, but an appeal to the High Court still is pending.

President Wahid released all remaining political prisoners from the Soeharto and Habibie eras in December 1999. No new persons were convicted on political charges during the year.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—Judicial warrants for searches are required except for cases involving suspected subversion, economic crimes, and corruption; however, security agencies regularly made forced or surreptitious entries into homes and offices. In August a person claiming to be a representative of an international organization entered the Jakarta office of an international NGO involved in media issues and took a laptop computer but no other valuables. Unknown persons also surreptitiously entered the residence of the NGO's director and made intimidating telephone calls to staff members. The cir-

cumstances of these incidents suggested that members of the security forces were involved. Security forces also commonly engage in surveillance of persons and residences and selective monitoring of local and international telephone calls without legal restraint.

The Government and DPR discussed implementing the Law on Overcoming Dangerous Situations, which the DPR approved in September 1999 but which the President never signed. The law would allow the military to conduct search and seizure operations for weapons during a declared state of emergency without a warrant but would require that such searches be reported to the courts within 24 hours. In November the Cabinet decided to further postpone implementation of the law to permit additional discussion and possible amendments.

Government security officials monitor the movements and activities of former members of the Indonesian Communist Party (PKI) and its front organizations, especially persons whom the Government believes were involved in the abortive 1965 coup. These persons and their relatives sometimes are subjected to surveillance, required check-ins, periodic indoctrination, and restrictions on travel outside their city of residence. They also are required to have official permission to change their place of residence. The requirement that "E.T." ("Ex-Tapol" or political prisoner) be stamped on the identification cards of these prisoners was ended officially in 1995, although in practice it continued to be used in many cases. At least some individuals who had E.T. stamped on their identity cards were able to have the stamp removed. This stamp has been used by the Government to monitor the activities of these persons, allowing the Government and prospective employers to identify alleged former PKI members, thereby subjecting them to official and unofficial discrimination. Even when the stamp has been removed, these former political prisoners continue to face discrimination and restrictions on employment.

Under the government-sponsored transmigration program, large numbers of persons were moved voluntarily from overpopulated areas to more isolated and less developed areas (this program began during the Dutch colonial period and has been carried out more or less continuously since then). It also was used to resettle local populations within East Timor and Irian Jaya. However, the Government reduced its support after the economic downturn that began in mid-1997, and in December Minister of Manpower and Transmigration Alhilal Hamdi announced that since August the Government had stopped sending transmigrants between islands. He said that henceforth the Government only would support transmigration within the same province. Human rights monitors state that in general the transmigration program violates the rights of indigenous people and deceives some transmigrants into leaving their home villages without any means of return. Human rights activists also have claimed that a number of those resettled are persons who have been forced off lands that are coveted by developers who have collusive arrangements with the Government or security forces. Conditions at some relocation sites are life-threatening, with inadequate measures to protect the transmigrant population against diseases endemic to the sites. In June 68 transmigrant families left their camp in Bonggo subdistrict, Irian Jaya, because of poor living and agricultural conditions, disease, and inadequate support from the Government. They told the Legal Aid Society in Jayapura, where they took refuge, that 39 families at the site were suffering from severe malnutrition, and that lack of health care facilities contributed to a high disease and mortality rate. Police detained several of the transmigrants briefly, calling them "provocateurs" when meeting with NGO's and the press to discuss their situation. Transmigrants and migrants outside of the Government's transmigration program received direct and indirect government support in the form of developmental assistance programs and contracts with the TNI or local government officials. This practice, particularly in Irian Jaya and parts of Kalimantan, led to resentment among indigenous populations, whose members believed that their rights were infringed upon and that they were being discriminated against in the disbursement of development funds to other newly arrived groups that they perceived to be their economic rivals (see Section 5).

The Government used its authority, and at times intimidation, to appropriate land for development projects, particularly in areas claimed by indigenous people, and often without fair compensation (see Section 5).

The Government prohibits the import of Chinese-language publications (see Sections 2.a. and 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The 1945 Constitution contains a general provision for freedom of expression that was strengthened by the MPR's amendment of the Constitution in August, and the 1999 law on human rights provides for substantive protection of press freedom (see Section 1.d.); however, journalists contin-

ued to suffer intimidation and assaults. The Alliance of Indonesian Journalists (AJI) revealed that police had assaulted journalists 105 times during the first 10 months of year.

In 1999 the Parliament enacted a press law that provides for freedom of the press, prohibits censorship, and prescribes penalties for anyone who violates these rights. However, the law requires the press to report events and opinions "with respect to religious and moral norms of the public," and to adhere to the presumption of innocence. Press companies that violate this provision can be fined up to $55,000 (Rp. 500 million). Advertising that degrades the dignity of certain religions or creates disorder among diverse religions, is contrary to public morality, refers to addictive substances or displays cigarettes, is prohibited. The law established a Press Council to create and enforce a code of journalistic ethics. The Council consists of journalists nominated by journalist associations, representatives of press companies, and public figures nominated by journalists and press companies. President Wahid signed a decree in May that appointed members of the Council. The 1999 law replaced previous press laws that were viewed as being more restrictive of press freedom.

On December 3, in Irian Jaya, police arrested a Swiss reporter, Oswald Iten, for photographing a clash between separatists and security forces in the province and detained him on suspicion of violating the country's immigration laws by reporting without a press visa (see Section 1.d.). Police threatened Iten with a 5year jail term. They released him on December 14.

In September the Film Censor Board (LSF) issued a circular to television stations stating that recorded talk shows that discuss social and political topics must be reviewed by the Board before they are broadcast. Media figures and legal experts said that the circular had no legal standing because it conflicted with the 1999 Press Law, which forbids censorship of the press. Some observers called for the abolition of the LSF.

During the year, the media often exercised press freedom with detailed and aggressive reporting on corruption, political protests, national unrest, the trials of former President Soeharto and members of his family, public debate between President Wahid and the DPR, and the DPR and MPR sessions. Domestic press and television coverage of West and East Timor highlighted the statements of government officials and prointegration leaders, and uncritically conveyed the government (prointegration) view on most issues, in many cases actively seeking to discredit UNTAET. However, the media did provide extensive coverage of the findings of the Attorney General in East Timor (see Sections 1.a, 1.c., 4, and 5). UNTAET's versions of events and reports of abuses by the militias appeared occasionally.

Since the abolition of the Department of Information in 1999, most editors believe that the Government no longer requires a license to publish a newspaper or magazine because there no longer is a controlling body to receive reports.

The Government operates a nationwide television network with 12 regional stations. Private commercial television networks, most with ownership by, or management ties to, former President Soeharto's family, continued to flourish. All are required to broadcast government-produced news, but they also broadcast news and public affairs programming independently. Television networks increased their news coverage during the year, including extensive coverage of the DPR and MPR sessions.

Over 1,000 private radio broadcasting companies exist in addition to the Government's national radio network. They all were required to belong to the government-sponsored Association of Private Radio Stations in order to receive broadcast licenses. The Government radio station, Radio Republik Indonesia (RRI), produces the program "National News." Private radio stations and 53 regional government network affiliates relay the news programming throughout the country.

Regulations issued by the Government in 1998 reduced the number of compulsory government RRI programming broadcasts from 14 to 4 per day. While private radio stations in the provinces generally adhered to the Government's requirement, many private radio stations in larger urban areas broadcast the RRI program only once per day. The regulations allowed stations to produce their own news programs, and many have done so. Candid live coverage of demonstrations and other breaking stories increased markedly during the year. Moreover, "talk radio" call-in programs regularly address timely political and socioeconomic issues.

Foreign television and radio broadcasts are readily accessible. Satellite dishes and cable television networks have proliferated throughout the country, and there is unrestricted access to the Internet. The Government made no effort to restrict access to satellite programming and has proclaimed an "open skies" policy. Foreign periodicals circulate widely without censorship. The authorities have delayed distribution of publications by a day or more, although this is rare. The Government restricts the import of Chinese-language publications and music (see Sections 1.f. and 5).

There are seven locally-published Chinese language newspapers. In November a new independent television station, Metro TV, began broadcasting 2 hours of news in Mandarin per day. The program was the first Chinese-language television broadcast in the country since 1965.

The Government regulates access to the country by visiting and resident foreign correspondents, particularly to areas of unrest. It occasionally reminds the latter of its authority to deny requests for visa extensions. Special permission is necessary for foreign journalists to travel to Aceh and Irian Jaya. In February in West Timor, police detained three Portuguese television journalists for 3 days and harassed them before forcing them to leave the country. In June the Government lifted the ban on travel to the country of a foreignbased NGO representative and an international newsmagazine reporter.

The Government requires a permit for the import of foreign publications and videotapes, which must be reviewed by government censors. Significant amounts of material bypass customs and censorship procedures.

Most books by the prominent novelist and former political prisoner Pramoedya Ananta Toer remain banned, although some are in circulation. According to a study published in the newspaper Kompas, from 1969 to 1998 the Government banned 199 books, approximately 50 percent for religious reasons, 30 percent for political reasons, and 20 percent for ideological reasons. However, bookshops—especially "alternative bookstores" at university campuses and cultural centers—openly sell many new and newly reprinted titles. The Government banned no additional books during the year; however, protests from Islamic groups prompted a publisher to remove books by the religious philosopher Anand Krishna from bookstores. Media and human rights NGO's criticized the calls to withdraw the books from circulation as a violation of freedom of expression.

The 1999 law on crimes against the State (see Section 1.d.) prohibits persons from disseminating or developing the teachings of communism, or from seeking to eliminate or replace the state ideology of Pancasila in a way that causes harm to persons or property.

In January police and TNI troops began rounding up youths in South Aceh and ordering them to take down proreferendum banners and to clean referendum graffiti off of streets and walls. The investigation against some of the 16 persons later was dropped. In Aceh security forces shot and wounded a youth in August who was suspected of displaying the Free Aceh Movement (GAM) flag on the country's independence day (August 17). In early December a police officer in Aceh announced a ban on the flying of the Free Aceh Movement flag, and said that the police would deal harshly with those who defied the ban.

During the first 6 months of the year, the Government generally tolerated the flying of Papuan independence flags in Irian Jaya. In March the police investigated charges against 16 persons for crimes partly related to their support of a peaceful Papuan independence flag-raising on December 1, 1999. However, in late September new National Police Chief Suryo Bimantoro ordered all Papuan independence flags to be taken down, and police efforts to remove flags forcibly sparked violent clashes with Papuans (see Sections 1.a., 1.c., 1.d., and 5). In November the regional police command for Irian Jaya revived criminal charges against five Papuan Presidium Council leaders for crimes against the security of the State and public order, based in part on evidence that they had organized a peaceful Papuan independence flag-raising.

The law provides for academic freedom, and there are no significant constraints in practice on the activities of scholars. Political activity, open discussions, and blunt criticism of the Government at universities continued to flourish during the year.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government places significant controls on the exercise of this right. The Government promulgated regulations in 1995 that eliminated the permit requirements for some types of public meetings; however, a requirement to notify the police remained in effect for most other meetings, and in practice many public meetings were dispersed forcibly, sometimes with lethal force (see Sections 1.a. and 1.c.). The vast majority of public gatherings and demonstrations, which have proliferated rapidly since President Soeharto's resignation in 1998, occurred without any official interference.

The 1998 law on freedom of expression requires that demonstrators notify the police 3 days in advance and appoint someone accountable for every 100 demonstrators. The law restricts demonstrations near specific sites. Nevertheless, frequent demonstrations are held in Jakarta and around the country with or without official permission. The Government previously had invoked the law to detain and try demonstrators in Jakarta and elsewhere; however, no such trials occurred during the

year. Participants in several demonstrations were killed and suffered injuries when security forces seeking to disperse crowds shot, beat, and kicked demonstrators (see Sections 1.a. and 1.c.). In November police and army troops who were attempting to prevent Acehnese from attending a rally in Banda Aceh calling for a referendum on Acehnese independence killed over 20 persons (see Section 1.a.). Police also broke up several peaceful demonstrations in Irian Jaya. In at least six instances, police broke up peaceful demonstrations in which Papuans raised the Papuan independence flag and, after demonstrators resisted, killed and injured many demonstrators (see Sections 1.a., 1.c., 2.a., and 5).

In January police wounded 13 persons while forcibly dispersing persons who were protesting inadequate compensation for land that the Government appropriated for a resort on Bintan Island (see Section 1.c.).

The Constitution provides for freedom of association; however, the Government places significant controls on the exercise of this right. The 1985 Social Organizations Law (ORMAS) requires the adherence of all organizations, including recognized religions and associations, to the official ideology of Pancasila. This provision, which limits political activity, is widely perceived to be designed to inhibit the activities of groups that seek to engage in democratic political competition, to make Indonesia an Islamic state, to revive communism, or to reintroduce partisan ideological division into the country. It empowers the Government to disband any organization that it believes to be acting against Pancasila, and it requires prior government approval before any organization can accept funds from foreign donors.

The Government announced late in 1995 its intention to relax a regulation requiring police approval for all meetings of five or more persons of all organizations outside offices or normal work sites. However, in practice this regulation continues to apply to union meetings (see Section 6.a.).

The 1999 Law on Crimes Against the State (see Sections 1.d. and 2.a.) prohibits the formation of organizations that "are known to or are properly suspected" of embracing the teachings of Communism/Marxism/Leninism "in all its forms and manifestations."

c. Freedom of Religion.—The Constitution provides for religious freedom for members of five out of six officially-recognized religions and belief in one supreme God, and the Government generally respects these provisions; however, there are some restrictions on certain types of religious activity, including unrecognized religions.

Although the population is over 85 percent Muslim, the practice and teachings of five out of six officially-recognized religions generally are respected, and the Government actively promotes mutual tolerance and harmony among them. The law states that the Government "embraces" Islam, Protestantism, Catholicism, Buddhism, Hinduism, and Confucianism. Presidential Decree 6/2000, promulgated in January, repealed the ban on the practice of Chinese religion (Confucianism), its beliefs, and its customs (Presidential Decree 14/1967). After the January passage of Presidential Decree 6/2000, Confucianists were permitted to celebrate publicly the Chinese New Year for the first time in over 30 years. A Ministry of Interior Circular (No. 477/805), issued in late March, permits Confucianism to be listed as a religion on marriage license applications, allowing Confucian marriages to be recognized and registered officially in the country. However, not all communities have implemented the new guidelines. While the law formally "embraces" only these religions, it explicitly states that other religions, including Judaism, Zoroastrianism, Shintoism, and Taoism are not forbidden. The Government permits the practice of the mystical, traditional beliefs of "Aliran Kepercayaan." Some religious minorities, including the Baha'i and Rosicrucians, were given the freedom to organize in May when Presidential Decree 69/2000 revoked Presidential Decree 264/1962, which had restricted their activities. The MPR adopted a Human Rights Charter in 1998 that provides citizens the freedom to practice their religion without specifying any particular religion.

A 1976 decision by the Attorney General, reinforced by a separate decision by the same office in 1978, banned Jehovah's Witnesses from practicing their faith. Open practice of the faith remains banned, and members report that they continue to experience difficulty registering marriages, enrolling children in school, and in other civil matters. Jehovah's Witnesses claim that Trinitarian Christians instigated the Government bans. Mainstream Christian leaders have influenced government policy to be biased against more conservative Christians.

Members of the Bahai faith did not report problems during the year. The Government in some provinces has banned the messianic Islamic sect Darul Arqam; the Government also bans the AlMa'Unah school in some provinces. The Government closely monitors Islamic groups considered to be deviating from orthodox tenets, and in the past has dissolved some groups. Historically, the Government has tried to control Muslim groups whose practices deviate from mainstream Islamic beliefs be-

cause of pressure by nongovernmental leaders of mainstream or conservative/traditional Muslim groups as well as the Government's concern for national unity. A proposal to implement Islamic law failed to gain the MPR approval in August. President Wahid voiced strong opposition to the proposal, arguing that its implementation would threaten national unity.

The legal requirement to adhere to Pancasila extends to all religious and secular organizations. Because the first tenet of Pancasila is belief in one supreme God, atheism is forbidden. Although individuals are not compelled to practice any particular faith, all citizens must be classified as members of one of the officially recognized religions. As this choice must be noted on official documents, such as the identification card, failure to identify a religion can make it impossible to obtain such documents. The Government strongly opposes Muslim groups that advocate establishing an Islamic state or acknowledging only Islamic law.

President Wahid has continued to emphasize harmony, tolerance, and mutual respect among different religious communities. Other high-level officials continued to make public statements and emphasized by example the importance of respect for religious diversity. However, some lower level officials continued to show reluctance to facilitate and protect the rights of religious minorities.

Religious violence and the lack of an effective government response to punish perpetrators and prevent further attacks led to allegations that officials were complicit in some of the incidents or, at a minimum, allowed them to occur with impunity. There were numerous instances of attacks on churches, mosques, temples, and other religious facilities during the year (see Sections 1.a. and 5). The most widespread interreligious violence occurred in the Moluccas, where well over 100 houses of worship were damaged or destroyed and thousands of persons were killed as Christians and Muslims engaged in mutually-destructive violence. On Keswuii and Teor Islands in Maluku, hundreds of Christians converted to Islam in November and December to save their lives (see Section 5). The Government continued to be reluctant to intervene in mob attacks on houses of worship and proved ineffective in controlling the violence in North Maluku and Maluku provinces; however, governmental efforts to respond to communal violence in the provinces of Sulawesi generally were more effective (see Section 5).

In North Maluku and Maluku provinces, Christian sources alleged that elements of the security forces were biased against them. For example, predominantly Muslim units dispatched from Java and Sulawesi allegedly sided with Muslim vigilantes and used excessive force against Christians. In other instances, security forces appeared to be biased against Muslims. Muslims on Ambon claimed that members of the predominantly Christian police force sided with their coreligionists. However, there was no evidence to suggest that the security forces, as an institution, supported either. Some individuals and some units occasionally sided with their coreligionists, but their actions appeared to be random and contrary to orders. Some military troops were detained and interrogated for allegedly openly siding with militia in at least one episode on Haruku; however, there were no reports that such perpetrators ever were punished. Several hundred police officers have themselves been attacked and some even killed because of their religion; hundreds of police members and their families, and numerous other government officials, are among the country's IDP's.

The Government formed a special interagency team to investigate the December 24 bombings on Christian churches, and an NGO has formed a joint fact-finding team with the Government to investigate the Christmas Eve church bombings (see Sections 1.a., 1.c., and 5).

According to many Christian officials, the anti-Christian sentiment behind the violence in the Moluccas, Sulawesi, and elsewhere is not new, but the impunity associated with such acts is. They claim that such impunity has contributed significantly to the attacks that have occurred since Soeharto resigned in May 1998. The Government did not investigate fully most cases of attacks on religious facilities that occurred during riots, and in other cases, did not investigate such incidents at all.

A 1969 regulation provides that before a house of worship may be built, consent must be obtained from local residents living near the site, and a license must be obtained from the regional office of the Department of Religion. Some Christians claim that this regulation is used to prevent them from building churches and rebuilding damaged religious facilities. Despite these alleged problems, the building of churches continued.

The law allows conversion between faiths, and such conversions do occur. Independent observers note that it has become increasingly difficult to obtain official recognition for interfaith marriages between Muslims and non-Muslims. Persons who are not members of one of the five accepted religions also have difficulty in obtaining official recognition of their marriages.

The Government views proselytizing by recognized religions in areas heavily dominated by another recognized religion as potentially disruptive and discourages it. Foreign missionary activities are relatively unimpeded, although in Irian Jaya, and occasionally elsewhere, missionaries have experienced difficulties and delays in renewing residence permits. In addition visas allowing the entrance of new foreign clergy are difficult to obtain. Laws and decrees from the 1970's limit the number of years that foreign missionaries may spend in the country; some extensions were granted in remote areas like Irian Jaya. Foreign missionary work is subject to the funding stipulations of the Social Organizations Law.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law permits the Government to bar persons from either entering or departing the country, and the Government continued to restrict freedom of movement to a limited extent. In 1999, according to Department of Justice information quoted in the press, the Government maintained a list of 3,665 foreigners who are barred from entering the country, and 417 citizens who are prohibited from leaving the country. Five prominent Papuan leaders who were barred from leaving the country in August 1999 (see Section 5) subsequently were allowed to travel abroad; however, some of them only were able to travel after foreign governments made high-level representations on their behalf.

The Government also restricts movement by citizens and foreigners into and within parts of the country. The 1999 Law on Overcoming Dangerous Situations (see Section 1.f.) also would allow the military to limit land, air, or sea traffic, to prohibit migration into and out of areas, to order relocation of persons outside areas, and to order house arrest in a declared state of emergency. However, this law has not been signed by the President and still is under discussion in the DPR.

The Government must approve the assignment of staff members of foreign institutions that implement technical cooperation programs, including NGO's, before they are allowed to enter the country. Foreign consultants and foreign assistance staff, particularly those working in sensitive parts of the country such as Aceh, Irian Jaya, and the Moluccas, must be cleared by the Intelligence Coordination Agency (BAKIN) before their assignments can be approved by the State Secretariat (see Section 4).

On June 23, President Wahid announced a ban on all travel to Maluku and North Maluku provinces; however, the ban was not enforced effectively. On June 26, the President declared a state of civil emergency for both provinces. The emergency decree, originally in place for 90 days, was extended indefinitely (see Sections 1.a., 1.c., 2.c., and 5).

The Government requires that individuals obtain permits to work in certain areas, primarily to limit further population movement to crowded cities. Special permits are required to visit certain parts of Irian Jaya. Although former political prisoners associated with the abortive 1965 coup no longer are officially required to carry the stamp "E.T." on their identity cards, in many cases, the stamps have not been eliminated in practice (see Section 1.f.). Among other restrictions, some former prisoners still are required to obtain permission from security and intelligence authorities to move.

Following the August 30, 1999 consultation vote in East Timor, there was credible evidence that in a planned and orchestrated operation, the security forces forcibly removed or compelled to flee a substantial percentage of the 250,000 East Timorese who departed the territory at that time. Over 170,000 of these IDP's have returned to East Timor, but intimidation by East Timorese prointegration militia forces in the camps in West Timor continued to prevent many others from returning (see Sections 1.a. and 1.c.).

All international assistance to the IDP's in West Timor was suspended following the September 6 attack on UNHCR personnel (see Sections 1.a. and 4). The Government's failure to disarm and disband the militias created security conditions unfavorable for the resumption of international assistance. There is evidence that TNI elements have supported the militias with supplies and training, although that support apparently declined toward year's end. The Government's disarmament campaign after the September 6 killings of 3 UNHCR workers in Atambua resulted in the surrender of 103 standard issue weapons. The TNI did not confiscate any weapons by force. Estimates of the number of standard issue weapons that were not surrendered range from 100 to over 1,000. Only toward year's end did the Government begin to take steps to promote the voluntary and safe return of IDP's; for example, by agreeing to settle pension claims for some IDP's who requested repatriation, or resettlement in Indonesia. There is no evidence that the Government is returning forcibly or resettling East Timorese IDP's.

Sectarian violence in the Moluccas has displaced nearly 500,000 persons, which account for about half of the over 1 million IDP's in the country. North Maluku offi-

cials estimate that there are 197,000 IDP's escaping the conflict in North Maluku, and the Diocese of Ambon estimates that conflicts in Maluku province have generated about 289,000 IDP's.

According to the Government's IDP statistics released in August, there were over 20,000 IDP's in North Sulawesi, most of them Christians from North Maluku and Maluku provinces. However, Christian sources claim that there are 60,000 to 100,000 Christian IDP's in North Sulawesi. Since the majority of these IDP's are housed in private residences instead of camps, the Government had not included them in its official data. By midNovember, several hundred Muslim IDP's had returned to their homes in North Maluku. The North Maluku provincial government announced in mid-November that it would return about 178,000 IDP's currently in Ternate, Tidore, and parts of Halmahera to their places of origin before the Ramadan holiday began in the third week of December. However, very few returned by year's end due to Christian resistance in the areas where Muslim IDP's were going to return, and Muslim fears that they would have no means of making a livelihood and that Christians would attack them. The IDP's are almost all Muslims. Christian IDP leaders in North Sulawesi and Jakarta claim that the Government has not actively encouraged Christian IDP's, most of whom are in North Sulawesi, to return to their homes in Ternate and Tidore and other parts of North Maluku. As a result, there are no Christians in Ternate and Tidore, except for a few wealthy Sino-Indonesian Christians who were encouraged to return and international humanitarian aid workers.

There were over 58,000 IDP's in Central Sulawesi, most of whom were Muslims from Poso, Central Sulawesi. Estimates suggest that 20 percent of the Muslim IDP's from Poso may have returned to the area. Most Muslim IDP's remain in camps or other temporary settlements. There were about 17,000 IDP's in South Sulawesi and over 100,000 in Southeast Sulawesi, most of whom were Muslims from East Timor and the Moluccas.

The Government generally has encouraged and assisted foreign and domestic humanitarian aid to the Moluccas and Sulawesi (see Section 4). However, on occasion both Muslim and Christian groups have accused some foreign donors of partiality. The Government has not been particularly effective or helpful in promoting the voluntary and safe return or resettlement of the IDP's in these areas.

In East Java, police forcibly evicted to other areas persons rumored to be practitioners of magic (see Section 1.a.).

An estimated 50,000 Madurese who fled their homes during interethnic violence in 1999 remained in IDP camps in West Kalimantan and Madura (see Sections 1.a. and 5).

Throughout the year, tens of thousands of rural Acehnese temporarily fled their villages and became IDP's. In some cases, IDP's were fleeing security forces that were patrolling the area or otherwise intimidating them (see Sections 1.a. and 1.c.). In other cases, armed separatists terrorized or coerced villagers into becoming IDP's, in part to create international attention and sympathy.

Unrest in Irian Jaya caused numerous persons to leave their homes in Wamena and other areas. Many were migrants from other parts of the country and are believed to have returned to their original provinces. Several thousand Papuan refugees reside in camps in Papua New Guinea.

While the law lacks provisions for dealing with refugees/asylees in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, the Government cooperates with the UNHCR, which maintains a regional office in Jakarta. There are a number of Iraqis in the country, some of whom requested and were granted refugee status by the UNHCR. In past years, the Government offered first asylum to over 125,000 Indochinese boat persons. The Galang Island camp was closed in 1996, and by the end of 1999 the last remaining asylum seekers had been repatriated or permitted to settle permanently in the country. The Government has not formulated a policy regarding asylum seekers, but in practice it has respected the principle of not returning asylum seekers to the countries from which they fled.

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

In 1999 citizens for the first time successfully changed their government through an open, transparent democratic process, following decades of authoritarian rule. The People's Consultative Assembly (MPR) is constitutionally the highest authority of the State. It meets every 5 years in a "General Session" to elect the President and Vice President in separate secret ballots and to establish the "Broad Guidelines of State Policy" (GBHN), which is intended to serve as a policy plan for the Government. The MPR met in August in the first of its newly instituted "Annual Sessions,"

to consider constitutional amendments and policy recommendations. The 695-member MPR consists of the 500 Members of the House of Representatives (DPR), 130 regional representatives, who are elected by provincial legislatures, and 65 appointed representatives from functional and societal groups. The June 7, 1999 general election, in which 48 political parties participated, was monitored by domestic and international observers and was widely considered open, fair, and free. In October 1999, the newly installed MPR chose Abdurrahman Wahid as President and Megawati Soekarnoputri as Vice President in a transparent process, which was broadcast live on national television. The next round of general and presidential/vice presidential elections is scheduled for in 2004.

The military's significant historical sociopolitical role is to be phased out gradually. Although the police and military formally were separated in July by presidential decree (reinforced in August by an MPR decree), the two institutions continue jointly to hold 38 unelected seats in the DPR and 10 percent of the seats in provincial and district parliaments, in partial compensation for not being permitted to vote. In addition to these appointed legislative positions, active-duty military and police officers also may run for election to government office but, in a significant departure from past practice, are expected to retire (except those appointed to legislative bodies) after they are elected. Retired officers occupy important positions at all levels of government and often retain strong ties to their former institutions. The military and police have agreed to relinquish their appointed seats in the DPR and regional legislatures by 2004, but an MPR decree passed in August allows them to retain seats in the MPR until "not later than 2009. In an apparent effort to blunt demands for an immediate end to their legislative positions, military and police legislators generally have sought to limit their involvement in matters deemed not to affect their core interests.

The legislative branch, which had no independence during the Soeharto era, has moved forcefully to establish its independence from the executive branch. A number of constitutional changes, MPR decrees, and legal changes have enhanced legislative branch authorities, raising some concerns that the balance of power may have shifted too far from the executive branch. The legislative branch has demonstrated its independence through the DPR's aggressive pursuit of its government oversight function, as well as the MPR's success in August in forcing President Wahid to cede more authority over daily government management to Vice President Megawati because of perceived inefficiency and inconsistency in the Wahid Administration's implementation of policy. During the year, the DPR exercised its right to initiate legislation occasionally, mainly due to cumbersome procedures and a lack of expertise; however, it exercised considerable influence over the final content of bills introduced by the Government.

The MPR is empowered to amend the Constitution and issue decrees, functions that it undertook in the first of its newly instituted "Annual Sessions" held in August. A key demand of the reform movement was an overhaul of the 1945 Constitution, which was perceived to have fostered the development of past authoritarian regimes. In the first amendment of the Constitution, the 1999 MPR passed curbs on executive power including a limit of two 5-year terms for the president and vice president. At the same time, the MPR empowered an ad hoc working committee to consider further amendments and to draft MPR decrees. This effort resulted in the passage of the second amendment to the Constitution during the "Annual Session" in August. Due to limited time and unresolved issues, the MPR did not produce the sweeping restructuring of state institutions many had hoped for, leaving in place inconsistencies resulting from the Constitution's blending of presidential and parliamentary characteristics. However, the second amendment did include many important changes, including provisions for protections of human rights modeled closely on the U.N. Universal Declaration of Human Rights, regional autonomy, and further separation of powers. The working committee is continuing deliberations on further constitutional reforms to be considered during the 2001 and 2002 annual MPR sessions.

The remaining 92 percent of national and 90 percent of regional parliamentary seats that are not occupied by members of the military and police are filled through elections held every 5 years. All adult citizens, except active-duty members of the armed forces, persons in prison convicted of crimes punishable by over 5-years' incarceration, persons suffering from mental disorders, and persons deprived of voting rights by an irrevocable verdict of a court of justice, are eligible to vote. Members of the banned Indonesian Communist Party (PKI) may not run for office.

International and domestic monitoring groups and the major political parties accepted the June 1999 parliamentary election as generally free and fair, notwithstanding many technical problems and irregularities, particularly in remote areas. The numerous technical problems, due to inadequate preparations and ambiguities

in the regulations, included inadequate supplies of ballots and reporting forms, poor training of poll workers, confusion over procedures, and insufficient funds to pay poll workers. There were numerous, and in some cases credible, allegations of vote buying and scattered allegations of voter intimidation, particularly in rural areas. In some cases, alleged violations were referred to judicial authorities for legal action; however, in most cases, political parties reached informal solutions among themselves.

The actions of some small party representatives on the General Election Commission (KPU) contributed to a significant delay in validating election results and led to a considerable loss of public faith in the impartiality and integrity of the KPU. In June the DPR amended the 1999 election laws to establish a new and more independent KPU, which currently is being formed through a transparent process that encourages public involvement. Some observers are concerned that the new KPU secretariat will remain administratively dependent upon the Ministry of Home Affairs.

While there are no legal restrictions on the role of women in politics, they are underrepresented in government. The Vice President, Megawati Soekarnoputri, is a woman. Following the August Cabinet reshuffle, 2 of 26 ministers are women. However, there now are fewer women in the DPR and in the MPR than during the Soeharto era. Women represent less than 9 percent of DPR members, a decrease from 13 percent during former President Soeharto's last term. Nonetheless, many women activists argue that the quality of female politicians has improved. Female Members of Parliament announced in mid-October the formation of a non-partisan women's caucus. Surveys have shown that while more than one-third of civil servants are women, less than 6 percent are in positions of authority (see Section 5).

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

Although still subjected to monitoring by and interference from the authorities, domestic human rights organizations were extremely active in advocating that the Government improve its human rights performance. They pressured the Government to investigate human rights abuses, acted as defense counsel in political trials, sought to offer assistance—and in some cases protection—to victims and witnesses of human rights abuses, and urged improvements in government policies and legislation.

At times security force members killed, abused, and detained human rights activists and humanitarian workers, most frequently in areas with active insurgencies. For example, in early August Acehnese foreign-resident NGO activist Jafar Siddiq Hamzah disappeared in Medan. His body, which showed signs of torture, was found in early September (see Section 1.a.). On August 27, Brimob officers tortured three staff members of the international humanitarian organization Oxfam (see Section 1.c.). On September 5, police detained and beat a volunteer for Save Emergency for Aceh, a humanitarian organization (see Section 1.c.). During the year, police arrested three leaders of a group that advocates for a referendum on Aceh's political status, beat them while in custody, and later detained the group's chairman (see Sections 1.c. and 1.d.). On December 6, three Acehnese humanitarian workers who were assisting torture victims were killed near Lhokseumawe (see Section 1.a.).

On December 15, police summoned the director of Papua's best-known human rights organization, the Institute for Human Rights Study and Advocacy in Papua (ELS-HAM), for questioning; police released him on December 16 after nearly 22 hours of questioning. The director was ordered to the station after ELSHAM held a press conference in which it accused the police of the extrajudicial killing of three persons on December 7 (see Section 1.a.).

Four members of an NGO based in Bandung, West Java, that advocates on behalf of dispossessed farmers, claim that they were kidnaped on August 14 (see Sections 1.e. and 4). The office of the Committee for Missing Persons and Victims of Violence (KONTRAS), based in Jakarta, was attacked during a series of bombings in various areas of the country (see Section 1.c.).

Intimidation, threats, and violence toward NGO's escalated in West Timor as the year progressed, greatly hindering humanitarian operations. Intimidation by militias and outright attacks prevented numerous humanitarian organizations that sought to assist refugees in West Timor during the post-consultation period from delivering assistance, particularly around the IDP camps (see Sections 1.a. and 1.c.).

The Government must approve the assignment of staff members of foreign institutions that implement technical cooperation programs, including NGO's, before they are allowed to enter the country (see Sections 2.c. and 2.d.); some NGO's allege that the Government has used this requirement to restrict their activities, especially in sensitive areas.

The Government generally considered outside investigations or foreign-based criticism of alleged human rights violations to be interference in the country's internal affairs. In addition security forces and intelligence agencies tended to viewed foreign NGO's and international organizations with suspicion and distrust, particularly those operating in conflict areas. Nevertheless, the Government generally encouraged and assisted foreign and domestic humanitarian aid to the Moluccas and Sulawesi, and to other areas. However, on occasion both Muslim and Christian groups accused some foreign donors of partiality (see Section 2.d.).

The ICRC generally was allowed access to identified detainees by civilian and military officials at the central government level. In Aceh the ICRC maintained an office in Lhokseumawe and was allowed to visit known prisoners and others detained by security forces. The ICRC conducted humanitarian operations in Aceh, Central Sulawesi, Maluku, North Maluku, and East and West Timor; however, the Government sometimes hindered ICRC's access to these areas and was slow in accrediting additional staff members.

The government-appointed National Human Rights Commission (KOMNASHAM), in its 7th year of operation, continued actively to examine reported human rights violations and to demonstrate independence from the Government. During the year, Islamic and East Timorese groups physically attacked KOMNASHAM's Jakarta office because of controversy over some of the Commission's findings (see Section 1.c.). Lacking enforcement powers, KOMNASHAM attempts to work within the system, sending teams to inquire into alleged human rights problems. It employs persuasion, publicity, and moral authority to highlight abuses, to recommend legal and regulatory changes, and to encourage corrective action. The Government appointed KOMNASHAM's original chairman, who then appointed the other 24 initial Commission members.

The 1999 Human Rights Law (Law 39/1999) gave KOMNASHAM statutory authority and increased its membership to 35 members. Future members are required to serve 5-year terms and to be nominated by KOMNASHAM, confirmed by the Parliament, and approved by the President. The law gives KOMNASHAM subpoena powers and provides that disputes settled by written agreement through the Commission's mediation are enforceable in court. However, the law does not give KOMNASHAM the power to enforce its recommendations or to recommend government action. By year's end, the Commission had not appointed the new members authorized by the 1999 law.

In 1999 KOMNASHAM supported the work of the KPP-HAM and forwarded its findings to the Attorney General in late January. In February KOMNASHAM formed a commission to investigate the 1984 killing of Muslim demonstrators at Tanjung Priok, Jakarta (see Sections 1.a. and 1.c.). In August KOMNASHAM opened an office in Ambon, Maluku province. Commission members conducted an investigation into human rights violations in Irian Jaya in October following an outbreak of violence in Wamena (see Sections 1.a. and 5).

U.N. High Commissioner for Human Rights Mary Robinson visited the country from November 21 to 24. She addressed a KOMNASHAM conference on transitional justice and expressed U.N. support for training for prosecutors, judges, and defense lawyers involved in Indonesia's East Timor tribunal, requested by the Attorney General. However, the Government did not agree to extend a memorandum of understanding on the status of UNHCHR's planned assistance to, and field office in, Indonesia. The Office of the High Commissioner for Human Rights (OHCHR) program officer assigned to Jakarta completed his assignment in May and had not been replaced. At year's end, the office remained open and staffed with locals.

In response to the U.N. Security Council's (UNSC's) adoption of Resolution 1319 after the September 6 killing of three UNHCR workers in West Timor (see Section 1.a.), the Government and various political leaders initially indicated that they would oppose the actions that the UNSC mission called for in the resolution. However, the Government later invited the UNSC mission to observe the situation in West Timor and to assess the Government's compliance with the resolution. The UNSC mission, consisting of permanent representatives from five member countries, visited West Timor and Jakarta from November 14 to 17.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution does not forbid explicitly discrimination based on gender, race, disability, language, or social status; however, it stipulates equal rights and obligations for all citizens, both native and naturalized. An amendment to the Constitution adopted during the year introduces the possibility of affirmative action to achieve fair and equal treatment; however, some activists believe that because the

amendment does not mention men or women specifically, it will not adequately protect women.

The Guidelines of State Policy (legal statutes adopted by the MPR) explicitly state that women have the same rights, obligations, and opportunities as men. However, guidelines adopted in the past 20 years also state that women's participation in the development process must not conflict with their role in improving family welfare and the education of the younger generation. Marriage law designates that the man as the head of the family. The Constitution grants citizens the right to practice their individual religions and beliefs; however, the Government only recognizes six religions and imposes some restrictions on other religious activity, although some of these restrictions were lifted during the year (see Section 2.c.).

Women.—Violence against women remains poorly documented. Women's rights NGO's estimate that only 15 percent of domestic violence incidents are reported. According to a legal aid organization involved in domestic violence issues, about 11 percent of rural women suffer some form of domestic violence. Experts on the subject agree that the number of incidents has risen since the onset of the country's economic downturn starting in mid-1997, which has been aggravated by social changes associated with rapid urbanization. The Government has acknowledged the problem of domestic violence in society; however, violence against women, especially when it occurs within the home, largely is perceived by the public to be a private matter and not within the purview of the Government.

Rape is a punishable offense, and perpetrators have been arrested and sentenced for rape and attempted rape, but reliable statistics are unavailable. Women's rights activists believe that rape is underreported seriously due to the social stigma attached to victims. Some legal experts report that unless a woman immediately seeks an examination at a hospital that produces physical evidence of rape, she will be unable to bring charges successfully. A witness also is required in order to prosecute for rape, and only in rare cases can a witness be produced, according to legal experts. Some women reportedly fail to report rape to police because the police do not take their allegations seriously. The maximum prison sentence for rape is 12 years, but observers claim that sentences usually are much shorter. Mob violence against accused rapists frequently is reported. An August 1999 conference of forensic experts recommended the adoption of standard procedures be adopted for examining and taking statements from rape victims, in an effort to improve the successfulness of rape prosecutions. However, by year's end, no rape investigation standards were in place, nor were uniform procedures followed.

Rape by a husband of a wife is not considered a crime under the law. Cultural norms dictate that problems between a husband and wife are private matters, and violence against women in the home rarely is reported. While police could bring assault charges against a husband for beating his wife, due to social attitudes they are unlikely to do so.

The country is a significant source, transit point, and destination for trafficking in women and children for the purpose of forced prostitution and sometimes for forced labor (see Sections 6.c. and 6.f.). It is widely alleged that TNIbacked militias raped numerous women during the 1999 violence in East Timor and kept many as sex slaves (see Section 1.c.). Kirsty Sword-Gusmao, the wife of East Timorese independence leader Xanana Gusmao, reported to the international press in November that 33 pregnant East Timorese women returned to East Timor and claimed they had been abducted and forced to serve as sex slaves for the TNI in West Timor.

Female domestic servants also are vulnerable to exploitation and abuse. In some cases, unscrupulous recruitment agencies have promised women employment as domestic servants overseas and then held them against their will for extended periods until jobs are found for them. Women working abroad as domestic servants often risk various forms of abuse, exploitation, and other cruel treatment. The Government has taken some steps to assist its citizens working abroad, but advocates charge that much more needs to be done (see Section 6.f.).

Harassment is not a crime under the law, only "indecent behavior." However, sexual harassment charges may damage a civil service career. The law reportedly only covers physical abuse, and requires two witnesses. Female job applicants and workers have complained of being victimized sexually by supervisors. Many groups criticized the 1997 Manpower Law for failing to address sexual harassment and violence against women in the workplace and for providing inadequate protection in areas of employment where women regularly suffer abuse, such as overseas employment and household service. As of year's end, the Manpower Law was undergoing extensive revisions.

In 1998 the Government, in consultation with women's NGO's, established a National Commission on Violence against Women. The Commission's mandate is to improve and coordinate government and NGO efforts to combat violence against

women and to provide assistance to victims. During the year, the Commission reported that violence against women resulting from the economic crisis continued to rise.

In November 1999, a group of government officials and NGO representatives signed a declaration calling for the development of a joint strategy to end violence against women. The group drafted a 2001–2004 national action plan, which incorporates a "zero tolerance" strategy of violence against women, creates safety mechanisms to protect women against violence, and establishes new legislation to penalize perpetrators of such violence. In February the Government signed the Protocol of the U.N. Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW). However, national legislation and implementing regulations to support the action plan have not yet been enacted. The Government provided technical support, but not funding, to establish and administer a women's crisis center in a leading public hospital in Jakarta. Foreign governments have funded some of these crisis center projects.

The Government provides some counseling for abused women, and several private organizations assist women. Many of these organizations focus on reuniting the family rather than on providing protection to women. Many women rely on the extended family system for assistance in cases of domestic violence. Both public and private initiatives to assist female victims of violence were undertaken during the year. There are a small but growing number of women's crisis centers, including a drop-in center founded in Jakarta by the government-sponsored National Women's Organization (KOWANI) in 1996 and a crisis center for women in Yogyakarta that is administered by an NGO. Women's Partner (Mitra Perempuan), a crisis center for women that opened in 1997, runs a 24-hour hotline and a temporary shelter for abused women. The hotline receives several calls each day from battered women. The National Commission reports a general increase in the number of female victims of violence seeking assistance from crisis centers, attributing the increase both to a growing awareness of services and to an increase in the incidence of violence against women. Some public hospitals in Jakarta, Yogyakarta, and Surabaya have integrated crisis centers that assist and protect abused women and children. These centers are co-sponsored by the Government and the Women's Crisis Center (Pusat Krisis Perempuan). One of these centers, located in a Jakarta hospital, reported 30 cases of rape, 31 cases of domestic violence, and 37 cases of child abuse during a 4-month period during the year. Jakarta, Surabaya, and Yogyakarta police have opened "women's desks" in their precincts to assist rape and domestic violence victims and to investigate their cases.

Under the Constitution, women are equal to and have the same rights, obligations, and opportunities as men. However, in practice, women face some legal discrimination. Marriage law defines the man as the head of the family. Marriage law for Muslims, based on Shari'a (Islamic law), allows men to have up to four wives if the husband is able to provide equally for each of them. Court permission and consent of the first wife is required, but reportedly most women cannot refuse. Cabinet officials and military personnel customarily have been forbidden from taking second wives, although reportedly a few ministers in President Wahid's Cabinet have second wives. During the year, Government Regulation 10/1983, which stipulates that a male civil servant must receive the permission of his superior to take a second wife, came under considerable attack and renewed scrutiny. The Minister of State for Women's Empowerment, Khofifah Indar Parawansa, proposed that the regulation be revoked or modified, arguing that supervisors often use the regulation as leverage over subordinates and that the regulation is an embarrassment to women. She also asserted that many men avoid the regulation by establishing illicit relationships. Other women, including First Lady Sinta Nuriyah Abdurrahman Wahid, opposed revoking the regulation, arguing that it protects women. Some women's groups urged the Government to ban polygyny altogether.

In divorce cases, women often bear a heavier evidentiary burden than men in obtaining a divorce, especially in the Islamicbased family court system. Divorced women rarely receive alimony, and there is no enforcement of alimony payment. According to Shari'a, a divorced wife is entitled to only 3 months of alimony, and even alimony for this brief period is not always granted.

The 1958 Citizenship Law states that children's citizenship is based only on the citizenship of the father. Children of citizen mothers and foreign fathers are considered foreigners and require visas to remain in the country until the age of 18, at which time they may apply for citizenship. They are prohibited from attending public schools and must attend private, international schools, which usually are more expensive. There were considerable efforts during the year to change the law, but the restrictions remained.

Foreign women married to citizens also face difficulties. Their children are citizens and thus are not allowed to attend international schools unless they get special permission through the Ministry of Education. Such women usually are taxed as foreign heads of households, but they do not have property, business, or inheritance rights. There was much discussion about problems with the citizenship law, and NGO's and the Government appeared to agree that the law needed revision. However, by year's end, the Government had not taken any action to remedy these problems.

Although some women (such as Vice President Megawati Soekarnoputri) have a high degree of economic and social freedom and occupy important positions in both the public and private sectors, most women do not have such status and they constitute a disproportionately high percentage of the lower end of the socioeconomic and political scale (see Section 3). Surveys have shown that while more than one-third of civil servants are women, less than 6 percent are in positions of authority.

Female workers in manufacturing generally receive lower wages than men. Many female factory workers are hired as day laborers instead of as full-time permanent employees, and companies are not required to provide benefits, such as maternity leave, to day laborers. Women's rights activists report that there is a growing trend in manufacturing to hire women to do work in their homes for less than the minimum wage (see Section 6.e.).

Unemployment rates for women are approximately 50 percent higher than those for men. Women often are not given the extra benefits and salary that men are given when they are the heads of households, and in many cases do not receive employment benefits for their family members, such as medical insurance and income tax deductions. Income disparity between men and women diminishes significantly with higher educational achievement. Some women's activists believe that a growing number of professional women are advancing in a variety of fields, especially in the legal profession. However, no statistics are available to support this assertion. According to a study conducted during the year, only 20 percent of top managers and affluent consumers in Jakarta are female.

Law Number 21/1999 requires that the Government to formulate national policies to forbid and eliminate discrimination (including by gender) in the workplace. However, there were no implementing regulations in effect and discrimination continued in practice.

Despite laws that provide women with a 3-month maternity leave, the Government acknowledged that pregnant women often are dismissed or replaced while on leave from their jobs. Some companies require women to sign statements that they do not intend to become pregnant. Labor laws mandate 2 days of menstrual leave per month for women, although this leave is not allowed in all cases.

Women disproportionately suffer from illiteracy, poor health, and inadequate nutrition. The illiteracy rate among women is 17 percent, compared to 10 percent among men; the national illiteracy rate average for citizens over 15 years old is 12 percent, according to a UNICEF report. The Government is making efforts to reduce the high maternal mortality rate, which is 425 per 100,000 live births, according to official figures, and as high as 650 per 100,000, according to estimates from other sources. In Irian Jaya, the maternal mortality rates is 1,025 deaths per 100,000 and in Maluku 796 deaths per 100,000 live births.

During the year, hundreds of thousands of women and children were displaced by violent conflicts in Central Sulawesi, Maluku and North Maluku provinces, West Kalimantan, Irian Jaya (Papua), and Aceh (see Section 2.d.). In addition to those directly victimized by violence, a substantial number of those displaced suffered from nutritional deficiencies and other health problems.

Women's advocacy groups remained active throughout the year. Numerous NGO-organized conferences and rallies concerned with women's issues were held, as well as some that were organized by academic institutions and government ministries.

Children.—The Government has expressed a commitment to children's rights, education, and welfare, but insufficient resources prevent the implementation of such a commitment. With the abolition of the Ministry of Social Affairs in late 1999, there is no ministry that specifically addresses children's issues. In its draft budget for 2001, the Government proposed to allocate 4.7 percent of government expenditures to education, or 0.74 percent of the country's GDP. A 1979 law on children's welfare defines the responsibility of the State and parents to nurture and protect children. However, implementing regulations never have been promulgated, and the law's provisions on protection of children have yet to go into effect.

The Government allocates only 8 percent of its human resources development budget to health care. Low-cost medical care is available, although access and availability sometimes are sporadic, especially in rural areas. The results of a Ministry of Health study conducted during the year on public health services concluded that

over 40 percent of the country's public health centers had no attending physicians. According to a UNICEF report issued during the year, the percentage of women and children without access to health care ranged from 20 to 50 percent, with the most limited access in rural areas and poorer provinces. Moreover, government spending on health care also has dropped in real terms due to the economic downturn. In some cases, women and children unable to pay medical bills have been detained by hospitals that maintained their own "debtors' prisons." There also were reports of hospitals refusing treatment to children suffering from malnutrition, due to insufficient resources.

According to a credible report from a local NGO, infant mortality rates nearly have doubled as a result of the economic downturn, increasing from 55 per 1,000 in 1995 to 100 per 1,000 deaths in 1998. According to UNICEF'S report, 7 percent of the country's children die before they are 5 years old and 5 percent die before their first birthdays. Almost 50 percent of children grow up in unhealthy or unsafe environments. The overall use of health care facilities by children has dropped significantly since the economic downturn began in mid-1997.

Throughout the year, UNICEF continued to warn of a "lost generation" of youth as a result of the economic crisis. UNICEF estimates that 8 million preschool-age children were undernourished, which threatens the development of brain function. According to U.N. data, as many as 30 to 50 percent of the country's children under the age of 5 may be suffering from some form of malnutrition, an increase from 9.8 percent in 1995. One university source estimated that 20 million children were malnourished, an increase from 8 million in 1997. Specifically, researchers have begun to document an increase in children suffering from deficiencies of Vitamin A, iron, and protein. According to a UNICEF study released during the year, many of the country's children suffer from "hidden hunger" or malnourishment.

On an anecdotal level, the media frequently reported on instances of children dying from malnutrition or lack of treatment for the condition. Such reports were most frequent in Java, but also were reported in Sumatra and other regions.

The Government estimates that by 2001, the country will have 40 million school-aged children, about 19 percent of the country's population. A 1994 law increased mandatory education requirements from 6 to 9 years (6 years of elementary education and 3 years of junior high education). However, the law has not been implemented fully, due to a lack of government enforcement, inadequate school facilities, and insufficient financial resources of families to support children's school fees. Official and unofficial fees for public education, including payments for registration, books, meals, transport, and uniforms have become prohibitively high for many families.

According to ILO and UNICEF statistics, about 6.1 to 6.4 million children between the ages of 7 and 15 have dropped out of school since the economy plummeted in 1997. An academic source estimated in November that the current number of students not enrolled in school for that age group even was higher, about 6.8 million. According to Ministry of Education data, 11.7 million children through the age of 18 were not attending school in 1999, while the ILO estimated that 11.9 million school-aged children did not attend school during the year.

Schooling for children in areas of conflict was disrupted severely during the year. Hundreds of thousands of children in Maluku and North Maluku provinces and in Central Sulawesi fled their homes to escape violence (see Section 2.d.), interrupting their education and exposing them to malnutrition, disease, and other hazards. NGO's and religious groups in Maluku province estimate that thousands of Muslim and Christian children between the ages of 12 and 17 have become child soldiers (see Sections 6.d.). Younger children between the ages of 7 and 12 provide support services to the militias. Some of the children involved in fighting reportedly are from outside the province. In one incident, a 16-year-old from Java, who had joined the Laskar Jihad militia, was killed while fighting on Saparua Island, Maluku province.

According to the Department of Manpower, the number of working children increased from approximately 2 million before the economic downturn began in 1997 to an estimated 2.5 million in mid-1999. Children's advocates and labor analysts agree that the number of working children has increased significantly due to the downturn, but contend that the number of working children was higher than the Government's current estimate even before the downturn, and has increased significantly since 1997 (see Section 6.d.). The ILO estimated that between 6 and 8 million children worked during the year, and World Vision, an international NGO, estimated that there were 6.5 million children working in the country.

According to a recent study, there are about 170,000 street children in 12 urban areas. Of these, about 20 percent are girls. At least 60 percent of the street children polled were not enrolled in school. There were about 13,000 street children in Jakarta. Medan, Bandung, Surabaya, Makassar (Ujung Pandang), and Yogyakarta are

other cities with substantial populations of street children. Of the 1,600 street children living in Yogyakarta, about 25 percent are girls. Almost all of them were victims of sexual abuse or were engaged in prostitution. Another NGO survey suggests that there are at least 100,000 street children and 6 million abandoned children in the country.

Street children sell newspapers, shine shoes, help to park or watch cars, and otherwise attempt to earn money. Many street children work under hazardous conditions as scavengers, garbage pickers, and on fishing platforms and fishing boats. According to credible sources, there are hundreds, perhaps over 1,000 children working in hazardous conditions on fishing platforms off the east coast of North Sumatra (see Section 6.c.). Many thousands of children work in factories and fields (see Sections 6.c., 6.d., and 6.f.).

A number of local and international NGO's work with street children. NGO's have criticized the Government for making inadequate efforts to help street children and working children. The Government is working in cooperation with the U.N. Development Program, UNICEF, the ILO, and with NGO's to create programs for street children and child laborers. One project includes the establishment of "open houses" in targeted areas to provide vocational training and basic education to street children. Open houses for street children have been established in several provinces.

Another approach to the problem of street children is the National Program for Discipline and Clean Cities Decree. Under this program, street children are removed physically from cities by bus. Usually, they are taken outside the city and left there. Sometimes they are taken to "holding houses" where they first are interrogated and later released. NGO's criticize this practice as ineffective and inhumane.

Child prostitution (see Section 6.f.) and other sexual abuses occur, but firm data are lacking. Police continue to uncover syndicates involved in trafficking girls to work in brothels on various islands or in other countries (see Section 6.f.). According to one 1998 NGO study, there were 406 cases of child abuse that year, 900 to 1,200 cases of child rape, and 40,000 to 70,000 cases of other sexual abuse against children.

A separate criminal justice system for juveniles does not exist. Ordinary courts handle juvenile crime, and juveniles often are imprisoned with adult offenders. A Juvenile Justice Law was passed by Parliament in 1996 and was signed by President Soeharto in 1997. It defines juveniles as children between the ages of 8 and 18 and establishes a special court system and criminal code to handle juvenile cases; however, it has not been implemented yet.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced in some parts of the country. No national legislation exists on FGM. Customary (adat) law has allowed for symbolic female circumcision and small-cut (mild) incisions of the clitoris, which would fall under the World Health Organization's (WHO's) type IV classification of FGM (this category includes pricking, piercing or incising of the clitoris). According to reports, FGM practices appear to be increasingly symbolic in nature (for example, a pinprick or the cutting of a ceremonial root). More invasive FGM practices—removal of the clitoral prepuce, partial removal of the sensitive tip of the clitoris, and even total removal—reportedly occur in Madura, South Sulawesi, and parts of East Java. However, there are no epidemiological reports on the frequency of these practices. Since FGM is not regulated, and religious leaders have taken no formal position, the method used often is left to the discretion of the local traditional practitioner. FGM usually occurs within the first year after birth, often on the 40th day, although it is done in some areas up to the age of 10. It is performed either at a hospital or, especially in rural areas, by the local traditional practitioner.

Both government officials and NGO leaders familiar with FGM issues believe invasive FGM practices are on the decline. The Government included FGM as a gender issue in its National Action Plan to End Violence against Women, published in late November. FGM heads the Action Plan's list of religious teachings requiring investigation and modification. The Government and NGO's are directing awareness campaigns towards Muslim religious leaders and those directly involved in performing female circumcisions (such as traditional birth attendants), and towards society at large, to bring about an end to invasive practices.

People with Disabilities.—Precise statistics on the number of disabled persons in the country are not available. In 1999 the U.N. estimated that about 5.43 percent of the population (about 10 million persons) were disabled, while the Government estimated that 3 percent of the population (6 million persons) were disabled. Families often hide disabled family members to avoid social stigma or embarrassment. Several provinces have established rehabilitation centers for the disabled. Authori-

ties reportedly take disabled persons off the streets and bring them to these centers for job training. Nevertheless, many disabled citizens beg for a living.

The Constitution requires that the Government provide care for orphans and the disabled; however, it does not specify the definition of the term "care", and the provision of education to all mentally and physically disabled children never has been inferred from the requirement. Regulations require the Government to establish and regulate a national curriculum for special education by stipulating that the community should provide special education services to its children.

According to a UNICEF report during the year, there are about 2 million disabled children between the ages of 10 and 14. Law No. 4/1997 on Disability and Government Regulation No. 72 on Special Education stipulate that every disabled child has the right to access to all levels and types of education and rehabilitative treatment as necessary. However, this does not occur in practice. NGO's are the primary providers of education for the disabled. There are 1,084 schools for the disabled; 680 are private and 404 are government-operated. Of the government schools, 165 are "integrated," serving both regular and special education students. In Jakarta there are 98 schools for the disabled, 2 of which are government-operated and 96 of which are private. The Government also runs three national schools for the visually and hearing impaired, and mentally disabled. These schools accept children from throughout the country.

The 1997 Disability Law was designed to provide access to education, employment, and assistance for the disabled. It requires companies employing over 100 persons to give 1 percent of their positions to the disabled. However, the disabled face considerable discrimination in employment, although some factories have made special efforts to hire disabled workers. The law mandates accessibility to public facilities for the disabled; however, virtually no buildings or public transportation provide such accessibility in mind.

President Wahid, who is visually impaired, and First Lady Sinta Nuriyah Abdurrahman Wahid, who has limited mobility from an automobile accident, are advocating improved services and opportunities for persons with disabilities. In September President Wahid acknowledged that discrimination exists in the country's tourism industry and that disabled persons receive neither appropriate services nor the opportunity to travel.

Indigenous People.—The Government considers the term "indigenous people" to be a misnomer, because it considers all citizens except ethnic Chinese to be indigenous. Nonetheless, it publicly recognizes the existence of several "isolated communities," and their right to participate fully in political and social life. The Government estimates that the number of persons in isolated communities is 1.5 million. This includes, but is not limited to, groups such as the Dayak population in Kalimantan, some of whom live in remote forest areas, indigenous communities located throughout Irian Jaya, and economically disadvantaged families living as sea nomads on boats near Riau in eastern Sumatra and near Makassar (Ujung Pandang) in southern Sulawesi. Critics maintain that the Government's approach is paternalistic and designed more to integrate indigenous people into society than to protect their traditional ways of life. Human rights monitors criticize the Government's transmigration program for violating the rights of indigenous people (see Section 1.f.) and for encouraging exploitation of natural resources upon which indigenous people depend for their livelihood.

Sixty percent of the country's population of over 200 million lives in Java, which represents only 7 percent of the country's territory. The government-sponsored transmigration program seeks to resettle persons from densely populated areas to sparsely populated areas outside Java (see Section 1.f). The majority of migrants are spontaneous migrants who are not part of the official program.

Critics of transmigration claim that it often threatens indigenous cultures and sparks social envy. Some critics claim that transmigration has been used as a political tool to inject nonindigenous persons into certain areas to "Indonesianize" these areas, in part to preclude secessionist movements. In some areas, such as in certain parts of Sulawesi, the Moluccas, Kalimantan, Aceh, and Irian Jaya, relations between transmigrants and indigenous people are hostile. NGO's also report tensions between transmigrated Javanese and indigenous populations in the Mentawai Islands off the west coast of Sumatra. Indigenous groups often complain that they receive less government support and funding than transmigrants, and transmigrants complain that in some cases they are moved to areas with undesirable land and inadequate infrastructure. Transmigrants sometimes are settled on land of disputed ownership.

Acute tensions continued in West Kalimantan between the indigenous Dayak and ethnic Malay peoples and the settlers from Madura, an island off the eastern coast of Java. At least 11 persons died in clashes between Malays and Madurese in Octo-

ber (see Section 1.a.). The Madurese community in West Kalimantan developed around an earlier group of transmigrants, although the majority of Madurese in the area are spontaneous immigrants. DayakMadurese violence in the Sambas region north of Pontianak prompted tens of thousands of Madurese to flee in 1997 and 1999; an estimated 50,000 remain in camps in West Kalimantan (see Section 2.d.).

Land disputes are a major source of tension throughout the country, particularly in many sparsely populated resourcerich areas traditionally inhabited by indigenous people. The tension often is expressed along racial/ethnic lines because developers frequently are ethnic Chinese Indonesians. Land disputes represent the largest category of complaints submitted to the National Human Rights Commission and a significant portion of the cases brought to legal aid foundations and other assistance organizations. According to a law derived from colonial era practices, all subsurface mineral resources belong to the Government. The Basic Agrarian Law states that land rights cannot be "in conflict with national and state interests," which provides the Government with a broad legal basis for land seizures. When disputes cannot be settled, the Government has the authority to define fair compensation for land.

However, in practice compensation for the land often is minimal or even nonexistent. Decisions regarding development projects, resource-use concessions, and other economic activities generally are carried out without the participation or informed consent of the affected communities. When indigenous people clash with private sector development projects, the developers almost always prevail. There are numerous instances of the use of intimidation, sometimes by the military, and often by hired "thugs," to acquire land for development projects, particularly in areas claimed by indigenous people. Such intimidation has been used in Jakarta, other parts of Java, North Sumatra, Aceh, and other areas. Some NGO's that seek to aid these communities are subjected to verbal attacks, raids, and other forms of intimidation by government security forces. Throughout 1999 and during the year, NGO's have been more vocal and effective in lobbying for indigenous people's rights. According to credible sources in West Sumatra, large tracts of land in the province have been confiscated over the past several years by commercial plantation developers who paid bribes to the local governor. In some cases, NGO's report that farmers were evicted from the land without compensation to allow for new palm oil plantations staffed by Javanese transmigrants. Competition for land and resources remains acute in Sumatra.

NGO's assert that violations of the rights of indigenous people are frequent in the mining and logging areas, and that violations stem from the Government's denial of ownership by indigenous people of ancestral land, erosion of indigenous groups' traditional social structure, and forced takeover of land. These problems are most prevalent in Irian Jaya and Kalimantan. In Central Kalimantan, NGO's report that local residents have suffered as a result of discontinued projects to convert peat land into agricultural land for rice cultivation. Vast tracts of land have been designated as transmigration areas. Tens of thousands of indigenous people have been forced to cease their traditional farming and forest-based livelihoods; many become poorly paid laborers on new agricultural projects.

In Southeast Sulawesi, the Moronene people have been struggling for more than 40 years to secure government recognition of their claim to ancestral lands in what is now Rawa Aopa Watumohai National Park. The Government insists, most recently on the basis of the 1999 Forestry Law, that the Moronene people must resettle on land outside the park. In 1997 and 1998, security personnel acting on orders from the provincial government destroyed houses and crops in an effort to force the Moronene off their lands, but they refused to leave. In September they reached agreement with the local government that they would be allowed to remain on their lands until a court decided the merits of their claim. However, from November 23 to 25, approximately 70 security personnel sought to evict the Moronene from the park. The security team, which consisted of local police, Brimob members, and forest police and officials, reportedly destroyed 23 homes in the 3 villages of Hukaea-Laeya, Lampopola, and Lanowulu. At year's end, the Moronene still were living in Hukaea-Laeya village, but they feared further destruction of their settlements since the Government has not changed its position that they must leave.

Bonded labor has become a problem for some Dayaks in East Kalimantan (see Section 6.c.). According to the ILO, on at least one project, a logging company established a company store in a remote area, where workers had to purchase necessities at inflated prices. Since the workers could not afford the prices, they bought the goods using vouchers representing future wages, thereby, according to the ILO, "turning once independent and relatively well-off farmers into impoverished bonded laborers trapped in an ever-mounting cycle of debt."

Tensions with indigenous people in Irian Jaya, who refer to themselves as Papuans or West Papuans, continued. Papuans complain of racism, religious bias,

paternalism, and condescension as constant impediments to better relations with non-Papuans, including members of the Government, the military, and the non-Papuan business community. A large percentage of the population of Irian Jaya consists of migrants, who are economically and politically dominant. Most civil servants in local governments in Irian Jaya and other isolated areas continue to come primarily from other parts of the country, rather than from the local indigenous population. Tensions between Papuans and migrants increased during the year, particularly after Papuans killed 24 migrants in Wamena on October 6 and 7 after security forces opened fire on Papuans who resisted efforts to take down Papuan independence flags (see Sections 1.a. and 2.a.). The attack caused an exodus of several thousand migrants from the Wamena area and from Irian Jaya (see Section 2.d.). Papuans and migrants clashed again in Merauke in early November and December and at the Abepura market area in Jayapura November 11 to 13, resulting in injuries on both sides and the burning or looting of migrant shops. Unknown attackers killed two police and a security guard in Abepura, Irian Jaya, on December 7, and two timber workers near the Irian Jaya-Papua New Guinea border on December 9. Police blamed both attacks on the Free Papua Organization (OPM) (see Section 1.a.).

During the year Papuans asserted themselves politically to a greater extent than in the past. Beginning in late 1999, Papuan political figures and traditional tribal organizations began forming Papuan "task forces" (Satgas Papua). In February Papuan community and tribal leaders organized a "great consultation" of Papuan leaders to set an agenda for self-government and designate a Papuan Presidium Council to speak on behalf of Papuans. The consultation's closing statement called for the holding of a congress comprised of the entire Papuan community. The congress was held from May 29 through June 4 in Jayapura, and involved more than 2,000 delegates from each of Irian Jaya's districts, other parts of the country, and the Papuan community overseas. Delegates approved a resolution rejecting the 1969 "Act of Free Choice," which confirmed Irian Jaya's incorporation into Indonesia; called on the central Government, along with the U.N. and the U.S. and Dutch governments, to review the process by which the territory became a part of Indonesia and to recognize Papua's sovereignty since 1961; and mandated the Papuan Presidium Council to strive for international recognition and report back to the congress on December 1 on progress toward these goals. Presidium Council leaders traveled throughout the province to publicize the results of the congress, regularly met with government officials in Jakarta, and journeyed to other countries to advance the Papuan cause. On December 1, Presidium leaders led a peaceful commemoration of the 1961 declaration of independence by Papuan community leaders, then under Dutch rule. Presidium vice chairman Tom Beanal recounted the Presidium's efforts since the Papuan Congress to start a dialog with Jakarta, and appealed for calm. The day was observed peacefully in most parts of Irian Jaya.

The Government initially responded to Papuan initiatives by welcoming the call for dialog and offering special autonomy within the context of a united Indonesia. President Wahid met several times with Papuan leaders and visited Irian Jaya on December 31, 1999 and January 1, 2000, when he announced that the name of the province would be changed to Papua; however, the Government never introduced legislation to change the name. Vice President Megawati Soekarnoputri visited the province in May and September. President Wahid provided $110,000 (Rp. 1 billion) for the holding of the Papuan congress and indicated that he would open the congress, although ultimately he accepted his advisors' recommendation not to participate. After the congress, he met with Presidium Council leaders and reemphasized the Government's firm stance against Papuan independence, but said it was permissible to fly Papuan independence flags as long as they were smaller and flown below the Indonesian flag. However, during the August MPR session, legislators attacked Wahid's stance toward Papuans and demanded a tougher approach that rejected the flying of the independence flag, the use of the name "Papua," and other perceived manifestations of proindependence sentiment. In late September new National Police Chief Suryo Bimantoro ordered all Papuan independence flags to be taken down. Police attempts to remove forcibly flags in Wamena on October 6, Fak Fank on December 1, and Merauke on November 4 and December 2, sparked violent clashes with Satgas Papua members, resulting in many deaths and heightened tensions between Papuans and non-Papuan migrants (see Sections 1.a. and 1.c.). After Papuans attacked a police station in Jayapura on December 7, police shot and killed a student at a nearby dormitory and detained and beat more than 100 others, 2 of whom died as a result of the beatings. Police revived criminal charges against five leading members of the Papuan Presidium Council for crimes against the security of the State and public order in November (see Sections 1.e. and 2.a.). Police encouragement of the formation of migrant "solidarity" organizations, and the arming of

some of those organizations by security forces, also has sharpened divisions between the two communities. Moreover, the creation of an armed "Red and White Task Force" (Satgas Merah Putih) in Papua, reportedly at the instigation of the army, has raised concerns that certain elements of the national security forces may be seeking to create an armed Papuan paramilitary force, modeled on East Timorese militias, to oppose Papuan independence efforts, and, to oppose specifically, the Satgas Papua groups, the vast majority of which are considered proindependence.

Religious Minorities.—Closures and attacks on churches, temples, and other religious facilities, ranging from minor vandalism to arson, increased during the year, according to the Indonesian Christian Communications Forum (ICCF). The ICCF recorded 122 religiously-motivated attacks on Christian churches or other Christian facilities during the year. There are no available national estimates on the number of mosques that were damaged or destroyed during the year. The largest number of attacks on citizens and places of worship occurred in North Maluku, Maluku, and Central Sulawesi provinces in the eastern part of the country, causing more than 3,000 deaths, the displacement of nearly 500,000 persons, and damage to at least 81 churches and dozens of mosques (see Sections 1.a., 2.c., and 2.d.).

Attacks on places of worship reflect religious tensions, but other contributing factors include underlying socioeconomic and political tensions between poor Muslims and more affluent Sino-Indonesian Christians. Similarly, in the Moluccas and Central Sulawesi, economic tensions between native Christians and Muslims who migrated to these areas in recent decades were a significant factor in incidents of interreligious violence. Christian and Muslim communities in these provinces blamed each other for initiating and perpetuating the violence.

The Government failed to suppress or respond to most cases of violence and did not resolve fully the many cases of attacks on religious facilities and churches that occurred during riots; in other cases, the Government did not investigate such incidents at all (see Sections 1.a. and 2.c.).

Anti-Christian sermons and publications also increased, leading to concerns that societal support for religious tolerance was eroding. In the early part of the year, a movement known as the Islamic State of Indonesia (NII) emerged on university campuses in Java. There were sporadic reports from some neighborhoods of Jakarta that student followers of the NII movement set up roadblocks, checked identification cards, and harassed passing non-Muslims, in some cases forcing them to recite passages from the Koran. Similar incidents occurred in Makassar, South Sulawesi. Many of the country's religious minorities expressed growing concern over what they perceived to be increasing demands by certain Muslim groups to impose Shari'a law in the country; however, during the year, a proposal to implement Islamic law failed (see Section 2.c.).

The Laskar Jihad ("holy war troops"), another Muslim group that was formed during the year, engaged in paramilitary training, and leaders of the group announced that they were planning to wage war on Christians in the Moluccas. The Government closed a conspicuous Laskar Jihad training camp south of Jakarta, but otherwise was reluctant to challenge the organization openly. Many of its recruits, some of whom were children (see Section 6.d.), were deployed to Maluku and North Maluku provinces beginning in late April, where they reportedly joined in fighting against Christians.

President Wahid conceded in late December that hundreds of Christians on Keswui and Teor Islands in Maluku converted to Islam in November and December to save their lives. By year's end, only an estimated 165 converts had been able to leave the 2 islands. There also have been credible reports of forced conversions occurring in other parts of Maluku and North Maluku. Estimates range from over 3,500 to 8,000 cases. While most documented cases involve Christians who converted to Islam, there have been reports of Muslims who were forced to convert to Christianity in Halmahera, North Maluku.

Christian IDP's from Keswui and Teor who had undergone conversion said in media interviews that Muslim militants told Christians to convert to Islam or face probable death at the hands of Muslim militias. According to these sources, Christians were herded into mosques and converted to Islam en masse. Both male and female converts later were forced to undergo circumcision to prove that they were genuine Muslims, despite the fact that Muslim women in Maluku were not customarily circumcised. The victims suffered considerable pain and some developed infections as a result of the forced circumcisions.

A number of bombings and bombing attempts primarily targeted against Christian facilities occurred throughout the year in North Sumatra, including one that exploded in May at a Protestant Church in Medan and injured at least 33 persons. The perpetrators of the attacks had not been identified by year's end. There were numerous theories for the attacks; there is no clear evidence that the bombings were

religiously motivated. Bombs exploded almost simultaneously on the evening of December 24, in seven of the country's provinces, in or near nine churches where members were attending Christmas Eve services. Nineteen citizens died from the blasts, some of whom were Muslims guarding churches, and 84 persons were injured. The bombings appear to be the product of a concerted and synchronized effort to create discord between religious groups. However, the bombings are more likely driven by political interests than by religious hatred. The Government formed a special interagency team to investigate the bombings. The NGO Indonesian Forum for Peace (FID) formed a joint fact-finding team with the Government to investigate the bombings. A number of other bombings also occurred during the year (see Sections 1.a. and 1.c.).

Muslims are a religious minority in the easternmost province of Irian Jaya. Local sentiment against the efforts of Muslim missionaries to win converts in the predominantly Christian province, as well as resentment of the arrival in the province of mainly Muslim migrants from other parts of the country, has in the past led to attacks on mosques in Irian Jaya. However, there were no reports of attacks on mosques in Irian Jaya during the year.

During the year there were occasional reports of murders of persons who practice traditional magic ("dukun santets") (see Section 1.a.) in East, Central, and West Java, including a January 18 attack in the Malang area of East Java on a woman suspected of being a shaman. The number of these killings is believed to have declined since 1998, when nearly 200 such persons were killed in East Java, and since 1999, when more than 30 dukun santet were killed in West Java.

National/Racial/Ethnic Minorities.—The Government officially promotes racial and ethnic tolerance. Ethnic Chinese, which represent approximately 3 percent of the population—by far the largest nonindigenous minority group—historically have played a major role in the economy. In 1998 anti-Chinese sentiment led to serious and widespread attacks on Chinese-owned businesses. Despite the Wahid Government's commitment to reopen the investigation into these attacks, the Government has failed to pursue the 1999 recommendations of the joint fact-finding team (TGPF) that was commissioned to investigate the 1998 attacks (see Sections 1.a., 1.c., and 4).

Racially motivated attacks against Sino-Indonesians have dropped sharply since mid-1998, although Sino-Indonesians continued to report instances of discrimination and harassment. One Sino-Indonesian woman told the press that she was attacked by machete-wielding militants claiming to be members of the "Commandos against Communism," who threatened to burn down her office building and murder her staff if they did not vacate the premises. When she later returned from a trip, she found that arsonists had burned down her office. She had been investigating the slaughter of Sino-Indonesians during the mid-1960's.

An undetermined number of Sino-Indonesians remain abroad or away from their normal places of residence in the country. While many now reside in Singapore, there also are sizeable Sino-Indonesian populations in Australia and the U.S. Prominent Sino-Indonesians estimate that approximately half of the Sino-Indonesian men living abroad occasionally return to their homes for short visits to protect their remaining business interests, but most keep their families and the bulk of their capital offshore or in other parts of the country.

With the revocation of Presidential Decree 14/1967 in January, Confucianism may be practiced in public and the law no longer forbids the celebration of the Chinese New Year in temples or public places (see Section 2.c.). As a result, Chinese New Year decorations were displayed prominently during the year and sold in public shopping areas in several major cities. The Chinese language now may be taught, spoken, and printed, and private instruction in Chinese no longer is prohibited. Some universities, including the University of Indonesia, offer Chinese-language instruction. A number of private institutions openly offer courses as well. Chinese-language publications in the country no longer are banned; however, customs regulations still prohibit the import of Chinese language publications and music (see Section 2.a.). State universities still have informal quotas that limit the enrollment of ethnic Chinese students.

Authorities no longer are required to note a special code on the national identification card for citizens of Chinese extraction. However, some Sino-Indonesians have claimed that this practice continues.

Since 1959 noncitizen ethnic Chinese have been denied the right to run businesses in rural areas; however, the Government does not restrict this right for Sino-Indonesians.

Indigenous residents of Irian Jaya and various human rights groups charge that Papuans are underrepresented in the civil service in that province. The Government has made some efforts to recruit more civil servants in Irian Jaya, and there has

been some increase in the number of civil servant trainees in this province, despite a "no growth" policy in the civil service as a whole.

Section 6. Worker Rights

a. The Right of Association.—Private sector workers are by law free to form worker organizations without prior authorization, and unions may draw up their own constitutions and rules and elect their representatives. In July the DPR enacted and in August President Wahid signed a new law on trade unions, which provides for "notification" (registration) of unions at the factory, district, provincial, and national levels and allowed unions to form federations and confederations. Unions are required to have at least 10 members and must be open to all persons, without differentiating on the basis of political orientation, religion, ethnicity, national origin, or gender. Under the new law and previous registration regulations, more than 20 new or previously unrecognized union federations have notified the Department of Manpower of their existence since 1998, and thousands of workplace-level units have registered with the Department of Manpower, although some unions have complained of difficulty in registering their workplace units.

The Federation of All-Indonesian Trade Unions (SPSI), which was formed by the merger (under the Government's direction) of existing labor organizations in 1973, is the oldest trade union organization. The head of the SPSI and many members of the executive council also are members of the Golkar political organization and its constituent functional groups. In August 1998, the SPSI leadership split over the issue of reforming the Federation's structure. Following the split, the Department of Manpower stated that it would no longer intervene in organizational disputes within trade unions or provide guidance to any unions.

The new trade union law allows the Government to petition the courts to dissolve a union if its basis conflicts with Pancasila or the 1945 constitution, or if a union's leaders or members, in the name of the union, commit crimes against the security of the State and are sentenced to at least 5 years in prison. Once a union is dissolved, its leaders and members may not form another union for at least 3 years after the original union's dissolution.

The new trade union law does not address the adjudication of jurisdictional disputes among multiple unions in a workplace, and existing laws and regulations do not provide clear guidance on how jurisdictional disputes should be handled. Such ambiguity occasionally has led to clashes between unions in a workplace. In one instance in June in Medan, North Sumatra, workers from the Indonesian Prosperity Trade Union (SPSI) attacked the offices of the Metalworkers Union affiliated with the SBSI after SBSI workers staged a strike at a metal factory at which the SPSI Metalworkers Union also had representation. The SPSI workers damaged office equipment and injured several persons in the office.

Since 1999 civil servants have not been required to belong to KORPRI, a nonunion association. Employees of several government departments announced that they would form their own employee associations, and union organizations began to seek members among civil servants. Unions also are seeking to organize stateowned enterprise (SOE) employees, defined to include those working in enterprises in which the State has at least 5percent ownership, although they have encountered some resistance from enterprise management, and the legal basis for registering unions in SOE's remains unclear. Teachers must belong to the Teachers' Association (PGRI). While technically classified as a union, the PGRI continues to function more as a welfare organization and does not appear to have engaged in trade union activities such as collective bargaining. Some groups of teachers have formed unofficial unions outside the PGRI. Other teachers have gone on strike for better wages and allowances, a rare and technically illegal action for teachers. Mandatory PGRI contributions are deducted automatically from teachers' salaries.

The Government announced in 1995 its intention to relax a regulation requiring police approval for all meetings of five or more persons of all organizations outside offices or normal work sites. However, in practice this regulation continues to apply to union meetings. Permission routinely was given to the faction of the SPSI that retains strong links to the Golkar party leadership, but other labor organizations claim that local civilian and security officials often have discouraged or denied permission to hold gatherings. During the early part of the year, police repeatedly interrogated a foreign staff member of the American Center for International Labor Solidarity when he tried to renew his police clearance and work permit. Police objected to the staff member's observation of worker demonstrations and strikes. He eventually was able to renew his documents. In May police in Medan, North Sumatra, briefly detained two staff members of the Solidarity Center when they arrived to participate in a union workshop. The police stated that the staff workers had not

obtained required letters from Jakarta police before traveling to Medan. The workshop was allowed to proceed in their absence.

All organized workers except civil servants have the legal right to strike. State enterprise employees and teachers rarely exercise this right, but private sector strikes are frequent. Before a strike legally can occur in the private sector, the law requires intensive mediation by the Department of Manpower and prior notice of the intent to strike. However, no approval is required. In practice dispute settlement procedures rarely are followed, and formal notice of the intent to strike rarely is given, because Department of Manpower procedures are slow and have little credibility among workers. Therefore, sudden strikes usually result from longstanding grievances, attempts by employers to prevent the formation of union branches, or denial of legally mandated benefits or rights.

Strikes frequently occurred during the year across a wide range of industries and occasionally were protracted. In addition to normal work stoppages, workers occasionally used unorthodox tactics, such as blocking Jakarta's airport toll road. Representatives of 4,700 footwear workers, who did not receive severance pay when their factory closed, staged a sit-in for several weeks in the national Parliament until the company paid the severances. Among the largest companies affected by such tactics were a manufacturing group in Surabaya, East Java; a cigarette manufacturer in Kediri, East Java; an oil and gas producer in Riau province in Sumatra; and natural gas and mining companies in East Kalimantan. Most strikes were conducted and resolved peacefully. In one prominent case, a major electronics manufacturing company fired (with the Government's permission) 900 striking workers at its Jakarta plant after a lengthy work stoppage. Some unions complained that strike leaders were singled out for layoffs when companies downsized. In several cases, most notably in Riau and East Kalimantan, workers damaged property and intimidated nonstriking workers, and there were disputes among different unions represented in the same company. In most cases, workers were not arrested for these actions, although police detained the SBSI regional coordinator in East Kalimantan in November for investigation of charges that he incited workers to violence. In at least two cases (at a glass manufacturing plant in Jakarta and at a major natural gas facility in East Kalimantan), police fired rubber bullets at workers who blocked roads and entry gates to company facilities and resisted orders to disperse. Groups claiming to represent labor also sometimes resorted to violence. In Surabaya groups of as many as 500 persons invaded industrial parks and looted factories in early May.

The SPSI maintains international contacts but its only international trade union affiliation as a federation is with the Association of Southeast Asian Nations Trade Union Council. Some of the SPSI's federated sectoral unions are members of international trade secretariats. The SBSI is affiliated with the World Confederation of Labor and some international trade union secretariats.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is provided for by law, and the Department of Manpower promotes it within the context of the national ideology, Pancasila. Until 1994 only recognized trade unions—the SPSI and its components—could engage legally in collective bargaining. By issuing new regulations on union registration and enacting the new trade union law, the Government allows for new workers' organizations that register with the Government to conclude legally binding agreements with employers. Under the union registration regulation signed in September 1999 (which was not repealed by the new trade union law), if there is more than one union represented in a company, a union or coalition of unions must have the support of a majority of workers in order to bargain or negotiate on their behalf.

In companies without unions, the Government discourages workers from utilizing nongovernment outside assistance, for example, during consultations with employers over company regulations. Instead, the Department of Manpower prefers that workers seek its assistance and believes that its role is to protect workers. However, there are credible reports that for many companies, consultations are perfunctory at best and usually only occur with management-selected workers; there also are credible reports to the contrary from foreign companies. According to government statistics, approximately 80 percent of the factorylevel SPSI units have collective bargaining agreements. The degree to which these agreements are negotiated freely between unions and management without government interference varies. By regulation negotiations must be concluded within 30 days or be submitted to the Department of Manpower for mediation and conciliation or arbitration. Most negotiations are concluded within the 30-day period. Agreements are for 2 years and can be extended for 1 year.

According to NGO's involved in labor issues, in current practice the provisions of collective bargaining agreements rarely go beyond the legal minimum standards es-

tablished by the Government, and the agreements often merely are presented to worker representatives for signature rather than negotiation. Although government regulations prohibit employers from discriminating against or harassing employees because of union membership, there are credible reports from union officials of employer retribution against union organizers, including firing workers, that is not prevented effectively or remedied in practice. Some employers reportedly have warned their employees against contact with union organizers. The SPSI documented 135 cases in which companies violated their workers' right to organize by intimidating, punishing, or firing SBSI members because of their affiliation with the union or because they attempted to organize SBSI units within their factories—a problem other labor organizations and activists have encountered in trying to form unions. In November police in East Kalimantan arrested Wuaya Kawilarang, a regional coordinator for the SBSI, for investigation of charges that he incited workers to violence. He remained in detention at year's end (see Section 1.d.).

Regional and national labor dispute resolution committees adjudicate charges of antiunion discrimination, and their decisions can be appealed to the State Administrative Court. However, due to adverse decisions many union members believe that the dispute resolution committees generally favor employers. As a result, workers frequently present their grievances directly to the National Human Rights Commission, Parliament, and NGO's. Administrative decisions in favor of dismissed workers usually are monetary awards; workers rarely are reinstated. The law requires that employers obtain the approval of the labor dispute resolution committee before firing workers, but the law often is ignored in practice. During the year, the ILO Committee of Experts expressed concern that the Government had delayed implementation of the Manpower Act No. 25 of 1997 until October 1. On October 3, the Government announced another year's delay to consider revisions to the law, which has been criticized by labor unions.

Since 1996 unions affiliated with the SPSI have been able to collect union dues directly through payroll deductions (the "checkoff" system) rather than having the Department of Manpower collect dues and transfer them to the SPSI. Implementation of this system remains uneven, but labor observers generally believe that it has given more authority to factory-level union units where the checkoff system is practiced. Union officials at SPSI headquarters stated that not all local branches of the unions send a portion of dues collected to regional and central headquarters as provided in the SPSI's bylaws. Unions other than the SPSI have complained of difficulties in getting companies to set up a checkoff system for their members. In cases where the SPSI is not the only union in the factory, other unions occasionally have charged that companies automatically deduct union dues for the SPSI from workers affiliated with other unions.

The police and the army continue to be involved in labor matters, although since the mid-1990's there has been a shift from open intervention and demonstrations of force by uniformed troops to less visible measures. On at least two occasions, security forces fired on striking workers (see Section 6.a.). However, the most common form of military involvement in labor matters, according to union and NGO representatives, is a longstanding pattern of collusion between police and military personnel and employers, which usually takes the form of intimidation of workers by security personnel in civilian dress. The military also employs baiting tactics: infiltrating workers' ranks and encouraging protests or worker actions, and sometimes attempting to provoke a violent worker action, to which the military then forcefully responds. Employer and union representatives also have complained about the "invisible costs" of corruption, which they and others estimate constitute up to 30 percent of a company's expenses.

There are seven exporting processing zones (EPZs) in the country. Batam Island, near Singapore, is the largest. Labor law applies in EPZ's and in the rest of the country, although nongovernmental observers believe that in practice enforcement of laws in EPZ's is weaker than in other areas.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced labor, including forced and bonded labor by children, and the Government generally enforces this prohibition; however, forced and bonded labor by children remains a problem, and there also were instances of debt bondage of adults. In the past, NGO's estimated that as many as 3,000 children worked on fishing platforms, known as "jermals," under inhumane and dangerous conditions. There are credible reports that hundreds, perhaps over 1,000, children still work on the jermals off the east coast of North Sumatra in conditions of bonded labor (see Sections 6.d. and 6.f.). Most are recruited from farming communities in inland regions of North Sumatra. Once they arrive at the work site, miles offshore, they are held as virtual prisoners and are not permitted to leave for at least 3 months or until a replacement worker can be found. The children receive average monthly wages of $5 to $14 (Rp. 45,000

to 120,000), well below the regional minimum wage. They live in isolation on the sea on platforms the size of basketball courts, work 12 to 20 hours per day in dangerous conditions, and sleep in the workspace with no access to sanitary facilities or schooling. There are reports of physical, verbal, and sexual abuse of such children.

In November 1997, the Department of Manpower issued a circular letter with the force of law that prohibits the hiring of persons under the age of 14 on fishing platforms. In 1999 the Government stopped issuing permits to build new jermals, and announced plans to physically remove children from the jermals and provide them with educational and economic alternatives (see Sections 6.d. and 6.f.). NGO's advocating the removal of children from jermals estimate that there was a 50 percent drop in the number of children working on jermals during the year. However, rehabilitation programs for children removed from jermals have documented little success, and NGO's are concerned that some of these children now engage in other forms of hazardous labor. Jermals operate under the paid protection of national naval vessels; reportedly, the navy has a financial interest in some jermals.

In East Kalimantan a logging company reportedly traps Dayak laborers in a cycle of debt and turns them into bonded laborers (see Section 5).

The country is a source, transit point, and destination for trafficking in women and children, sometimes for forced labor (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Labor law prohibits children under the age of 15 from working more than 4 hours per day, but an estimated 6 to 8 million children meet or exceed this daily limit. Government enforcement of child labor laws is weak or nonexistent. With the exception of children working on fishing platforms, there were no significant government efforts to strengthen enforcement during the year. The Government prohibits forced and bonded labor by children, but does not enforce this provision effectively (see Section 6.c.).

The Government ratified ILO Convention 182 on the Worst Forms of Child Labor on March 8, and President Wahid signed it into domestic law as Law No. 1/2000. Before the enactment of Law 1/2000, a Department of Manpower circular issued in 1997 had prohibited children from working in hazardous sectors, including maritime, plantation, construction, slaughterhouse, textile, leatherworking, entertainment, and manufacturing activities involving the use of hazardous materials and pollutants.

Despite adoption of legislative and regulatory measures, most children continued to work in unregulated environments, including domestic work. Although the ILO has sponsored training of labor inspectors on child labor matters under the International Program on the Elimination of Child Labor (IPEC), enforcement is nonexistent. During the year, labor inspectors who had received the training had not removed any children from the workplace.

The Government acknowledges that there is a class of children who must work for socioeconomic reasons, and in 1987 the Minister of Manpower issued a regulation on "Protection of Children Forced to Work." This regulation legalized the employment of children under the age of 14 who must work to contribute to the income of their families. It required parental consent, prohibits dangerous or difficult work, limits work to 4 hours daily, and requires employers to report the number of children working under its provisions. It did not set a minimum age for children in this category.

In February 1999, after years of negative publicity, the Government launched an initiative to eliminate child labor on jermals off the coast of North Sumatra. By midyear, NGO's estimated that the number of children working on jermals had declined by as much as 50 percent (see Sections 6.c. and 6.f.). However, hundreds, and perhaps over 1,000 children continue to work on the jermals, and active kidnaping or recruiting of such children continues.

According to the Department of Manpower, the number of working children increased from approximately 2 million before the economic downturn began in 1997 to an estimated 2.5 million by mid-1999. The State Bureau of Statistics (BPS) stated that 1.9 million children through age 14 were working in 1998. The ILO and the NGO World Vision argued that official estimates were too low, citing the fact that between 11 and 12 million school-age children (up to age 18) were not attending school, and a large number likely were involved in some form of work. The ILO estimated that between 6 and 8 million children worked during the year. World Vision estimated that there were 6.5 million children working. Of these 6.5 million children, 4.1 million worked in the informal sector, and 2.4 million worked in the formal sectors. Other NGO's estimated that more than 10 percent of children worked more than 4 hours per day, and that over 35 percent of these children worked over 35 hours per week. Other NGO's estimate that 8.5 million school-age children are not

enrolled in school and most are employed in the underground economy with no legal protection and poor compensation.

It is estimated that more children work in the informal sector than the formal sector, selling newspapers, shining shoes, helping to park or watch cars, and otherwise earning money. Where children work in the formal sector, such work tends to fall between the informal and formal economies, including working alongside their parents in home enterprises and on plantations, and in family-owned shops and small factories, particularly those that are satellites of large industries. There are children working in large factories; however, the number is unknown, largely because documents verifying age are falsified easily. Some employers hire children because they are easier than adults to manage and less likely to organize or make demands on employers. Children working in factories usually work the same number of hours as adults. Children work in the rattan and wood furniture industries, the garment industry, the footwear industry, food processing, toy-making, and small mining operations, and other industries.

In March six children between the ages of 12 and 14 fled from a chicken farm in Klaten, Central Java, where they had been forced to work from early morning to late at night without any pay for over 1 month. The owners of the farm later were detained for questioning and put on trial. The case was settled out of court, but child labor advocates who worked on the case did not participate in the settlement decision.

Other children, mostly girls, serve as live-in domestic servants. Many begin working when they are between 14 and 16 years old. Although accurate figures are unavailable, it is estimated that the number of child domestic workers is in the millions. Observers agree that this number began increasing in 1998 as a result of the economic downturn. One study conducted by Atma Jaya University in Jakarta estimated that there were at least 400,000 children under age 15 working as domestic servants in Jakarta alone. Most of them are not allowed to study or take academic courses. There are no regulations protecting domestic workers. These children work long hours, receive low pay, are on call 24 hours per day, generally are unaware of their rights, and often are far from their families.

Children are involved in a variety of hazardous work activities. In addition to those working on fishing platforms (see Section 6.c.), children perform piece work in small shoe factories (bengkels) where they are exposed to hazardous bleaches and glues. Thousands of other children work on rubber, sugarcane, tobacco, cocoa, and coffee plantations, often helping their parents meet stiff production quotas. Many companies employing adults condone the practice of children assisting their parents in the fields. Other children are employed in construction work, quarrying, gold and other types of mining, pearl diving, and forestry activities, many of which pose serious hazards. During the year, the ILO called on the Government to stop the employment of up to 3,000 children in Central Kalimantan in gold mining. The media reported the use of mercury in Central Kalimantan gold mining, underscoring the danger posed to these children.

Some children work as scavengers in dumpsites. In the Bantar Gebang dumpsite in Bekasi (south of Jakarta), an NGO working with children there estimates that as many as 550 children ages 7 to 15 work at the dump to help their parents. About 74 percent of the children are under age 12. Children work long hours in extremely unsanitary conditions. Almost all of the children have health problems. In one survey, 84 percent of the children suffered from minor infections. NGO's have ongoing programs to teach children to avoid hazardous waste such as syringes and other potentially toxic waste.

It is believed that thousands of Muslim and Christian adolescent children in Maluku province have become soldiers and that younger children provide support services to the militas (see Section 5).

The country is a source, destination, and transit point for trafficking in children (see Section 6.f.).

e. Acceptable Conditions of Work.—There is no national minimum wage. Rather, area wage councils working under the supervision of the National Wage Council establish minimum wages for regions and basic needs figures for each province—a monetary amount considered sufficient to enable a single worker to meet the basic needs of nutrition, clothing, and shelter. The Government increased the average minimum wage by 70 percent (when adjusted for inflation) between 1992 and 1997. However, the high inflation rate in 1998 depressed sharply the purchasing power of the minimum wage. The minimum wage generally is not sufficient to meet the government-determined "minimum living need" for a single person, or a family. After the minimum wage increases in April, in Jakarta the monthly minimum wage is about $37 (344,000 Rp), which is equal to 81 percent of the government-determined minimum living need for a single person, and down from 95 percent in 1997.

The average national minimum wage is about $24 per month (Rp. 230,000), although wages in the most heavily populated urban areas (Jakarta area, West Java, East Java, and North Sumatra), are significantly higher. Nevertheless, enforcement of minimum wage and other labor regulations remains inadequate, and sanctions are light.

Labor law and ministerial regulations provide workers with a variety of other benefits, such as social security, and workers in more modern facilities often receive health benefits, free meals, and transportation. The law establishes 7- or 8-hour workdays and a 40-hour workweek, with one 30-minute rest period for every 4 hours of work.

The law also requires 1 day of rest weekly. The daily overtime rate is 1.5 times the normal hourly rate for the first hour and 2 times the hourly rate for additional overtime. Regulations allow employers to deviate from the normal work hours upon request to the Minister of Manpower and with the consent of the employee. Workers in industries that produce retail goods for export frequently work overtime to fulfill contract quotas. Observance of laws regulating benefits and labor standards varies between sectors and regions. Employer violations of legal requirements are fairly common and often result in strikes and employee protests. The Department of Manpower continues publicly to urge employers to comply with the law. However, in general, government enforcement and supervision of labor standards are weak.

Both law and regulations provide for minimum standards of industrial health and safety. Companies with more than 100 employees may obtain public recognition of their compliance with safety and health standards through a safety audit procedure. In the largely Western-operated oil sector, safety and health programs function reasonably well. However, in the country's 100,000 larger registered companies outside the oil sector, the quality of occupational health and safety programs varies greatly. The enforcement of health and safety standards is hampered severely by the limited number of qualified Department of Manpower inspectors, as well as by the low level of employee appreciation for sound health and safety practices. Allegations of corruption on the part of inspectors are common. Workers are obligated to report hazardous working conditions. Employers are forbidden by law from retaliating against those who do report, but the law is not enforced effectively. As a result, workers who remove themselves from hazardous working conditions may risk loss of employment.

f. Trafficking in Persons.—The country is a source, transit point, and destination for trafficking in women and children for the purpose of prostitution and sometimes for forced labor.

Kirsty Sword-Gusmao, the wife of East Timorese independence leader Xanana Gusmao, reported to the international press in November that 33 pregnant East Timorese women, who had returned to East Timor, claimed that they were abducted and forced to serve as sex slaves for the TNI in West Timor.

There are credible reports of trafficking in girls and women and of temporary "contract marriages" with foreigners in certain areas, such as West Kalimantan and Sumatra, although the extent of this practice is unclear. Many such marriages are not considered legal, and the children born from them are considered born out of wedlock. According to one recent report, poor Sino-Indonesian parents from Sinkawang, West Kalimantan, who were desperate for money and believed that their daughters would have a better future, have sold thousands of their daughters into contract marriages to Taiwanese men. Some of the girls were as young as 14 years old. If such marriages fail, the women have no legal recourse. According to one source, there were as many as 10,000 Sino-Indonesian women from Sinkawang living in Taiwan whose legal status was uncertain. Others enjoy successful marriages and their families at home prosper as a result of the relationship.

Prostitution is widespread. Official statistics reported 75,106 registered prostitutes in 1999, up from 72,000 in 1995. However, NGO's estimate that there are as many as 1.3 million prostitutes in the country, 30 percent of which may be under 16 years of age. A university professor estimates that about 150,000 children enter prostitution each year. The prevalence of child prostitutes appears to vary by region. According to a recent NGO study, about 15 percent of the prostitutes in parts of Central Java were between 16 and 20 years old. In a seminar held in Batam in August, researchers reported that 50 percent of more than 1,800 sex workers that they surveyed in 1998 were younger than 18 years old. More recent estimates suggest that as many as 6,000 sex workers in Batam are under age 18. In September the ILO, in collaboration with the University of Indonesia's department of social welfare, published a preliminary study of trafficking trends in Jakarta, Batam (Sumatra), Medan (Sumatra), and Bali, which found that many girls entering prostitution after failed marriages that they had entered into when they were as young as 10 to 14.

While not documented thoroughly, the sex trade is believed widely to have increased sharply as women hurt by the economic downturn sought means of support for their families. In addition NGO findings indicate a growing trend in child prostitution and sexual exploitation. Instances of families in rural areas of Java and Sumatra being forced by economic circumstances to "sell" their daughters to local men continued to be reported. An October NGO report found that trafficking in teenage girls from North Sumatra to Singapore and Malaysia was increasing. A growing number of children enter prostitution to help their families or to support drug habits. Other teenage prostitutes come from middle class families. Child prostitutes can earn $500 to $1,000 (about Rp. 4.7 to 9.4 million) per month, 10 to 20 times what an unskilled factory worker earns. The demand for young girls is increasing, as many clients seek young girls who are perceived to be less likely to carry HIV/AIDS.

Police continue to uncover syndicates involved in trafficking young women and girls, many younger than age 18, to work in brothels on islands in Riau province, Jakarta, Bandung, and Surabaya (all in Java); Denpasar (Bali); Medan (Sumatra); Ambon (Maluku); Manado, Makassar, and Kendari (Sulawesi); and Jayapura, Sorong, and Merauke (Irian Jaya). Others are trafficked to Malaysia, Singapore, Japan, Taiwan, and Australia. Many of the girls and women were hired under false pretenses. One tactic commonly employed is to offer young women in rural areas jobs as waitresses or hotel employees in distant regions, typically at island resorts. After the new recruits arrive at the site they learn that they have been recruited as sex workers. In some instances, women are held forcibly at brothels or are prevented from leaving an island. In other cases, the women have no option other than to accept the work because they lack money to travel and facing other economic pressures. There also have been cases of boys involved in prostitution, especially in popular tourist destinations such as Bali and Lombok; at times such boys have been victims of trafficking, although the incidence reportedly is low.

A baby trafficking ring was uncovered in Medan in September. Four persons were arrested and three babies were confiscated as evidence. The babies allegedly were procured from lowincome families and were sold to wealthy infertile couples.

Trafficking in children for forced labor, particularly onto "jermals" (fishing platforms) off the coast of North Sumatra, is a significant problem (see Sections 6.c. and 6.d.).

Hundreds of thousands of women abroad work as domestic servants. According to Ministry of Manpower statistics, there were approximately 1.5 million registered workers employed abroad from 1994 to 1999, and almost 70 percent of these workers were female. Host countries include Singapore, Hong Kong, Malaysia, Korea, and the Persian Gulf states. Although the percentage of the total is very low, in numerous cases, these women were subjected to conditions that amounted to trafficking. Recruiting agencies sometimes abuse and hold captive women recruited to work abroad as domestic servants, even before such women depart the country. The most common complaints among women working abroad are being underpaid or not paid at all; extreme working conditions and severe physical and sexual abuse also are common.

The Government, in response to negative publicity and NGO efforts, took steps to improve conditions for female migrant workers in the country and to improve consular protection for those working abroad; however, many women remain vulnerable. In contrast to NGO assertions, a consortium of labor recruiters insists that accounts of severe abuse of female migrant workers are exceptions to the norm. Nevertheless, as a result of extensive lobbying efforts, in late October, the Ministry of Manpower and Transmigration announced that it would suspend for 2 months the placement of migrant workers abroad, especially those working in the informal sector, including maids. However, on November 7, President Wahid announced that the Government was lifting the temporary ban on the basis that the ban only served to encourage more illegal placements of female workers abroad.

While there are laws designed to protect children from sexual abuse, prostitution, and incest, the Government has made no special enforcement efforts in these areas. Government efforts to combat the problem are sporadic, relatively small-scale, and of limited effectiveness. In response to public pressure, the Jakarta city government closed down brothels in the red-light district of Kramat Tunggak in North Jakarta. Meanwhile corrupt government officials, some of whom are involved in trafficking themselves, sometimes hinder enforcement efforts that compromise their financial interests. Moreover, NGO's allege that there still is considerable reluctance to acknowledge, both within society and the Government, that prostitution is a major industry.

Muslim religious groups reacted to perceived government inaction against prostitution by attempting to combat the problem themselves. Muslim groups' raids on and destruction of brothels and other venues allegedly involved in prostitution, in-

cluding massage parlors, karaoke bars, and nightclubs, increased in frequency and in degree of aggression during the year (see Section 1.c.). The actions of these religious vigilante groups merely has served to force prostitution further beyond the scrutiny of official control.

Domestic NGO's lead in the efforts to monitor and prevent trafficking. At least a dozen NGO's generally are active in combating trafficking in persons. The Indonesian Women's Association for Justice (APIK) facilitates public awareness programs in Jakarta to sensitize young women to the dangers of trafficking. The Indonesian Child Advocacy Foundation (LAAI) and the City Social Worker Group (KKSP) work to eliminate child employment on jermal fishing platforms in North Sumatra. Mitra Perempuan operates a hotline to record abuse cases and help abused women. The Indonesian Child Welfare Foundation (YKAI) issues anecdotal reports on trafficking incidents. The child labor umbrella organization, JARAK (NGO Network for Action Programs to Eliminate Child Labor in Indonesia), has 63 organizational members in 15 provinces and is involved in efforts to eliminate all aspects of child labor, including trafficking.

JAPAN

Japan is a parliamentary democracy based on the 1947 Constitution. Sovereignty is vested in the people, and the Emperor is defined as the symbol of state. Executive power is exercised by a cabinet, composed of a prime minister and ministers of state, which is responsible to the Diet, a two-house parliament. The Diet, elected by universal suffrage and secret ballot, designates the Prime Minister, who must be a member of that body. The Liberal Democratic Party (LDP), Conservative Party, and the Komeito party formed the current Government in July. The judiciary is independent.

The self defense forces are responsible for external security and have limited domestic security responsibilities. The well-organized and disciplined police force is firmly under the control of the civilian authorities. However, there continued to be credible reports that police committed some human rights abuses.

The industrialized free market economy is highly efficient and competitive in world markets and provides residents with a high standard of living.

The Government respects the human rights of its citizens; however, there are problems in some areas. There continued to be some credible reports that police and prison officials physically and psychologically abused prisoners and detainees. Officials sometimes are dismissed for such abuse but seldom are tried, convicted, and imprisoned. Violence against women and children, child prostitution, and trafficking in women are problems. Women, the Ainu (Japan's indigenous people), the Burakumin (a group whose members historically are treated as outcasts), and alien residents experience varying degrees of societal discrimination, some of it severe and longstanding. The Ministry of Justice handles complaints of discrimination. However, the Ministry's Human Rights Defense Bureau has a small staff and limited investigative or enforcement powers. The administrative system for combating human rights violations is weak. Many cases end up in court.

The Justice Ministry's Human Rights Commission continued to work on a 5-year mandate to develop measures to educate citizens about the importance of respecting human rights. In July 1999, the Commission submitted a report calling for greater attention to human rights education, particularly at the municipal level. The report also cited a number of ongoing human rights problems, including sexual harassment, violence in the home, and discrimination against the elderly, the disabled, minorities, and foreigners. The panel is to submit recommendations on relief measures by 2002.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution provides for freedom from torture and cruel, inhuman, or degrading treatment or punishment, and the Penal Code prohibits violence and cruelty toward suspects under criminal investigation; however, reports by several bar associations, human rights groups, and some prisoners indicate that police and prison officials sometimes used physical violence, including kicking and beating, as well as

psychological intimidation, to obtain confessions from suspects in custody or to enforce discipline. There also were allegations of beatings of detainees by employees of private security companies that operate immigration detention facilities at Narita International airport. In 1998 the Supreme Court ordered the Kanagawa police to pay a $5,850 (700,000 yen) fine to a man who was beaten in custody. Internal police reports that alleged coverups of misconduct, corruption, and bullying shook public confidence in the police at the beginning of the year, and resulted in the establishment in March of the Council on the Reform of Police Systems, a six-person board of academic and other private sector experts, to consider new rules governing police conduct and duties, as well as changes to the overall law enforcement structure. In July the Council submitted its recommendations; the Diet incorporated some of the Council's recommendations into the Revised National Police Law passed in November. The new law allows individuals to lodge complaints against the police with national and local public safety commissions. These commissions may direct the police to conduct investigations.

The Constitution and the Criminal Code include safeguards to ensure that no criminal suspect can be compelled to make a selfincriminating confession, nor convicted or punished in cases where the only evidence against him is the accused's own confession. The appellate courts have overturned some convictions in recent years on the grounds that they were obtained as a result of coerced confessions. In April, after another man admitted his guilt, prosecutors dismissed charges against a man held for over a year in police custody after having "confessed" to fraud and theft charges. He had undergone intense questioning prior to confessing. In addition civil and criminal suits alleging abuse during interrogation and detention have been brought against some police and prosecution officials. About 90 percent of all criminal cases going to trial include confessions, reflecting the priority the judicial system places on admissions of guilt. The Government points out that the high percentage of confessions, like the high conviction rate, is reflective of a higher standard of evidence needed to bring about indictment in the Japanese system. In Japan confession is regarded as the first step in the rehabilitative process.

Physical restraints, such as leather handcuffs, continue to be used as a form of punishment, and some prisoners have been forced to eat and relieve themselves unassisted while wearing these restraints. Ministry of Justice officials state that restraints are used inside prisons only when prisoners have been violent and pose a threat to themselves and others, or when there is concern that a prisoner might attempt to escape. In May the Osaka District Court awarded a prisoner $5,000 (500,000 yen) in compensation for being confined in leather handcuffs for 3 days while he was being held in solitary confinement. The Court ruled that manacling the man after he attacked a warder was appropriate, but that the punishment's duration was too long.

Prison conditions meet most minimum international standards; however, prisons in most areas of the country are not heated, and prisoners are given only minimal additional clothing to protect themselves against cold weather. There have been cases of frostbite among the prison population. In February a foreign national prisoner was hospitalized for frostbite while incarcerated at Fuchu prison. The Ministry of Justice requested a second year of funding in August as part of a 3-year plan to install heaters in prison buildings nationwide. Individual cells will remain unheated. Prisoners may not purchase or be given supplementary food. They are discouraged strongly from complaining about conditions. Prisoners face severe restrictions on the quantity of their incoming and outgoing correspondence. The authorities read letters to and from prisoners, and the letters may be censored, or, with a court order, confiscated. All visits with convicted prisoners are monitored; however, those whose cases are pending are allowed private access to their legal representatives. Prison officials claim that the "no complaining" policy is designed to keep family members from worrying about their loved ones. For the same reason, the Justice Ministry usually does not inform a condemned inmate's family prior to the person's execution. Human rights organizations report that lawyers also are not told of an execution until after the fact, and that death row prisoners are held for years in solitary confinement with little contact with anyone but prison guards. Parole may not be granted for any reason, including medical and humanitarian, prior to an inmate serving two-thirds of his or her sentence.

In the past, the Japanese Federation of Bar Associations and human rights groups have criticized the prison system, with its emphasis on strict discipline and obedience to numerous rules. Prison rules remain confidential. Wardens continue to have broad leeway in enforcing punishments selectively, including "minor solitary confinement," which may be imposed for a minimum of 1 and not more than 60 days and in which the prisoner is made to sit (for foreigners) or kneel (for Japanese) motionless in the middle of an empty cell.

Conditions in immigration detention facilities meet most international standards. The Government restricts access to prisons and detention facilities by human rights groups.

d. Arbitrary Arrest, Detention, or Exile.—Constitutional provisions for freedom from arbitrary arrest or imprisonment generally are respected in practice. The law provides for judicial determination of the legality of detention. Persons may not be detained without charge, and prosecuting authorities must be prepared to demonstrate before trial that probable cause exists in order to detain the accused. Under the Code of Criminal Procedure, a suspect may be held in police custody for up to 72 hours without judicial proceedings. A judge may extend preindictment custody based on a prosecutor's application by up to two consecutive 10-day periods. These extensions are sought and granted routinely. Under extraordinary circumstances, prosecutors may seek an additional 5-day extension, bringing the maximum period of preindictment custody to 25 days.

In 1999 the Supreme Court upheld as constitutional the section of the Criminal Procedure Code under which police and prosecutors have the power to control and may limit access by legal counsel when deemed necessary for the sake of an investigation. Counsel may not be present during interrogations at any time before or after indictment. As a court-appointed attorney is not approved until after indictment, suspects must rely on their own resources to hire an attorney before indictment, although local bar associations provide detainees with limited free counseling. Critics charge that access to counsel is limited both in duration and frequency; the Government denies that this is the case. An attorney is provided at government expense after indictment if the arrested person cannot afford one. In 1999 presentencing bail was available in 15.6 percent of cases.

Bar associations and human rights groups have criticized the use of a "substitute prison system" for prisoners awaiting court hearings. Although the law stipulates that suspects should be held in "houses of detention" between arrest and sentencing, a police detention facility may be substituted at the order of the court. This provision originally was added to cover a shortage of normal detention facilities. According to year-end Ministry of Justice data, normal detention facilities were filled to 66.2 percent of capacity in 1999. Critics charge that allowing suspects to be detained by the same authorities who interrogate them heightens the potential for abuse and coercion. The Government counters that cases sent to police detention facilities tend to be those where the facts are not in dispute. A 1997 Justice Ministry regulation permits detention house officials to limit the amount of documentation related to ongoing court cases retained by prisoners.

The length of time before a suspect is brought to trial depends on the nature of the crime but rarely exceeds 3 months from the date of arrest; the average is 1 to 2 months. In one case an accused allegedly was held for 3 years.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The judiciary is independent and free from executive branch interference. The Cabinet appoints judges for 10-year terms, which can be renewed until judges reach the age of 65. Justices of the Supreme Court can serve until the age of 70 but face periodic review through popular referendums.

There are several levels of courts, including high courts, district courts, family courts, and summary courts, with the Supreme Court serving as the highest judicial authority. Normally a trial begins at the district court level, and a verdict may be appealed to a higher court, and ultimately, to the Supreme Court.

The Government respects in practice the constitutional provisions for the right to a speedy and public trial by an impartial tribunal in all criminal cases. Although most criminal trials are completed within a reasonable length of time, cases may take several years to work their way through the trial and appeals process. For example, in the complex 1995 case of the Aum Shinrikyo cult sarin gas attack on the Tokyo subway system, trials of seven senior members of the cult were still underway in district courts at year's end, although 193 trails stemming from the attack have been completed.

There is no trial by jury. The defendant is informed of the charges upon arrest and is assured a public trial by an independent civilian court with defense counsel and the right of crossexamination. The Constitution provides defendants with the right not to be compelled to testify against themselves as well as to free and private access to counsel. However, the Government contends that the right to consult with attorneys is not an absolute one and can be restricted if such restriction is compatible with the spirit of the Constitution. Access is sometimes abridged in practice; for example the law allows prosecutors to control access to counsel before indictment, and there are allegations of coerced confessions (see Section 1.c.). Defendants are protected from the retroactive application of laws and have the right of access to incriminating evidence after a formal indictment has been made. However, the

law does not require full disclosure by prosecutors, and material that the prosecution does not use in court may be suppressed. Critics claim that legal representatives of defendants do not always have access to all needed relevant material in the police record to prepare their defense. A defendant who is dissatisfied with the decision of a trial court of first instance may, within the period prescribed by law, appeal to a higher court.

No guidelines mandate the acceptable quality of communications between judges, lawyers, and non-Japanese speaking defendants, although the Supreme Court publishes handbooks explaining the legal procedures and terms for court interpreters. In April the Supreme Court introduced a training system to help court interpreters understand complicated trial procedures. However, no standard licensing or qualification system for certifying court interpreters exists, and a trial may proceed even if the accused does not understand what is happening or being said. The Supreme Court's 1998 statistics show a chronic shortage of qualified court interpreters, particularly for non-English speaking defendants. Foreign prisoners frequently claim that police urge them to sign statements in Japanese that they cannot read, and that are not adequately translated.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution protects the right to privacy of family, home, and correspondence, and the Government respects this right in practice. Under the Constitution, each search or seizure must be based on a separate warrant issued by a judge. Standards for issuing such warrants exist to guard against arbitrary searches. In August the Diet enacted legislation, which allows law enforcement authorities to use wiretaps in certain criminal investigations, including suspected drug offenses, murder, and trafficking in persons. The legislation also stiffened penalties for the unauthorized use of wiretaps by police authorities. Under this legislation, wiretaps can only be used if law enforcement officials can demonstrate that all other investigative techniques have been ineffective.

There were no new developments in the long-standing effort by groups representing the women and the disabled to obtain a government investigation, a formal apology, and compensation in the case of the several thousand disabled women who were sterilized without their consent between 1949 and 1992. A law that the Government revoked in 1996 permitted doctors to sterilize persons with mental or physical disabilities or certain hereditary diseases without consent, after they had received the approval of committees appointed by local governments.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press.

Academic freedom is protected. However, the Education Ministry's decision to order revisions to elementary, middle, and high school textbooks based on national curriculum guidelines remains a source of domestic and international controversy. In 1997 the Supreme Court ruled that state screening of textbooks did not violate the constitutional provisions for freedom of expression.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government respects these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Following the 1995 Aum Shinrikyo terrorist attacks, a 1995 amendment to the Religious Corporation Law gave government authorities increased oversight of religious groups and required greater disclosure of financial assets by religious corporations. The amendment allows authorities to monitor more effectively the operations of registered religious corporations. The Government does not require that religious groups be licensed. However, to receive official recognition as a religious organization, which brings tax benefits and other advantages, a group must register with local or national authorities as a "religious corporation." In practice almost all religious groups register.

The only religion under active government surveillance is the Aum Shinrikyo cult. Aum Shinrikyo lost its legal status as a religious organization in 1996 following its sponsorship of terrorist attacks. In response to reports of increased cult fundraising and recruitment activities, local police and communities have taken measures against cult members and chapters, including denying residency permits and public school access to cult leader Asahara's children. In December 1999, the Diet passed a set of bills that allow the authorities to more easily seize the group's assets, tight-

en surveillance against it, and force it to pay compensation to victims of its past crimes.

Members of the Unification Church and Jehovah's Witnesses have alleged that police do not act in response to allegations of forced deprogramming of church members. They also claim that police do not enforce the laws against kidnaping when the victim is held by family members, asserting that Unification Church members are subjected to prolonged arbitrary detention by individuals, who are not charged by police.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens have the right to travel freely both within the country and abroad, to change their place of residence, to emigrate, and to repatriate voluntarily. Citizenship may be forfeited by naturalization in a foreign country or by failure of persons born with dual nationality to elect Japanese citizenship at the required age.

Revisions to the immigration law aimed at reducing visa overstays and smuggling of persons became effective in February. The new law imposes stiff penalties on persons illegally entering the country, and those deported are denied reentry for at least 5 years instead of the previous penalty of 1 year.

Asylum and refugee policy is in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In recent years, the Government has granted asylum to those claiming fear of persecution in only a small number of cases. It believes that most persons seeking asylum in the country do so for economic reasons. During the year, approximately 300 persons in the country were either seeking asylum or accorded refugee status. As of year's end, the Government had recognized 22 refugee cases; 202 new asylum cases were pending. According to the U.N. High Commissioner for Refugees (UNHCR) most new applicants were from Pakistan, Burma, Afghanistan, and Iran. In addition approximately 10,400 Vietnamese nationals are permitted to reside in the country under special residence permits.

The Government has shown flexibility in dealing with visa extensions for Chinese student dissidents, although it continues to be reluctant to grant permanent asylum. Burmese asylum applicants have complained that asylum cases can go on for years without a formal decision.

The Government requires applicants to appear at an immigration office within 60 days of arrival or within 60 days of learning that they are likely to be persecuted in their home country. Individuals who do not present their applications within the 60day time frame due to extenuating circumstances may apply for an exception. An alien who is recognized as a refugee has access to educational facilities, public relief and aid, and social welfare benefits. An alien who is denied refugee status may appeal the decision to the Ministry of Justice. Rejected applicants also may take their cases to court if Ministry authorities do not recognize their objections. In an effort to make procedures clearer to applicants, the Government distributes a pamphlet in English, Chinese, and eight other languages to those interested in the asylum process.

While the Government sometimes grants first asylum, there are no standard procedures established, and the Justice Ministry and the Foreign Affairs Ministry jointly decide upon such grants on a case-by-case basis. In 1998 the Justice Ministry began reversing an earlier decision to deny asylum to a group of Burmese prodemocracy students. In 1999 another 40 to 50 persons denied asylum were granted special residency status renewable on a yearly basis as of year's end. During the reporting period, 12 Afghan nationals who had been denied asylum on first application were granted special resident status, and approximately 15 other persons had been granted this status for humanitarian reasons as well.

There were no reports that persons were forced to return to a country where they feared persecution.

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

Citizens have the right to change their government peacefully and are able to exercise this right in practice through frequent, free, and fair elections on the basis of universal suffrage by secret ballot. In 1998 the Diet granted citizens living overseas the right to vote for candidates in national elections in races based on proportional representation. In 1999 the Diet extended these absentee voting privileges to fishermen and mariners.

The country is a parliamentary democracy governed by the political party or parties able to form a majority in the lower house of its bicameral Diet. The Liberal Democratic Party, the Conservative Party, and the Komeito party formed the current Government in July.

There are no legal impediments to women's participation in government and politics, but they are underrepresented in both areas. In recent years there has been a slow increase in the number of women holding public office. As of December, women held 36 seats in the 480member lower house of the Diet (7.5 percent), and 43 of the 252 seats in the upper house (17.1 percent), the highest number since 1946. There are 2 women in the 19-member Cabinet. Two of the country's 47 governors are women (in Osaka prefecture and in Kumamoto); both were elected during the year.

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

A number of local and international human rights organizations function freely, without governmental restrictions, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views, although the Government restricts access to prisons and detention facilities by human rights groups (see Section 1.c.).

The Justice Ministry's Human Rights Commission continued to work on a 5-year mandate to develop measures to educate citizens about the importance of respecting human rights. In July 1999, the Commission submitted a report that called for greater attention to human rights education, particularly at the municipal level, and cites a number of ongoing human rights problems, including sexual harassment, violence in the home, and discrimination against the elderly, the disabled, minorities, and foreigners. The panel is expected to submit recommendations on relief measures by 2002.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, creed, sex, social status, or family origin, and, in general, the Government respects these provisions.

Women.—According to National Police Agency statistics, 2,060 rapes and 6,310 indecent assaults were reported through November. However, a government-sponsored poll showed that violence against women, particularly domestic violence, often goes unreported due to social and cultural concerns about shaming one's family or endangering the reputation of one's spouse or offspring. Husbands have been prosecuted for spousal rape; usually these cases involve a third party who assisted in the rape. The National Police Agency confirmed 7 cases of spousal rape through November. Typically women who are victims of domestic violence return to the home of their parents rather than file reports with the authorities. Therefore National Police Agency statistics on violence against women probably understate the magnitude of the problem. In the domestic violence survey conducted by the Prime Minister's Office released in February, 5 percent of wives said they had experienced "life-threatening violence" at least once. According to a survey conducted by the Prime Minister's Office in 1998, one in three women reported some form of physical abuse in the home. Frequent complaints by female commuters that they have been groped or otherwise molested on crowded trains led the Tokyo Metropolitan Police Department to establish special molestation complaint offices at three Tokyo train stations in 1995. In December the Keio Electric Railway Company announced plans to introduce women-only rail cars on late night trains in the Tokyo area over the holiday season to deal with the problem of groping. A Keio spokesman stated that the company had received 351 complaints about groping in the year ending March 31, an increase of 100 complaints over the previous 12month period. Many local governments are responding positively to a need for confidential assistance by establishing special women's consultation departments in police and prefectural offices. A new antistalking law went into effect in November in response to rising complaints about women's lack of recourse in dealing with stalkers. Through December 26, the police arrested 20 persons under this new law.

Trafficking in women is a problem (see Sections 6.c. and 6.f.).

The Constitution and the Equal Employment Opportunity (EEO) Law prohibit sexual discrimination and provide for individual dignity and the essential equality of the sexes in the family. However, sexual harassment in the workplace remains widespread. A 1997 survey by the Ministry of Labor reported that 62 percent of women claimed to have experienced at least one act of sexual harassment. A National Personnel Authority survey of female public servants conducted from July to September similarly found that 69.2 percent of all female respondents believe they have been subjected to acts that constitute sexual harassment. The National Personnel Authority established workplace rules in April 1999 in an effort to stop harassment in public servants' workplaces. New survey data indicates that the most severe forms of sexual harassment may be declining in government workplaces; fe-

male public servants who said that their bosses had pressured them into a sexual relationship dropped from 17 percent in 1997 to 2.2 percent. In April 1999, a revision to the 1997 Equal Employment Opportunity (EEO) Law intended to address problems of sexual harassment and discrimination against women went into effect. The revised EEO Law includes measures to identify companies that fail to prevent sexual harassment, although it does not include punitive measures to enforce compliance. The new law's only penalty is that names of companies that practice sexual discrimination can be publicized. The Ministry of Labor does not enforce compliance through fines or other punitive penalties. However, since the 1999 revision, there was a 35 percent jump in consultations over workplace sexual harassment cases. Under a 1997 revision to the Labor Standards Law an arbitration committee is allowed to initiate procedures to help ensure the rights of female workers at the worker's request, without first having to obtain approval from both management and the worker's union. A number of government entities continued to establish hot lines and designate ombudsmen to handle complaints of discrimination and sexual harassment.

In August the former governor of Osaka, Isamu Yamada, was sentenced to an 18-month suspended prison term after pleading guilty in a criminal court to molesting a 21-year-old campaign worker. In a 1999 civil suit, he was ordered to pay the campaign worker $107,000 (11,235,000 yen), the largest award ever in the country in a sexual harassment suit. Women's groups viewed the result as a positive step forward in the effort to combat sexual harassment.

The Labor Standards Law forbids wage discrimination against women. Under the revised EEO Law, women may work overtime shifts for the first time.

Women make up 40 percent of the labor force, and women between the ages of 15 and 64 have a labor force participation rate of 51 percent. Although the Labor Standards and the EEO law prohibit wage discrimination against women, in 1999 female workers on average earned only 62 percent of average male earnings. Women age 20 to 24 earned 91 percent of men's wages for this age group, but average earnings of women age 50 to 54 were only 54 percent of the earnings of men in this age cohort. Much of this disparity results from the "two-track" personnel administration system found in most larger companies, under which new hires are put into one of two categories: Managerial track (those engaged in planning and decision-making jobs and with the potential to become top executives), or general track (those engaged in general office work). According to a 1998 survey by the Management and Coordination Agency, women held 9.2 percent of managerial positions. A 1998 Labor Ministry survey found that over half of the companies with a two-track personnel system did not even consider women for managerial track positions. According to the Home Ministry, as of April 1999, women constituted 32 percent of all local government workers but held only 4 percent of top local government positions. Female workers have suffered disproportionately from the continued sluggishness of the economy. A 1999 Rengo labor union study reported that the number of nonworking women grew by 420,000 as many gave up looking for jobs due to the tight employment market.

In addition to discrimination, the traditional male/female division of labor at home places disproportionate burdens on working women, who are still responsible for almost all child care and household duties.

Women's and disabled person's advocacy groups continue to press for a government investigation into sterilization cases that were carried out between 1949 and 1992, a formal government apology and compensation (see Section 1.f.).

In 1993 the government spokesperson publicly acknowledged and apologized for the former Imperial Government's involvement in the army's practice of forcing as many as 200,000 women (including Koreans, Filipinos, Chinese, Indonesians, Dutch, and Japanese) to provide sex to soldiers between 1932 and 1945. A 1999 U.N. Subcommission on Prevention of Discrimination and Protection of Minorities report included a recommendation that the Government provide state compensation to former "comfort women" and prosecute those responsible for setting up and operating "comfort stations" during World War II. The Government has been unwilling to pay direct compensation to individual victims, on the grounds that postwar treaties already settled all war claims.

The "Asian Women's Fund" (AWF) was established in 1995 as a private, government-sponsored fund to "extend atonement and support" to former "comfort women." The AWF supports three types of projects: Payments to individual victims; medical and welfare assistance to individual comfort women; and funding projects to improve the general status of women and girls. Projects in the first category are funded by private donations, while the second and third types of projects are financed by the Government and administered by the AWF. As of December, the AWF had collected donations totaling approximately $4.6 million (486 million yen) and given

lump-sum payments of almost $19,000 (2 million yen) each and a letter of apology signed by the Prime Minister to more than 170 women. These women also received medical and welfare assistance from the AWF. In 1998 the AWF reached an agreement with a Dutch affiliate to start compensation payments to former Dutch comfort women. Government officials estimate that up to 100 Dutch women were forced to provide sexual services during World War II.

The Government's refusal to pay direct compensation continues to draw international criticism. In December a coalition of NGO's held the Women's International War Crimes Tribunal in Tokyo, a 5day long mock trial designed to publicize the plight of former comfort women and the sentiment among many that the Government had not taken responsibility adequately for the abuses suffered by comfort women during World War II. In September, 15 former comfort women filed a class action lawsuit in a U.S. federal district court against the Japanese Government seeking compensation and an apology. At year's end, the case was pending. Similar lawsuits have been filed in other jurisdictions in previous years. In 1998 the Yamaguchi District Court ordered the Government to pay $2,542 (300,000 yen) in state compensation to three Korean former sex slaves for neglecting its constitutional duty to enact compensation legislation following the Government's 1993 admission. However, the Court denied the plaintiffs' demand for an official government apology. This was the first court judgment rendered in favor of foreign war victims. Five other cases concerning former comfort women are pending in Tokyo District Court.

Children.—The Government is committed to children's rights and welfare, and in general, the rights of children are protected adequately. Boys and girls have equal access to health care and other public services. Education is free and compulsory through the lower secondary level (age 14). Education is available widely to students who meet minimum academic standards at the upper secondary level through the age of 18.

Public attention also is focused increasingly on reports of frequent child abuse in the home. According to the National Police Agency, 44 children died of abuse or neglect, one less than in 1999. However, the number of child abuse cases increased 55 percent during the year. The police investigated 186 cases of child abuse during the year, in which 182 adults were arrested and 166 children put into state protection. Child protection centers also dealt with 12,411 cases of abuse, an increase of 60 percent over the previous year. A March 1999 report by the Ministry of Health and Welfare warned that recent cuts in funding by local governments to centers handling child abuse cases was exacerbating the problem, particularly since caseloads at counseling centers nearly doubled from 1988 to 1996. However, in May the Diet's enactment of a law granting child welfare officials authority to prohibit abusive parents from meeting or communicating with their children raised public awareness of the problem of child abuse. The law also bans abuse under the guise of discipline and obliges teachers, doctors, and welfare officials to report any suspicious circumstances.

Severe bullying ("ijime") continued to be a societal concern, at elementary and junior high schools, bullying most often involves verbal abuse, with physical abuse occurring more often at the high school level. However, because many cases go unreported, it is difficult to determine the exact number. According to a 1998 Management and Coordination Agency study, one in three elementary and junior high school students has been bullied, but more than one-third of the victims did not report the bullying to anyone. An Education Ministry survey released in August reported 18,900 cases of student-on-student violence in public schools during the 1999–2000 academic year. In June a court ruling linked an elementary school boy's 1994 suicide to corporal punishment inflicted by his teacher apparently this was the first time a teacher has been held accountable for such action by the courts. Educators, lawyers, and members of the boy and teacher's families residing in the Hyogo region where the incident occurred set up committees on classroom discipline and hot lines designed to prevent similar violence in the future. In addition to compiling statistics on bullying and consulting with various groups concerned with children's welfare, the Ministry of Justice's Office of the Ombudsman for Children's Rights provides counseling services for children 18 years of age and younger who have been victims of bullying.

Teachers also increasingly are becoming the targets of student violence. Education Ministry statistics for 1999 showed an 11.2 percent increase in assaults on teachers by students from the previous year.

In previous years, both the Government and society in general appeared to take a lenient attitude toward teenage prostitution and dating for money (which may or may not have involved sexual activities). However, in 1999 the Diet passed a law, which went into effect late that year, banning sex with children under age 18 as

well as the production, sale, or distribution of child pornography. The law has reduced the open availability of child pornography. The law was passed following heightened public attention to a growing problem of teenage prostitution and international criticism over Japan's lax laws on child pornography. And, whereas in 1998 INTERPOL estimated that 80 percent of Internet sites with child pornography originated in Japan, by late 1999, after passage of the law, the police reported most of these locations had either disappeared entirely or were accessible only at random hours so as to avoid detection and arrest. Since April 1999, operators of pornographic home pages and suppliers of pornographic images have been required to register with local safety commissions and to ban offering such pages to persons under the age of 18. However, teenage prostitution and dating for money continued to be a societal concern. Through October the police arrested 508 persons for patronizing teenage prostitutes.

Under juvenile law, juvenile suspects are tried in family court and have the right of appeal to an appellate court. Family court proceedings are not open to the public, a policy that has been criticized by family members of juvenile crime victims. The number of juveniles arrested and sent to prosecutors was down 6.3 percent in 1999, according to the National Police Agency.

During the year, the Tokyo prefectural government put into effect programs to protect the welfare of stateless children, whose births their illegal immigrant mothers refused to register for fear of forcible repatriation. Justice Ministry statistics showed 837 stateless minors under age 5 in 1999.

People with Disabilities.—The law does not mandate accessibility to buildings for the disabled; however, 1994 legislation on construction standards for public facilities allows operators of hospitals, theaters, hotels, and similar enterprises to receive low-interest loans and tax breaks if they build wide entrances and elevators to accommodate those with disabilities. There are an estimated 2.9 million physically disabled and roughly 2 million mentally disabled persons. Although not generally subject to overt discrimination in employment, education, or in the provision of other state services, the disabled face limited access to public transportation, "mainstream" public education, and other facilities. In November the barrier free transportation law took effect requiring public transport systems to take measures to make their facilities more accessible to the disabled as well as the elderly. In January revisions to the Civil Code went into effect to enable persons with hearing problems or speech impediments to create valid wills; previously they could not because they cannot "convey orally" to a notary the contents of a will or affirm that the text the notary reads back to them is correct.

The Deliberation Panel on the Employment of the Handicapped, which operates within the Ministry of Labor, has mandated since 1976 that private companies with 300 or more employees hire a fixed minimum proportion of disabled persons. The penalty for noncompliance is a fine. A 1998 cabinet directive ordered private companies to raise the proportion of physically disabled persons in their work force from 1.6 to 1.8 percent and raised the percentage of disabled persons among civil servants from 2 to 2.1 percent.

An amendment to the Law to Promote the Employment of the Handicapped to include the mentally disabled took effect in 1998. The amendment also loosened the licensing requirements for community support centers that promote employment for the disabled, and it introduced government subsidies for the employment of mentally disabled persons in part-time jobs.

In 1995 the Headquarters for Promoting the Welfare of Disabled Persons, set up by the Prime Minister's Office, recommended that municipalities draw up formal plans for the care of disabled citizens by the end of March 1997. In 1996 the Ministry of Health and Welfare also instructed local governments to set numerical targets for the number of home help providers and care facilities allocated to the disabled. However, only one-third of the nation's municipalities have formal care plans for disabled citizens.

Women's and disabled person's advocacy groups continue to press for a government investigation into sterilization cases that were carried out between 1949 and 1992, a formal government apology, and compensation (see Section 1.f.).

Indigenous People.—The Ainu are a people descended from the first inhabitants of Japan. Under an 1899 law, the Government pursued a policy of forced assimilation, imposing mandatory Japaneselanguage education and denying the Ainu their right to continue traditional practices. The law also left the Ainu with control of only approximately 0.15 percent of their original land holdings.

In 1997 the Sapporo District Court ruled that the Ainu were a minority aboriginal race, and later that year the Diet passed the Law to Promote Ainu Culture. The law officially recognized the Ainu as an ethnic minority and required all prefectural governments to develop basic programs for promoting Ainu culture and traditions.

It canceled a series of previous laws that discriminated against the Ainu, including an 1899 law. However, the law stopped short of recognizing the Ainu as the indigenous people of Hokkaido and also failed to address whether they deserved special rights as a distinct ethnic group. The new law did not mandate civil rights protection for the Ainu. A nonbinding accompanying resolution referred to the Ainu as a legal Japanese minority. A 1998 report submitted by the U.N. Special Rapporteur to the 16th U.N. Working Group on Indigenous Populations stated that the Ainu had never entered into a consensual juridical relationship with any state and stated that the lack of such an agreement deprived them of their rights. Many Ainu criticize the Law to Promote Ainu Culture for not advancing Ainu political rights and criticize the Government for not providing funds for noncultural activities that would improve Ainu living conditions or financial status.

The Ainu continue to face societal discrimination while engaging in an uphill struggle against complete assimilation. An Ainulanguage newspaper was established in 1997. In 1998 a local Hokkaido radio station began broadcasting a weekly 15minute Ainu-language program. Also in 1998, the Japan Ainu Association, a nationwide organization of Ainu, was established to lobby the Government for economic assistance and greater social welfare benefits for Ainu throughout the country.

National/Racial/Ethnic Minorities.—The homogeneous nature of Japanese society impedes the integration of minority groups. This historically has affected Burakumin, Koreans, and alien workers.

The Burakumin (descendants of feudal era "outcasts" who practiced "unclean" professions such as butchering and undertaking), although not subject to governmental discrimination, are frequently victims of entrenched societal discrimination, including restricted access to housing and employment opportunities. They are estimated to number approximately 3 million, but most prefer to hide their identity. In a 1993 government survey, 33 percent of Burakumin said that they suffered discrimination at some point during their lifetime, with 24 percent experiencing difficulties in marriage, 24 percent in daily life, and 21 percent at their place of work. Beginning in 1969, the Government introduced with some success a number of social, economic, and legal programs designed to improve conditions for the Burakumin and hasten their assimilation into mainstream society. However, in recent years, some within the Burakumin community have questioned whether assimilation is an appropriate goal. When the basic legislation to provide funding for Burakumin programs expired in 1997, the Government enacted legislation effective for 5 years that retains 15 of the original 45 programs for Buraku communities.

In 1997 the Buraku Liberation League rewrote its manifesto for the first time in 13 years, placing less emphasis on class struggle and more emphasis on civil rights, social welfare, and the environment. The new platform also replaced the term Burakumin (hamlet people) with Buraku Jumin (hamlet residents), to try to debunk the false concept that these people are a different race from other Japanese. The platform was adopted at a national convention.

According to the Ministry of Justice, there were nearly 1.5 million legal foreign residents as of December 31, 1999, accounting for 1.23 percent of the population. Of these approximately 636,500 were ethnic Koreans, followed by 294,200 Chinese, and 224,300 Brazilians. The number of Korean residents—a record low 40.9 percent of the foreign population in 1999—has been decreasing steadily as Korean nationals naturalize or marry Japanese, which allows their children to gain Japanese citizenship automatically. Despite improvements in legal safeguards against discrimination, Korean permanent residents (most of whom were born, raised, and educated in Japan) still are subject to various forms of deeply entrenched societal discrimination.

Other foreigners also are subject to discrimination. There is a widespread perception that many crimes are committed by foreigners. In May the governor of Tokyo stated publicly that foreigners in the country might riot after an earthquake and warned that the country's self defense forces should be prepared. In December the Tokyo police admitted that as part of an anticrime effort, 700 posters, which ultimately were not used, had been issued to police stations to post in the Tokyo area that noted the increase in crime among foreigners, particularly among Chinese, and that urged citizens to call the police if they heard persons speaking Chinese. Justice Ministry officials in Toyama Prefecture ordered several shops to remove notices printed in English and Russian that warned persons they could not enter the stores if they did not understand Japanese on the grounds that the notices constituted racial discrimination.

By law aliens with 5 years of continuous residence are eligible for naturalization and the simultaneous acquisition of citizenship rights, including the right to vote. However, in practice most eligible aliens choose not to apply for citizenship, in part

due to fears that their cultural identity thereby would be lost. Obstacles to naturalization include broad discretion available to adjudicating officers and great emphasis on Japanese language ability. Naturalization procedures also require an extensive background check, including inquiries into the applicant's economic status and assimilation into Japanese society. Koreans are given the option of adopting a Japanese surname. The Government defends its naturalization procedures as being necessary to ensure the smooth assimilation of foreigners into Japanese society. Alien permanent residents may live abroad up to 4 or 5 years without losing their right to permanent residence the country.

In 1995 the Supreme Court ruled that the Constitution does not bar permanent foreign residents from voting in local elections. However, the Court also ruled that existing laws denying voting rights to foreign residents are not unconstitutional. In April and in August, the Supreme Court upheld Nagoya and Osaka High Court decisions rejecting appeals by Korean permanent residents demanding the right to vote in local elections. The courts have consistently ruled that limiting the vote to Japanese nationals is constitutional, but that the Diet could legislate suffrage for foreign residents. A ruling coalition proposal to submit such legislation for Diet approval was a major point of discussion during Korean President Kim Daejung's visit to Tokyo in September. However, at year's end the Government had not introduced the proposed legislation. In March 1999, the Osaka Prefectural Assembly passed a measure granting permanent residents local suffrage, becoming the third prefecture to pass such a bill.

Under the School Education Law, students attending Chinese, Korean, or other non-Japanese schools are not eligible to take national university examinations. However, in August the Education Ministry announced that beginning in 2001, graduates of non-Japanese schools would be eligible to take national university examinations if they pass a state-run high school equivalency test. A number of local governments provide subsidies to Korean schools; the central Government does not subsidize any non-Japanese language schools.

In April a revised law to end the practice of fingerprinting permanent foreign residents went into effect. Instead of fingerprinting, the Government established a family registry system that uses the resident's picture and signature and contains information on parents and spouses living in the country, a system similar to that used for Japanese nationals. All foreign residents still are required to carry alien registration certificates at all times, but the revised law reduces the penalties imposed on those found without documentation. The Government restored a Korean woman's permanent residency status 2 days after the new law entered into effect, 14 years after she had lost it for refusing to be fingerprinted.

In 1996 the Home Affairs Ministry reversed the long-held national policy of opposition to localities lifting the Japanese nationality requirement for public servants. However, the Ministry instructed local governments to restrict noncitizens' access to jobs that involved the exercise of public authority and formation of public opinion. The directive also required local governments to clearly state which jobs were closed to noncitizens. Some of the jobs considered off limits include tax collection, construction permit issuance, sanitation inspection, and firefighting.

Several local governments already have changed their rules in response to the Government's new position. In 1999 the Hakodate municipal government began to allow foreign residents to take employment tests for all city jobs except firefighters. According to a 1997 joint survey conducted by the All Japan Prefectural and Municipal Workers Union and the Korean Residents Association in Japan, 19.8 percent of local governments still forbid the hiring of noncitizens.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of workers to associate freely in unions. Approximately 12 million workers, 22 percent of all employees, belong to labor unions. Unions are free of government control and influence. Most unions are involved in political activity as well as labor relations, but they are not controlled by political parties. The Japanese Trade Union Confederation, which represents 7.6 million workers and was formed in 1989 through the merger of several confederations, is the largest labor organization. There is no requirement for a single trade union structure, and there are no restrictions on who may be a union official. Members of the armed forces, police, and firefighters are not permitted to form unions or to strike. These restrictions have led to a long-running dispute before the International Labor Organization's (ILO) Committee on the Application of Conventions and Recommendations over the observance of ILO Convention 98 concerning the right to organize and bargain collectively. The Committee has observed that these public employees have a limited capacity to participate in

the process of determining their wages and has asked the Government to consider any measures it could take to encourage negotiations with public employees.

The right to strike, implicit in the Constitution, is exercised. During 1999 87,000 workdays involving 26,000 employees were lost to strikes. The law prohibits retribution against strikers and is enforced effectively. Public employees do not have the right to strike.

Unions are free to affiliate internationally and are active in international bodies, most notably the International Confederation of Free Trade Unions, and maintain extensive international contacts.

b. The Right to Organize and Bargain Collectively.—The Constitution provides unions with the right to organize, bargain, and act collectively. These rights are exercised freely, and collective bargaining is practiced widely. The annual "Spring Wage Offensive," in which individual unions in each industry conduct negotiations simultaneously with their firms, involves nationwide participation. Management usually consults closely with its enterprise union. However, trade unions are independent of management and aggressively pursue the interests of their workers. The law prohibits antiunion discrimination, and adequate mechanisms exist for resolving cases that occur, including the reinstatement with back wages of any workers fired for union activities. However, the collective bargaining rights of public employees are limited. The Government determines the pay of government employees based on a recommendation by the independent National Personnel Authority.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution provides that no person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited. Although children are not specified in the provision, this legal prohibition against forced or compulsory labor applies equally to adults and to children. Although in general forced or bonded labor does not occur, women are trafficked to Japan and coerced into prostitution (see Section 6.f.).

In September a U.S. federal judge dismissed 13 lawsuits filed by former Allied prisoners of war against several Japanese companies seeking compensation for forced labor during World War II on the grounds that these claims were settled by the 1951 San Francisco Treaty of Peace with Japan barring war-related claims. The judge did not rule on whether similar suits filed by plaintiffs from China and South Korea, which were not signatories to the Treaty, could continue. Survivors and families of Chinese and Korean workers also continue to press claims for damages and compensation for their forced labor during the war, both in Japanese civil courts and in complaints to the ILO. In 1999 the Tokyo High Court ordered the Kajima Corporation to settle with Chinese wartime laborers and their survivors for forced labor at the Hanaoka copper mine it operated during the war. On November 29, the Kajima Corporation agreed to establish a $4.6 million (500 million yen) fund to be administered by the Chinese Red Cross to compensate wartime workers. This was the first such settlement with Chinese forced to work in Japan during the war; however, the Kajima Corporation noted that the settlement did not represent an official acknowledgement of liability for events at the mine. An ILO committee has called on the Government to take additional measures to satisfy individual Chinese and Korean victims of forced labor during the war.

The Asian Women's Fund continued to support former comfort women, who were forced to provide sexual services to Japanese troops during World War II (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution bans the exploitation of children. Both societal values and the rigorous enforcement of the Labor Standards Law protect children from exploitation in the workplace. The Government prohibits forced or bonded labor, including that performed by children and enforces this prohibition effectively (see Section 6.c.).

Child labor is virtually nonexistent. By law children under the age of 15 may not be employed, and those under age 18 may not be employed in dangerous or harmful jobs. The Labor Inspection Division of the Ministry of Labor, which vigorously enforces the Labor Standards Law, reports no violations. Society places an extremely high value on education, which is compulsory through the lower secondary (i.e., ninth grade) level. Enrollment levels for both boys and girls through the free and widely available upper secondary level (age 18) exceed 95 percent.

e. Acceptable Conditions of Work.—Minimum wages are set on a regional (prefectural) and industry basis, with the input of tripartite (workers, employers, public interest) advisory councils. Employers covered by a minimum wage must post the concerned minimum wages, and compliance with minimum wages is considered widespread. Minimum wage rates, effective during the year, ranged from $53 (5,560 yen) per day in Tokyo and Osaka to $46 (4,795 yen) in Miyazaki, Aomori, Iwate, and Akita prefectures and are considered sufficient to provide a worker and family

with a decent standard of living. The Labor Standards Law provides for a 40-hour workweek for most industries and mandates premium pay for hours worked over 40 in a week, or 8 in a day. However, labor unions frequently criticize the Government for failing to enforce maximum working hour regulations in smaller firms.

The Immigration Bureau of the Justice Ministry estimated that, as of January 1, there were 251,697 foreign nationals residing illegally in the country. Illegal immigrants come primarily from South Korea, the Philippines, China, Thailand, and Malaysia.

While many foreign illegal residents came in search of better paying manufacturing and construction jobs, these opportunities decreased during the economic slowdown. Thus more of the foreign workers are unemployed or marginally employed. Activist groups claim that employers exploit or discriminate against foreign workers, who often have little or no knowledge of the Japanese language or their legal rights. The Government has tried to reduce the inflow of illegal foreign workers by prosecuting employers. Recent revisions of the Immigration Law provide for penalties against employers of undocumented foreign workers. Suspected foreign workers also may be denied entry for passport, visa, and entry application irregularities. The August 1999 revision to the immigration law also established penalties for illegal stays separate from existing injunctions against illegal entry. The Government continues to study the foreign worker issue, and several citizens' groups are working with illegal foreign workers to improve their access to information on worker rights.

The Ministry of Labor effectively administers various laws and regulations governing occupational health and safety, principal among which is the 1972 Industrial Safety and Health Law. Standards are set by the Ministry of Labor and issued after consultation with the Standing Committee on Safety and Health of the Central Labor Standards Council. Labor inspectors have the authority to suspend unsafe operations immediately, and the law provides that workers may voice concerns over occupational safety and remove themselves from unsafe working conditions without jeopardizing their continued employment.

f. Trafficking in Persons.—Although the law specifically prohibits trafficking, and there are provisions that could be used to combat it, the trafficking of persons, and particularly of women into the country for sexual purposes, is a problem. The Constitution prohibits holding persons in bondage; and in April 1999 the Law on Control and Improvement of Amusement Businesses was amended in order to supplement the Prostitution Prevention Act as an instrument against trafficking. The amended law sanctions employers rather than just sanctioning prostitute/victims and requires the Government to refuse to grant or to revoke the business license of anyone convicted of the "crime of encouragement" to engage in prostitution. The Penal Code contains articles that forbid the illegal arrest or confinement of another, as well as the kidnaping of another for profit. Labor and immigration laws also contain provisions relevant to trafficking victims. However, relatively few persons ever are prosecuted in connection with trafficking and forced sexual servitude; those who are prosecuted generally are prosecuted in connection with violations of immigration law. In May 1999 the Diet enacted a law intended to prevent all forms of sexual exploitation of children, whether trafficked or not, which imposes a 1- to 3-year sentence on anyone convicted of trading in children for the purpose of child prostitution or child pornography (see Section 5).

In 1998 the U.N. Committee on Human Rights noted that "traffic in women and insufficient protection for women subject to trafficking and slavery-like practices remain serious concerns." Japan is a destination country for trafficking in women for purposes of sexual exploitation. Brokers in source countries (e.g., the Philippines, the states of the former Soviet Union, and Thailand) recruit women and "sell" them to Japanese intermediaries, who in turn coerce them into the sex trade by subjecting them to excessive debts and seizing their passports. Agents, brokers, and employers involved in trafficking for the sex trade often have ties to organized crime. Reliable statistics on the number and origin of women trafficked to the country are unavailable, but a government-funded study released in August found that nearly twothirds of foreign women surveyed following arrests for immigration offenses stated that they were working in the sex industry under duress. Ministry of Justice statistics indicated that 1.5 percent of the 24,661 women deported in 1999 were deported as prostitutes (others who worked in the sex industry were deported for other reasons). According to the Ministry of Justice, there were 126,982 foreign women who overstayed their visas in 1998; it is not known how many such women are involved in the sex industry or have been trafficked. Many women who are trafficked into the country, particularly from the Philippines, enter on entertainment visas. An estimated 40,000 women from the Philippines enter the country each year on such visas. "Entertainers" are not covered by the Labor Standards Law, and have no min-

imum wage protections; however, there are indications that they may be somewhat less vulnerable to abuse by employers than female migrant workers entering on other types of visas or illegally.

During the year, Human Rights Watch published an extensive report on Thai women in Japan. According to the report, many Thai women are enticed to come to the country with offers of lucrative legitimate employment, only to be forced into the sex industry; many others reportedly know that they will work in the sex trade. The passports of the trafficked women usually are confiscated by their "employers," leaving them unable to escape their circumstances.

The Government makes little effort to assist victims of trafficking for sexual purposes other than to house them temporarily in facilities established under the Antiprostitution Law, in detention centers for illegal immigrants, or through referrals to shelters run by NGO's; generally they are deported as illegal aliens. Women without documentation or sufficient funds to return to their country of origin may be detained for long periods. Several NGO's provide assistance to trafficking victims.

In recent years there has been a surge in the smuggling of illegal immigrants from China. These illegal immigrants often are held in debt bondage to make them pay off the smugglers.

KIRIBATI

Kiribati is a constitutional republic with a popularly elected president and a legislative assembly, 40 members of which are elected by universal adult suffrage, and 2 of whom are members by virtue of their office. The country has a population of 87,000, which occupies 33 small islands widely scattered across 1.365 million square miles of the central Pacific. The population is primarily Micronesian, with a significant component of Polynesian origin. The judiciary is independent.

A police force of about 250 personnel is controlled effectively by civilian authority.

Economic activity consists primarily of subsistence agriculture and fishing. The islands' isolation and meager resources, including poor soil and limited arable land, severely limit prospects for economic development.

The Government generally respected citizens' human rights; however, in the traditional culture, women occupy a subordinate role and have limited job opportunities.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Torture and inhuman or degrading treatment or punishment are forbidden by the Constitution; however, traditional practice permits corporal punishment for criminal acts and other transgressions. On some outer islands, the island councils occasionally order strokes with palm fronds to be administered for public drunkenness and other minor offenses, such as petty thievery.

Prisons meet minimum international standards. There are separate facilities for men and women. Family members and church representatives are allowed access to prisoners.

The question of monitoring prison conditions by local human rights groups has not arisen, and no policy concerning such monitoring has been formulated.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, detention, or exile, and the Government respects these prohibitions.

e. Denial of Fair Public Trial.—The judiciary is independent and free of governmental interference.

The judiciary consists of a high court, magistrate courts, a court of appeal, and land courts. Litigants also have the right of appeal to the Privy Council in London.

The right to a fair public trial is provided by law and observed in practice. The Constitution provides that an accused person be informed of the nature of the offense with which he is charged and be provided adequate time and facilities to prepare a defense. The right to confront witnesses, present evidence, and appeal convictions is provided for in law. Procedural safeguards are based on English common law.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such practices, government authorities respect these provisions, and violations are subject to effective legal sanctions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, there were some instances in which the Government limited these rights.

In May a former president established the country's first private newspaper, which enabled the opposition to present views divergent from those in the government-owned newspaper. The sole radio station is government owned; it regularly broadcasts Radio Australia programming. An opposition attempt to operate a private radio station was blocked in 1999 when the Government closed the station and fined the owners for attempting to import broadcasting equipment without a license. A foreign journalist remains barred from entering the country after cabinet officials stated in 1999 that the journalist's articles "gave a bad impression of the country." Churches published newsletters and other periodicals. High costs limited the availability of foreign print media and Internet access, but there were no Government imposed limitations.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, including the right to form or belong to associations for the advancement or protection of a group's interests, and the Government does not impose any restrictions on these rights in practice. A permit is required for a public gathering, but these are granted routinely.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government respects them in practice.

There were no reports of refugees. The Government has not formulated a policy regarding refugees, asylees, or first asylum.

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

Citizens choose the Government in periodic free and open elections. The President is elected for a 4-year term and exercises executive authority. No less than three and no more than four presidential candidates are nominated by the elected Legislative Assembly from among its members. Under the Constitution, the President is limited to three terms.

In free and fair elections, voters reelected President Teburoro Tito to a second term in November 1998, with 52.3 percent of the votes. Most of President Tito's cabinet ministers have served in the previous cabinet.

Women are underrepresented in politics and government. Two women hold permanent secretary positions, and there is 1 in the 42-member Parliament.

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

There are no restrictions on the formation of local nongovernmental organizations that concern themselves with human rights, but none have been formed. There have been no reported allegations of human rights violations by the Government and no known requests for investigations.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, creed, national origin, or sex, and the Government generally observed this prohibition in practice. Society is fundamentally egalitarian and has no privileged class.

Women.—Violence against women does not appear to be a major problem in this isolated, rural society. Rape is a crime, and the law is enforced when charges are brought to court, although it is suspected that prosecutions are relatively infrequent. Wife battering traditionally is addressed through communal pressure.

The traditional culture, in which men are dominant, has impeded a more active role for women in the economy. However, women slowly are finding work in unskilled and semiskilled occupations. The Government has increased its hiring and promotions of women to some extent; however, women may not work at night except under specified circumstances (generally in service jobs such as hotel clerks). Statistics on the participation of women in the work force and on comparative wages were

unavailable. Women have full rights of ownership and inheritance of property. Women have full and equal access to education.

Children.—Within its limited financial resources, the Government makes adequate expenditures for child welfare. Primary education is compulsory for children between the ages of 6 and 12 years. The 40 percent of primary school graduates who pass a national examination qualify to attend secondary school; a small fee is charged for matriculation at a secondary school.

If child abuse exists, it is rare and has not become a source of societal concern.

People with Disabilities.—There is no evidence or complaint of discrimination in employment, education, or provision of other state services. Accessibility for the disabled has not been mandated.

Section 6. Worker Rights

a. The Right of Association.—Freedom of association is provided for in the Constitution. Workers are free to organize unions and choose their representatives. The Government does not control or restrict unions. Over 90 percent of the work force is occupied in fishing or subsistence farming, but the small wage sector has a relatively strong and effective trade union movement. In 1982 the seven registered trade unions merged to form the Kiribati Trade Union Congress (KTUC); which has approximately 2,500 members, mostly from the public service sector. The law provides for the right to strike. However, strikes are rare, the last one took place in 1980.

Unions are free to affiliate internationally. The KTUC is affiliated with the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is provided for under the Industrial Relations Code. The Government sets wages in the large public sector. However, in a few statutory bodies and government-owned companies, employees may negotiate wages and other conditions. In the private sector, individual employees also may negotiate wages with employers. In keeping with tradition, negotiations are generally nonconfrontational. There have been no reports of antiunion discrimination. However, mechanisms exist for resolving any such complaints.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, and it is not practiced. The prohibition does not specifically mention children, but forced and bonded labor by children is not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under the age of 14. Primary education is compulsory for children between the ages of 6 and 12. Children through the age of 15 are prohibited from industrial employment and employment aboard ships. Labor officers from the Ministry of Commerce, Industry, and Employment generally enforce these laws effectively, given the rudimentary conditions of the economy and its industrial relations system. Children rarely are employed outside the traditional economy. Although not prohibited specifically, forced and bonded labor by children is not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—The Government has taken no concrete action to implement longstanding legislation authorizing the establishment of minimum wages. Income tends to be pooled within the extended family, and the standard income is adequate. There is no legislatively prescribed workweek. Workers in the public sector (80 percent of the wage-earning work force) work 36.25 hours per week, with overtime pay for additional hours.

Employment laws provide rudimentary health and safety standards for the workplace. For example, employers must provide an adequate supply of clean water for workers and ensure the existence of sanitary toilet facilities. Employers are liable for the expenses of workers injured on the job. The Government's ability to enforce employment laws is hampered by a lack of qualified personnel. Workers cannot remove themselves from hazardous work sites without risking loss of employment.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, through, or within the country.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

The Democratic People's Republic of Korea (DPRK) is a dictatorship under the absolute rule of the Korean Workers' Party (KWP). Kim Il Sung led the DPRK from its inception until his death in 1994. Since then his son Kim Jong Il has exercised

unchallenged authority. Kim Jong Il was named General Secretary of the KWP in October 1997. In September 1998, the Supreme People's Assembly reconfirmed Kim Jong Il as Chairman of the National Defense Commission and declared that position the "highest office of state." The presidency was abolished leaving the late Kim Il Sung as the DPRK's only president. The titular Head of State is Kim Yong Nam, the President of the Presidium of the Supreme People's Assembly. Both Kim Il Sung and Kim Jong Il continue to be the objects of intense personality cults. The regime emphasizes "juche," a national ideology of self-reliance. The judiciary is not independent.

The Korean People's Army is the primary organization responsible for external security. It is assisted by a large military reserve force and several quasi-military organizations, including the Worker-Peasant Red Guards and the People's Security Force. These organizations assist the Ministry of Public Security and cadres of the KWP in maintaining internal security. Members of the security forces committed serious human rights abuses.

The State directs all significant economic activity, and only government-controlled labor unions are permitted. Industry continued to operate at much-reduced capacity that reflects antiquated plant and equipment and a severe shortage of inputs. This decline is due in part to the collapse of the former Soviet Union and East European Communist governments and the consequent sharp decline in trade and aid. Efforts at recovery have been hampered by heavy military spending—which amounted to perhaps a quarter of gross domestic product before the economy went into decline and is probably now a larger share of national output. It also is held back by a lack of access to commercial lending stemming from the DPRK's default on its foreign debt and its inability to obtain loans from international financial institutions. Never food self-sufficient, the country relies on trade to supplement domestic production, which has been hobbled by disastrous agricultural policies. Since 1995 nearly annual droughts and floods have destroyed crops and ruined agricultural land, and hunger and malnutrition have been widespread. Famine has caused internal dislocation, widespread malnutrition, and approximately a million deaths from starvation and related diseases. Economic and political conditions have caused thousands of persons to flee their homes. The Government continued to seek international food aid, produce "alternative foods," and take steps to boost production. It has supported the spread of farmers' markets to make up for the contraction of food supplied through the public distribution system. Food, clothing, and energy are rationed throughout the country. The U.N.'s World Food Program provides assistance to the elderly, children and mothers, and persons employed in flood damage recovery efforts.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. Citizens do not have the right to change their government peacefully. There continued to be reports of extrajudicial killings and disappearances. Citizens are detained arbitrarily, and many are held as political prisoners; prison conditions are harsh. The constitutional provisions for an independent judiciary and fair trials are not implemented in practice. The regime subjects its citizens to rigid controls. The leadership perceives most international norms of human rights, especially individual rights, as illegitimate, alien, and subversive to the goals of the State and party. The Penal Code is draconian, stipulating capital punishment and confiscation of all assets for a wide variety of "crimes against the revolution," including defection, attempted defection, slander of the policies of the party or State, listening to foreign broadcasts, writing "reactionary" letters, and possessing reactionary printed matter. The Government prohibits freedom of speech, the press, assembly, and association, and all forms of cultural and media activities are under the tight control of the party. Radios sold in North Korea receive North Korean radio broadcasts only; radios obtained abroad by the general public must be altered to work in a similar manner. Cable News Network (CNN) television is available in one Pyongyang hotel frequented by foreigners. Under these circumstances, little outside information reaches the public except that approved and disseminated by the Government. The Government restricts freedom of religion, citizens' movements, and worker rights. There were reports of trafficking in women and young girls among refugees and workers crossing the border into China.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Defectors and refugees report that the regime executes political prisoners, opponents of the regime, repatriated defectors, and others (reportedly including military officers suspected of espionage or of plotting against Kim Jong Il). Criminal law makes the death penalty mandatory for

activities "in collusion with imperialists" aimed at "suppressing the national liberation struggle." Some prisoners are sentenced to death for such ill-defined "crimes" as "ideological divergence," "opposing socialism," and other "counterrevolutionary crimes." In some cases, executions reportedly were carried out at public meetings attended by workers, students, and school children. Executions also have been carried out before assembled inmates at places of detention. Border guards reportedly have orders to shoot-to-kill potential defectors (see Section 2.d.).

Religious and human rights groups outside the country report that members of underground churches have been killed because of their religious beliefs and suspected contacts with overseas evangelical groups operating across the Chinese border (see Section 2.c.).

In August 1998, a Reuters report stated that, following a March 1998 coup attempt, authorities arrested several thousand members of the armed forces and executed many of them.

Many prisoners reportedly have died from disease, starvation, or exposure (see Section 1.c.).

According to unconfirmed press reports from Japan and the Republic of Korea in 1997, several senior party officials were executed publicly in September 1997. The Kyodo News Network reported that Seo Kwan Hui, Secretary of Agriculture for the KWP, and 17 other senior officials, including some from the army and from the Kim Il Sung Socialist Youth League, were executed for corruption and working for South Korea. In 1998 Agence France-Presse (AFP) reported that among those executed were a four-star general who ran the Political Bureau of the Korean People's Army and Choe Hyon Tok, a member of the Foreign Affairs Committee of the Supreme People's Assembly. According to the AFP, seven persons in this group were executed by firing squad before thousands of spectators.

In December a South Korean newsmagazine quoted a defector as stating that in 1999 in the city of Hyesan, on the border with China, the military had publicly executed 19 residents, secretly killed over 20 persons, and imprisoned 600. The targets of the purge were frequent travelers to China and opium addicts.

Another South Korean newsmagazine reported that there were at least 20 public executions during 1997 either for economic offenses, including stealing cattle and electric wire, or for attempting to defect. Amnesty International (AI) reported in January 1997 that at least 23 persons had been executed publicly between 1970 and 1992 for offenses that reportedly included "banditry" and "stealing rice from a train." Government officials reportedly told AI in 1995 that only one or two executions had taken place since 1985.

North Korean officials informed AI in 1995 that Japanese citizens Cho Ho Pyong, his ethnic Japanese wife Koike Hideko, and their three young children were killed by the authorities in 1972 while attempting to leave the country. The authorities told AI that Cho escaped from a detention center where he was being held for spying and killed a guard in the escape.

b. Disappearance.—The Government reportedly is responsible for cases of disappearance. According to defector reports, individuals suspected of political crimes often are taken from their homes by state security officials late at night and sent directly, without trial, to camps for political prisoners. There also have been reports of past DPRK involvement in the kidnaping abroad of South Koreans, Japanese, and other foreigners. In 1995 the Japanese press estimated that as many as 20 Japanese may have been kidnaped and detained in North Korea. According to Japanese government officials, these abductions took place between 1977 and 1983. In addition several suspected cases of kidnaping, hostage-taking, and other acts of violence apparently intended to intimidate ethnic Koreans living in China and Russia have been reported. There were unconfirmed reports that North Korean agents kidnaped a South Korean citizen, Reverend Dongshik Kim, in China and took him to North Korea in January. There is credible evidence that the DPRK Government may have been involved in the July 1995 abduction of a South Korean citizen working in China as a missionary. This missionary subsequently appeared publicly in North Korea and was portrayed as a defector. The DPRK denies that it has been involved in kidnapings.

In November 1997, the South Korean Government arrested several alleged North Korean espionage agents. According to the South Korean Government's report on its investigation, those arrested claimed that three South Korean high school students, missing since 1978, had been kidnaped by the North Korean Government and trained as espionage agents. The three were identified as Kim Young Nam, who disappeared from Son Yu beach, and Yi Myong U and Hong Kyun Pyo, both of whom disappeared from Hong To island beach. According to those arrested, there were several other kidnapings in the late 1970's and early 1980's.

AI reports detail a number of cases of disappearances including that of Japanese citizen Shibata Kozo and his wife Shin Sung Suk, who left Japan in 1960 and resettled in North Korea. The authorities reportedly arrested Shibata in 1962 after he encouraged a demonstration by former Japanese residents protesting the poor treatment given them. In 1993 AI claimed that he was still in custody and in poor health and that there had been no word about his wife and three children since 1965. In 1995 North Korean officials informed AI that Shibata Kozo, his wife, and children died in a train accident in early 1990, a few weeks after he was released from nearly 30 years in prison. However, AI reports that Shibata Kozo was still in custody at the time of the alleged accident.

The cases of three ethnic Korean residents of Beijing, China (16, 18, and 20 years of age), reported by AI in 1995 to have been taken to North Korea against their will, remained unresolved. The three were taken in apparent retaliation for criticism in the Japanese media of North Korean human rights violations made by their father, a former prisoner in North Korea. The North Korean authorities deny this allegation, claiming that the three brothers were deported to North Korea for breaking Chinese law and that they are now living with relatives.

Numerous reports indicate that ordinary citizens are not allowed to mix with foreigners, and AI has reported that a number of North Koreans who maintained friendships with foreigners have disappeared. In at least one case, AI reported that a citizen who had disappeared was executed for maintaining a friendship with a Russian national.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While there is no information on recent practices, credible reports indicate that prisoners are mistreated and that many have died from disease, starvation, or exposure.

In 1998 a Polish newspaper reported the experiences of a woman who spent 10 years in a North Korean concentration camp before fleeing first to China and then to South Korea. The approximately 1,800 inmates in this particular camp typically worked 16 to 17 hours per day. The woman reported severe beatings, torture involving water forced into a victim's stomach with a rubber hose and pumped out by guards jumping on a board placed across the victim's abdomen, and chemical and biological warfare experiments allegedly conducted on inmates by the army. South Korean media reported that the DPRK State Security Agency manages the camps through use of forced labor, beatings, torture, and public executions.

Prison conditions are harsh. International nongovernmental organizations (NGO's) and defector sources report that whole families, including children, are imprisoned together. "Reeducation through labor" is common punishment, consisting of forced labor, such as logging and tending crops, under harsh conditions. A small number of persons who claimed to have escaped from detention camps reported that starvation and executions are common. In one prison, clothing reportedly was issued only once in 3 years. AI reported the existence of "punishment cells," too low to allow standing upright and too small for lying down flat, where prisoners are kept for up to several weeks for breaking prison rules. Visitors to North Korea reported that they observed prisoners being marched in leg irons, metal collars, or shackles.

A former prison camp inmate who later defected to South Korea told the South Korean press that conditions in prison camps became more difficult as the food crisis worsened in the mid-1990's. With the food ration reduced to 2 ounces daily in 1996, 20 percent of the inmates in one camp died. Prisoners who tried to escape were publicly executed as a warning to others. Inmates were forced to find shelter in nearby mountains when authorities destroyed the camp's housing area in 1996 in anticipation of a visit by an international human rights group. The majority of prisoners in the camps were those who had contacted South Koreans, attempted to go to South Korea via China, those who studied abroad, and members of antigovernment groups.

In 1999 credible witnesses reported that prisoners held on the basis of their religious beliefs were treated worse than other inmates were. One witness, a former prison guard, reported that those believing in God were regarded as insane, as the authorities taught that "all religions are opiates." He recounted an instance in which a woman was kicked hard and left lying for days because a guard overheard her praying for a child who was beaten.

The Government normally does not permit inspection of prisons by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—There are no restrictions on the ability of the Government to detain and imprison persons at will and to hold them incommunicado.

Little information is available on criminal justice procedures and practices, and outside observation of the legal system has been limited to "show trials" for traffic violations and other minor offenses.

Family members and other concerned persons find it virtually impossible to obtain information on charges against detained persons. Judicial review of detentions does not exist in law or in practice.

Defectors claim that North Korea detains between 150,000 and 200,000 persons for political reasons, sometimes along with their family members, in maximum security camps in remote areas. An October 1992 report by two former inmates made reference to severe living conditions in what they called "concentration camps." North Korean officials deny the existence of such prison camps but admit that there are "education centers" for persons who "commit crimes by mistake."

In 1991 a North Korean defector who had been a ranking official in the DPRK Ministry of Public Security said that there were two types of detention areas. One consists of closed camps where conditions are extremely harsh and from which prisoners never emerge. In the other, prisoners can be "rehabilitated."

One credible report lists a dozen political prisoner camps and approximately 30 forced labor and labor education camps in the DPRK. It is believed that some former high officials are imprisoned in the camps. Visitors formerly were allowed, but currently any form of communication with detainees, including visitors, is said to be prohibited.

In mid-1999, an ethnic Korean with foreign citizenship was arrested for unauthorized contact with North Koreans. This person was detained for a month before being released.

In May 1998, a foreigner of Korean descent was detained and held incommunicado for nearly 3 months before he was finally released. In September 1998, another foreigner of Korean descent was held incommunicado for more than a month for an unspecified "violation of law" before being released and expelled from the country.

South Korean newspapers reported in 1997 that family members of North Korean defector Hwang Chang Yop, former head of the Juche Research Institute, and a senior advisor to Kim Il Sung and Kim Jong Il, who defected to South Korea in that year, either were under house arrest or incarcerated in political prisons. However, visiting foreigners have seen some members of his family.

In March 1999, North Korean officials in Thailand tried to detain a Bangkok-based North Korean diplomat, Hong Sun Gyong, and his family. Hong and his wife escaped from their abductors and then requested asylum. Their son was taken to Laos by North Korean officials but subsequently was allowed to rejoin his parents in Thailand.

The Government is not reported to use forced exile. However, the Government routinely uses forced resettlement and has relocated many tens of thousands of persons from Pyongyang to the countryside. Although disabled veterans are treated extremely well, there are also reports that other physically disabled persons and those judged to be politically unreliable have been sent to internal exile. Often those relocated are selected on the basis of family background. Nonetheless, there is some evidence that class background is less important than in the past because of the regime's emphasis on the solidarity of the "popular masses" and united front efforts with overseas Koreans. According to unconfirmed September 1997 foreign press reports, some 500 senior officials were sent into internal exile.

e. Denial of Fair Public Trial.—The Constitution states that courts are independent and that judicial proceedings are to be carried out in strict accordance with the law; however, an independent judiciary and individual rights do not exist. The Public Security Ministry dispenses with trials in political cases and refers defendants to the Ministry of State Security for imposition of punishment.

The Constitution contains elaborate procedural protections, and it states that cases are heard in public, and that the accused has the right to a defense; hearings may be closed to the public as stipulated by law. When trials are held, lawyers are apparently assigned by the Government. Reports indicate that defense lawyers are not considered representatives of the accused; rather, they are expected to help the court by persuading the accused to confess guilt. Some reports note a distinction between those accused of political crimes and common criminals and state that the Government affords trials or lawyers only to the latter. The Government considers critics of the regime to be "political criminals."

Numerous reports suggest that past political offenses have included such behavior as sitting on newspapers bearing Kim Il Sung's picture, or (in the case of a professor reportedly sentenced to work as a laborer) noting in class that Kim Il Sung had received little formal education. The KWP has a special regulation protecting the images of Kim Il Sung and Kim Jong Il. All citizens are required by this regulation to protect from damage any likeness of the two Kims. Beginning in the 1970's, the 10 Great Principles of Unique Ideology directed that anyone who tore or otherwise defaced a newspaper photo of either of the two Kims was a political criminal and punished as such. Defectors have reported families being punished because children

had accidentally defaced photographs of one of the two Kim's. Families must display pictures of the two Kim's in their homes, and if local party officials found the family had neglected its photos, the punishment was to write self-criticism throughout an entire year (see Section 1.f.).

A foreigner hired to work on foreign broadcasts for the regime was imprisoned for 1 year without trial for criticizing the quality of the regime's foreign propaganda. He then was imprisoned for 6 more years (with trial) shortly after his release for claiming in a private conversation that his original imprisonment was unjust. While AI has listed 58 political prisoners by name, the total number of political prisoners being held is much larger. Several defectors and former inmates reported that the total figure is approximately 150,000, while South Korean authorities said the total figure is about 200,000.

The South Korean Ministry of National Unification reported to its National Assembly in October 1997 that North Korea held more than 200,000 political prisoners in camps where many had frozen or starved to death, and that famine may have worsened conditions. The report went on to describe the camps as having no electricity or heating facilities. The report claimed that those who attempted to escape were executed immediately. Most camps are located in remote mountain or mining areas. Some reports indicated an increase in the number of political prisoners as North Koreans had begun to complain more openly about the failure of the Government's economic policies.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of person and residence and the privacy of correspondence; however, the Government does not respect these provisions in practice. The regime subjects its citizens to rigid controls. The state leadership perceives most international norms of human rights, and especially individual rights, as alien social concepts subversive to the goals of the State and party. The Government relies upon an extensive, multilevel system of informers to identify critics and potential troublemakers. Whole communities sometimes are subjected to massive security checks. The possession of "reactionary material" and listening to foreign broadcasts are both considered crimes that may subject the transgressor to harsh punishments. In some cases, entire families are punished for alleged political offenses committed by one member of the family. For example, defectors have reported families being punished because children had accidentally defaced photographs of one of the two Kims. Families must display pictures of the two Kims in their homes, and must keep them clean. Local party officials have conducted unannounced inspections once a month, and if the inspectors found the family had neglected its photos, the punishment was to write self-criticism throughout an entire year (see Section 1.e.).

The Government monitors correspondence and telephones. Telephones essentially are restricted to domestic operation, although some international service is available on a very restricted basis.

The Constitution provides for the right to petition. However, when an anonymous petition or complaint about state administration is submitted, the Ministries of State Security and Public Safety seek to identify the author through handwriting analysis. The suspected individual may be subjected to a thorough investigation and punishment.

The regime justifies its dictatorship with arguments derived from concepts of collective consciousness and the superiority of the collective over the individual, appeals to nationalism, and citations of "the juche idea." The authorities emphasize that the core concept of juche is "the ability to act independently without regard to outside interference." Originally described as "a creative application of Marxism-Leninism" in the national context, juche is a malleable philosophy reinterpreted from time to time by the regime as its ideological needs change and used by the regime as a "spiritual" underpinning for its rule.

As defined by Kim Il Sung, juche is a quasi-mystical concept in which the collective will of the people is distilled into a supreme leader whose every act exemplifies the State and society's needs. Opposition to such a leader, or to the rules, regulations, and goals established by his regime is thus in itself opposition to the national interest. The regime therefore claims a social interest in identifying and isolating all opposition.

Since the late 1950's, the regime has divided society into three main classes: "Core," "wavering," and "hostile." These three classes are further subdivided into subcategories based on perceived loyalty to the Party and the leadership. Security ratings are assigned to each individual; according to some estimates, nearly half of the population is designated as either "wavering" or "hostile." These loyalty ratings determine access to employment, higher education, place of residence, medical facilities, and certain stores. They also affect the severity of punishment in the case of

legal infractions. While there are signs that this rigid system has been relaxed somewhat in recent years—for example, children of religious practitioners are no longer automatically barred from higher education—it remains a basic characteristic of KWP political control.

Citizens with relatives who fled to South Korea at the time of the Korean War still appear to be classified as part of the "hostile class" in the DPRK's elaborate loyalty system. This subcategory alone encompasses a significant percentage of the population. One defector estimated that the class of those considered potentially hostile may comprise 25 to 30 percent of the population; others place the figure at closer to 20 percent. Members of this class are still subject to discrimination, although defectors report that their treatment has improved greatly in recent years.

The authorities subject citizens of all age groups and occupations to intensive political and ideological indoctrination. Even after Kim Il Sung's death, his cult of personality and the glorification of his family and the official juche ideology remained omnipresent. The cult approaches the level of a state religion.

The goal of indoctrination remains to ensure loyalty to the system and leadership, as well as conformity to the State's ideology and authority. The necessity for the intensification of such indoctrination repeatedly is stressed in the writings of Kim Jong Il, who attributes the collapse of the Soviet Union largely to insufficient ideological indoctrination, compounded by the entry of foreign influences.

Indoctrination is carried out systematically, not only through the mass media, but also in schools and through worker and neighborhood associations. Kim Jong Il has stated that ideological education must take precedence over academic education in the nation's schools, and he has also called for the intensification of mandatory ideological study and discussion sessions for adult workers.

Another aspect of the State's indoctrination system is the use of mass marches, rallies, and staged performances, sometimes involving hundreds of thousands of people. In September 1998, celebrations of the 50th anniversary of the founding of the DPRK included hours of carefully choreographed demonstration of mass adulation of the leadership. In October similar celebrations of the 55th anniversary of the KWP reportedly involved upwards of 1 million persons.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Although the Constitution provides for freedom of speech and the press, the Government prohibits the exercise of these rights in practice. The regime only permits activities that support its objectives. Articles of the Constitution that require citizens to follow "Socialist norms of life" and to obey a "collective spirit" take precedence over individual political or civil liberties.

The Government strictly curtails freedom of expression. The authorities may punish persons for criticizing the regime or its policies by imprisonment or "corrective labor." One defector reported in 1986 that a scientist, whose home was under surveillance through his radio set, was arrested and executed for statements that he made at home critical of Kim Il Sung. In another case, AI reports that a family formerly resident in Japan was sent to a "reeducation-through-labor" center because one member of the family allegedly made remarks disparaging the Government.

The Government attempts to control all information. It carefully manages the visits of Western journalists. In 1996 the Cable News Network was allowed to broadcast live, unedited coverage of the 2nd year memorial service for the death of Kim Il Sung. The regime recently allowed foreign journalists to report on the food situation. Foreign journalists also were allowed to report on the Korean Peninsula Energy Development Organization (KEDO) light-water reactor groundbreaking at Kumho in 1997. During the June 13 to 15 inter-Korean summit, and during the October visit of U.S. Secretary of State Albright, groups of foreign journalists were permitted to accompany official delegations and to file reports, although under strict state monitoring. Also, the presidents of 46 South Korean newspaper and broadcast organizations, led by the South Korean Minister of Culture and Tourism, traveled to the country in August and met with Kim Jong Il. Although more foreign journalists have been allowed into North Korea, the Government still maintains strict control over the movements of foreign visitors. For example, journalists accompanying a foreign minister from another country were not allowed to visit a department store or a train station; they were not allowed to talk to officials or to persons on the street. Those who arrived with cellular or satellite phones had them confiscated for the duration of their stay. Domestic media censorship is strictly enforced, and no deviation from the official government line is tolerated.

The regime prohibits listening to foreign media broadcasts except by the political elite, and violators are subject to severe punishment. Radios and television sets receive only domestic programming; radios obtained from abroad must be submitted for alteration to operate in a similar manner. CNN television broadcasts are avail-

able in a Pyongyang hotel frequented by foreigners. Private telephone lines operate on an internal system that prevents making and receiving calls from outside the country. International phone lines are available under very restricted circumstances. There may be very limited Internet access in North Korea for government officials, according to recent reports.

During the year, the DPRK defended threats and reiterated criticisms first made in late 1997 of the South Korean media for criticizing the North Korean leadership. The first instance was in response to a South Korean newspaper editorial, the second in reaction to a television drama about life in North Korea.

The Government severely restricts academic freedom and controls artistic and academic works. Visitors report that one of the primary functions of plays, movies, operas, children's performances, and books is to contribute to the cult of personality surrounding Kim Il Sung and Kim Jong Il.

b. Freedom of Peaceful Assembly and Association.—Although the Constitution provides for freedom of assembly, the Government does not respect this provision in practice. The Government prohibits any public meetings without authorization.

Although the Constitution provides for freedom of association, the Government does not respect this provision in practice. There are no known organizations other than those created by the Government. Professional associations exist primarily as a means of government monitoring and control over the members of these organizations.

c. Freedom of Religion.—The Constitution provides for "freedom of religious belief;" however, in practice the Government discourages organized religious activity except that supervised by officially recognized groups. Genuine religious freedom does not exist. The Constitution also stipulates that religion "should not be used for purposes of dragging in foreign powers or endangering public security."

Although in the past the Government has branded religiously active persons as "counterrevolutionaries" and killed or imprisoned them, in more recent times, it has allowed the formation of several government-sponsored religious organizations. These serve as interlocutors with foreign church groups and international aid organizations. Foreigners who have met with representatives of these organizations believe that some are genuinely religious but note that others appear to know little about religious dogma, liturgy, or teaching. A constitutional change in 1992 deleted the clause about freedom of antireligious propaganda, authorized religious gatherings, and provided for "the right to build buildings for religious use."

The number of religious believers is unknown but has been estimated by the media and religious groups at 10,000 Protestants, 10,000 Buddhists, and 4,000 Catholics. There are also an undetermined number of persons belonging to underground Christian churches. In addition the Chondogyo Young Friends Party, a government-sponsored group based on a traditional Korean religious movement, still is in existence. There are 300 Buddhist temples. Most of the temples are regarded as cultural relics, but in some of them religious activity is permitted. Two Protestant churches under lay leadership and a Roman Catholic church (without a priest) have been opened since 1988 in Pyongyang. Several schools for religious education exist. There are 3-year religious colleges for training Protestant and Buddhist clergy. A religious studies program also was established at Kim Il Sung University in 1989; its graduates usually go on to work in the foreign trade sector.

There has been a limited revival of Buddhism with the translation and publication of Buddhist scriptures that had been carved on 80,000 wooden blocks and kept at an historic temple. It is not known whether any Catholic priests, whose role is a fundamental element for the practice of the Catholic faith, remain in the country. Seoul Archbishop Nicholas Jin-Suk Cheong, appointed by the Pope as Apostolic Administrator of Pyongyang, was quoted in July as stating that while there were 50 priests in the country in the 1940's, it is not known if they are still alive. In November a delegation from the Vatican visited the country. Although some foreigners who have visited the DPRK over the years say that church activity appears staged, others believe that church services are genuine, although sermons contain both religious and political content supportive of the regime. The Government claims, and visitors confirm, that there are more than 500 authorized "house churches."

Persons engaging in religious proselytizing may be arrested and are subject to harsh penalties, including imprisonment and prolonged detention without charge. The regime appears to have cracked down on unauthorized religious groups in recent years, especially persons who proselytize or who have ties to overseas evangelical groups operating across the border with China, as the Government appears concerned about religiously based South Korean relief and refugee assistance efforts along the northeast border with the People's Republic of China becoming entwined with more political goals, including overthrow of the regime. The food crisis apparently has heightened government concern about antiregime activity. An article in

the Korean Workers Party newspaper in 1999 criticized "imperialists and reactionaries" for trying to use ideological and cultural infiltration, including religion, to destroy socialism from within. South Korean law requires all parties, including religious groups, travelling to North Korea or contacting North Koreans to request permission from the South Korean security agency. This requirement increases suspicions among North Korean officials about the intentions of such groups.

There is no reliable information on the number of religious detainees or prisoners, but there have been unconfirmed reports that some of those detained in the country are detained because of their religion.

Religious and human rights groups outside the country have provided numerous, unconfirmed reports that members of underground churches have been beaten, arrested, detained in prison camps, or killed because of their religious beliefs. One unconfirmed report stated that a dozen Christians have been executed since January 1999. According to another unconfirmed report, 23 Christians were executed between October 1999 and April; some reportedly were executed under falsified criminal charges, and some reportedly were tortured prior to their executions. A religious nongovernmental organization quoted an unnamed South Korean pastor's claims that 400 Christians were executed in 1999. These reports could not be confirmed or disproved because of the effectiveness of the Government in barring outside observers. Nonetheless, the collective weight of anecdotal evidence of harsh treatment of unauthorized religious activity lends credence to such reports. The regime deals harshly with its critics and views religious believers belonging to underground congregations or with ties to evangelical groups in North China as opponents. Reports of executions, torture, and imprisonment of religious persons in the country continue to emerge.

Little is known about the actual life of religious persons in the DPRK. Members of government-recognized religious groups do not appear to suffer discrimination; in fact some reports claim they have been mobilized by the regime. Persons whose parents were believers but who themselves are nonpracticing are able to rise to at least the midlevels of the bureaucracy. Such individuals, as a category, suffered broad discrimination in the past. Members of underground churches connected to border missionary activity appear to be regarded as subversive elements.

The Government deals harshly with all opponents, including those engaging in religious practices deemed unacceptable to the regime. In April 1999, witnesses testified before the U.S. Congress on the treatment of persons held in prison camps through the early 1990's. The witnesses stated that prisoners held on the basis of their religious beliefs generally were treated worse than other inmates. One witness, a former prison guard, testified that those believing in God were regarded as insane, as the authorities taught that "all religions are opium." He recounted an instance in which a woman was kicked repeatedly and left with her injuries unattended for days because a guard overheard her praying for a child who was being beaten. Because of the effectiveness of the Government in barring outside observers, such allegations could not be substantiated.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—In the past, the regime has controlled internal travel strictly, requiring a travel pass for any movement outside one's home village. These passes were granted only for official travel or attendance at a relative's wedding or funeral. Long delays in obtaining the necessary permit often resulted in denial of the right to travel even for these limited purposes. In recent years, it appears that the internal controls on travel have eased significantly. There are reports of the large-scale movement of people across the country in search of food. Only members of a very small elite have vehicles for personal use. The regime tightly controls access to civilian aircraft, trains, buses, food, and fuel.

The regime limits foreign travel to officials and trusted artists, athletes, academics, and religious figures. It does not allow emigration. In recent years, there have been numerous reports of a steady increase in North Korean migrants arriving in China, Hong Kong, Vietnam, and other Asian countries. The regime reportedly retaliates against the relatives of some of those who manage to escape. According to the Penal Code, defection and attempted defection (including the attempt to gain entry to a foreign embassy for the purpose of seeking political asylum) are capital crimes. Refugees have stated that DPRK border guards have received orders to shoot-to-kill persons attempting to cross the border into China, although some border crossings for family visits and trade are permitted. Others have reported that some would-be refugees who have been involuntarily returned have been executed (see Section 1.a.). Following the collapse of European communism, the regime recalled several thousand students from overseas but in recent years again has allowed small numbers of students to study abroad. Nonetheless, in recent years sub-

stantial numbers of persons have fled to neighboring countries in search of food. Many return after securing food.

The Chinese Government states that there are only a few hundred North Koreans in China; others estimate that there are tens of thousands. Most have crossed the border clandestinely in small groups to seek food, shelter, and work. In January China returned to the DPRK seven persons who had been granted refugee status by the U.N. High Commissioner for Refugees in Russia in December 1999 but were forced back into China. How the DPRK authorities dealt with the seven is unknown.

The Government strictly controls permission to reside in, or even enter, Pyongyang. This is a significant lever, since food, housing, health, and general living conditions are much better in Pyongyang than in the rest of the country.

AI has reported serious human rights abuses involving North Korean workers and refugees living in Russia. There are about 6,000 DPRK workers in North Korean-run camps in the Russian Far East engaged in farming, mining, and construction. Conditions in these camps are harsh; food is scarce; and discipline is severe. In the past, there have been allegations that discipline includes physical torture such as placing wooden logs between the knees of offenders, after which they were forced to sit down, causing them excruciating pain. In recent years, offenders have been sent back to the DPRK for punishment due to the increased scrutiny that the labor camps have been under since Russian and foreign media began reporting on the conditions in these camps in the early 1990's.

North Koreans in Russia comprise two groups: Those who were selected to work in Russia but refused to return to the DPRK and those who have fled into Russia from the DPRK. Until 1993 under a secret protocol, the DPRK Public Security Service reportedly was allowed to work inside Russia to track down workers who fled the camps. Since 1993 many North Koreans have been engaged in business in the Russian Far East.

Many North Koreans in Russia face severe hardships due to their lack of any identification. Workers arriving in Russia usually have their passport and other identification confiscated by North Korean border guards.

The DPRK Government reportedly tried to prevent persons from staying in Russia by using diplomatic channels to influence Russian authorities and international organizations. In a number of cases, North Korean authorities reportedly told Russian authorities that a particular North Korean who had applied for asylum in Russia or elsewhere was a criminal offender in North Korea. An extradition treaty signed by both nations in 1957 requires that persons with criminal records be returned to their country.

From 1959 to 1982, 93,000 Korean residents of Japan, including 6,637 Japanese wives, voluntarily repatriated to North Korea. Despite DPRK assurances that the wives, more than a third of whom still had Japanese citizenship, would be allowed to visit Japan every 2 or 3 years, none were permitted to do so until 1997. However, many have not been heard from, and their relatives and friends in Japan have been unsuccessful in their efforts to gain information about their condition and whereabouts.

The DPRK and the Japanese Government held a series of bilateral meetings in Beijing in the second half of 1997, during which the DPRK agreed to allow some Japanese wives resident in North Korea to visit Japan. The first such visit occurred in November 1997 when 15 Japanese wives arrived for a 1-week visit. An additional 12 Japanese wives visited for a week in January and February 1998. However, in June 1999 the DPRK cancelled a visit by Japanese wives to Japan, citing "artificial hurdles and inhuman acts on the Japanese side." The visits resumed after the Japanese Government and the DPRK restarted normalization talks in April. A group of 16 Japanese wives visited Japan from September 12 to 16.

Although the DPRK has permitted an increasing number of overseas Koreans to visit their relatives in North Korea over the past decade, most requests for such visits are still denied. From August 15–18, the DPRK and the Republic of Korea sent delegations of 100 members of separated families to each other's capitals for family reunion meetings. However, the meetings generally were of limited duration and certain topics were not allowed to be discussed. From November 30 to December 2, a second such reunion took place, and further reunions were scheduled for 2001. Many foreign visitors to the 1995 International Pyongyang Sports Festival reported that they were denied permission to visit or otherwise contact their relatives, even those who lived only a few miles from Pyongyang.

Although more foreign journalists have been allowed into North Korea, the Government still maintains the strictest control over the movements of foreign visitors. For example, journalists accompanying a foreign minister from another country were not allowed to visit a department store or a train station; they were not al-

lowed to talk to officials or to persons on the street. Those who arrived with cellular or satellite phones had them confiscated for the duration of their stay.

Reports, primarily from refugees, indicate that the Government routinely uses forced resettlement, particularly for those deemed politically unreliable.

Although the DPRK is a member of the United Nations, it does not participate in international refugee forums, and it is not in contact with the U.N. High Commissioner for Refugees. There is no known policy or provision for first asylum.

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

Citizens have no right or mechanisms to change their leadership or government. The political system is completely dominated by the KWP, with Kim Il Sung's heir Kim Jong Il in full control. Very little reliable information is available on intraregime politics following Kim Il Sung's death. The legislature, the Supreme People's Assembly (SPA), which meets only a few days a year, serves only to rubberstamp resolutions presented to it by the party leadership. In October 1997, Kim Jong Il acceded to the position of General Secretary of the Korean Worker's Party. In September 1998, the SPA reconfirmed Kim as the Chairman of the National Defense Commission and declared that position the "highest office of State." The presidency was abolished, leaving the late Kim Il Sung as the DPRK's only President. The titular head of state is Kim Yong Nam, the President of the Presidium of the Supreme People's Assembly.

In an effort to give the appearance of democracy, the DPRK has created several "minority parties." Lacking grassroots organizations, they exist only as rosters of officials with token representation in the Supreme People's Assembly. Their primary purpose appears to be promoting government objectives abroad as touring parliamentarians. Free elections do not exist, and the regime has criticized the concept of free elections and competition among political parties as an artifact of capitalist decay.

Elections to the Supreme People's Assembly and to provincial, city, and county assemblies are held irregularly. In July 1998, SPA elections were held for the first time since 1990. According to the government-controlled media, over 99 percent of the voters participated to elect 100 percent of the candidates approved by the KWP. Results of previous SPA elections have produced virtually identical outcomes. The vast majority of the KWP's estimated 3 million members (in a population of 23 million) work to implement decrees formulated by the Party's small elite.

Few women have reached high levels of the Party or the Government.

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

The Government does not permit any independent domestic organizations to monitor human rights conditions or to comment on violations of such rights. Although a North Korean Human Rights Committee was established in 1992, it denies the existence of any human rights violations in North Korea. However, by offering international human rights organizations an identifiable official interlocutor, the Committee helped increase the ability of international human rights organizations to enter into two-way communication with the regime.

Although the World Food Program has been given access to most counties in North Korea, it has been excluded from several dozen. Foreign aid workers and aid workers from international organizations, who provide substantial food aid, frequently are denied access to sites where this food is distributed, and thus are unable consistently to verify that the aid reaches its intended recipients. Many foreign NGO's report being charged large fees by Government officials to get visas for foreign staff, to set up offices, and to establish programs. There have been reports of abduction of ethnic Korean aid workers by government officials; some victims were required to pay a large fine to obtain their release.

In April 1998, during the 54th meeting of the U.N. Commision on Human Rights, the North Korean delegation accused the international community of slandering the DPRK's human rights record, adding that the DPRK Government would not tolerate "any attempt to hurt the sovereignty and dignity of the country under the pretext of human rights."

In 1996 a delegation from AI visited the DPRK and discussed legal reforms and prisoner cases with senior government officials. The Government has ignored requests for visits by other international human rights organizations, and none are known to have visited.

In August 1997, the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities adopted a resolution criticizing the DPRK for its human rights practices. The DPRK subsequently announced that it would withdraw from

the International Covenant on Civil and Political Rights (ICCPR), calling the resolution an attack on its sovereignty. In October 1997, the U.N. Human Rights Committee issued a statement criticizing the attempt by North Korea to withdraw from the ICCPR, noting that countries that had ratified the ICCPR could not withdraw from the covenant. In August 1998, the Human Rights Committee readopted a resolution urging the DPRK to improve its human rights record. In July for the first time in 16 years, the regime submitted a report on human rights to the U.N. Human Rights Committee.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution grants equal rights to all citizens. However, in practice the Government denies its citizens most fundamental human rights. There was pervasive discrimination on the basis of social status.

Women.—There is no information available on violence against women.

The Constitution states that "women hold equal social status and rights with men." However, although women are represented proportionally in the labor force, few women have reached high levels of the party or the Government. In many small factories, the work force is predominantly female. Like men, working-age women must work. They are thus required to leave their preschool children in the care of elderly relatives or in state nurseries. However, according to the Constitution, women with large families are to work shorter hours. There were reports of trafficking in women and young girls among North Koreans crossing the border into China (see Sections 6.c. and 6.f.).

Children.—Social norms reflect traditional, family-centered values in which children are cherished. The State provides compulsory education for all children until the age of 15. Some children are denied educational opportunities and subjected to other punishments and disadvantages as a result of the loyalty classification system and the principle of "collective retribution" for the transgressions of their parents (see Section 1.f.).

According to the World Food Program, the international community is feeding nearly every child under the age of 7 years. In some remote provinces, many persons over the age of 6 years reportedly appear to be suffering from long-term malnutrition. A nutrition survey carried out by UNICEF and the World Food Program in the aftermath of flood disasters found that 16 percent of children under 7 years of age suffered from acute malnutrition and that 62 percent suffered from stunted growth. In August 1997, a senior UNICEF official said that about 80,000 children were in immediate danger of dying from hunger and disease; 800,000 more were suffering from malnutrition to a serious but lesser degree.

Like others in society, children are the objects of intense political indoctrination; even mathematics textbooks propound party dogma. In addition foreign visitors and academic sources report that children from an early age are subjected to several hours a week of mandatory military training and indoctrination at their schools. School children sometimes are sent to work in factories or in the fields for short periods to assist in completing special projects or in meeting production goals.

In practice children do not enjoy any more civil liberties than adults. In June 1998, the U.N. Committee on the Rights of the Child (UNCRC) released its concluding observations on a February 1996 report submitted by the DPRK, detailing its adherence to the International Convention on the Rights of the Child. The UNCRC found that the DPRK strategy, policies, and programs for children do not fully reflect the rights-based approach enshrined in the convention. The UNCRC also expressed concern over de facto discrimination against children with disabilities and at the insufficient measures taken by the state party to ensure that these children have effective access to health, education, and social services, and to facilitate their full integration into society.

In the fall of 1998, the NGO's Doctors Without Borders (DWB) and Doctors of the World closed their offices in the country because the Government reportedly denied them access to a large population of sick and malnourished children. DWB officials said that they had evidence that orphaned and homeless children had been gathered into so-called "9–27 camps." These camps reportedly were established under a September 27, 1995 order from Kim Jong Il to "normalize" the country. North Korean refugees who have escaped from the 9–27 camps into China have reported inhuman conditions.

Information about societal or familial abuse of children is unavailable. There were reports of trafficking in young girls among North Koreans crossing the border into China (see Sections 6.c. and 6.f.).

People with Disabilities.—Traditional social norms condone discrimination against the physically disabled. Apart from disabled veterans, disabled persons almost never

are seen within the city limits of Pyongyang, and several defectors and other former residents report that disabled persons are assigned to the rural areas routinely. According to one report, authorities check every 2 to 3 years in the capital for persons with deformities and relocate them to special facilities in the countryside. There are no legally mandated provisions for accessibility to buildings or government services for the disabled. In an April 1998 statement, the U.N. Committee on the Rights of the Child criticized "de facto discrimination" in the country against children with disabilities.

Section 6. Worker Rights

a. The Right of Association.—Nongovernmental labor unions do not exist. The KWP purports to represent the interests of all labor. There is a single labor organization, the General Federation of Trade Unions of Korea, which is affiliated with the formerly Soviet-controlled World Federation of Trade Unions. Operating under this umbrella, unions function on the classic "Stalinist model," with responsibility for mobilizing workers behind production goals and for providing health, education, cultural, and welfare facilities. Unions do not have the right to strike.

North Korea is not a member of, but has observer status with, the International Labor Organization.

b. The Right to Organize and Bargain Collectively.—Workers have no right to organize or to bargain collectively. Government ministries set wages. The State assigns all jobs. Ideological purity is as important as professional competence in deciding who receives a particular job, and foreign companies that have established joint ventures report that all their employees must be hired from lists submitted by the KWP. Factory and farm workers are organized into councils, which do have an impact on management decisions.

There is one free economic and trade zone (FETZ). The Korean Peninsula Energy Development Organization (KEDO) negotiated a separate protocol and service contracts for workers at the site of its light water reactor project. The government agency, which supplied the labor to KEDO, bargained effectively on the workers behalf (see Section 6.e.).

c. Prohibition of Forced or Compulsory Labor.—In its report to the U.N. Human Rights Committee, the regime stated that its laws prohibit forced or compulsory labor. The Government frequently mobilizes the population for construction projects. Military conscripts routinely are used for this purpose as well. "Reformatory labor" and "reeducation through labor" are common punishments for political offenses. AI reports that forced labor, such as logging and tending crops, is common among prisoners. School children are assigned to factories or farms for short periods to help meet production goals (see Section 5).

There are reports of the trafficking of North Korean women and young girls among North Koreans crossing the border into China. Many become brides, but some work in the sex industry. Many reportedly are held as virtual prisoners (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—According to the Constitution, the State prohibits work by children under the age of 16 years. As education is universal and mandatory until the age of 15, it is believed that this regulation is enforced. There is no prohibition on forced labor by children, and school children are assigned to factories or farms for short periods to help meet production goals (see Section 6.c.).

There are reports of trafficking in young girls among North Koreans crossing into China, some to become brides and others forced to work in the sex industry (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work.—No data is available on the minimum wage in state-owned industries. Until the recent food crisis, wages and rations appeared to be adequate to support workers and their families at a subsistence level. Wages are not the primary form of compensation since the State provides all educational and medical needs free of charge, while only token rent is charged. The minimum wage for workers in North Korea's FETZ is approximately $80 per month; in foreign-owned and joint venture enterprises outside the FETZ the minimum wage is reportedly close to $110 per month. It is not known what proportion of the foreign-paid wages go to the worker and what proportion remains with the State. KEDO, the international organization charged with implementation of a light-water reactor and other projects, has concluded a protocol and a related memorandum of understanding concerning wages and other working conditions for citizens who are to work on KEDO projects. Unskilled laborers receive about $110 per month while skilled laborers are paid slightly more depending on the nature of the work performed (see Section 6.b.).

The Constitution states that all working-age citizens must work and "strictly observe labor discipline and working hours." The Penal Code states that anyone who hampers the nation's industry, commerce, or transportation by intentionally failing to carry out a specific assignment "while pretending to be functioning normally" is subject to the death penalty; it also states that anyone who "shoddily carries out" an assigned duty is subject to no less than 5 years' imprisonment.

Even persistent tardiness may be defined as "anti-Socialist wrecking" under these articles, although as a result of food shortages absenteeism reportedly has become widespread as more time must be spent finding food. A DPRK official described the labor force to an audience of foreign business executives by noting that "there are no riots, no strikes, and no differences of opinion" with management.

In 1994 the authorities reportedly adopted new labor regulations for enterprises involving foreign investments. The regulations on labor contracts set out provisions on the employment and dismissal of workers, technical training, workhours, rest periods, remuneration, labor protection, social security, fines for violations of regulations, and settlement of disputes.

The Constitution stipulates an 8-hour workday; however, several sources report that most laborers work from 12 to 16 hours daily when factories are operating. Some of this additional time may include mandatory study of the writings of Kim Il Sung and Kim Jong Il. The Constitution provides all citizens with a "right to rest," including paid leave, holidays, and access to sanitariums and rest homes funded at public expense. Many worksites are hazardous, and the rate of industrial accidents is high. It is believed that workers do not have the right to remove themselves from hazardous working conditions without jeopardizing their employment.

f. Trafficking in Persons.—There are no known laws specifically addressing the problem of trafficking in persons.

There have been reports of trafficking in women and young girls among North Koreans crossing the border into China. Some were sold by their families as wives to men in China. A network of smugglers reportedly facilitates this trafficking. Many such women, unable to speak Chinese, are held as virtual prisoners. Many end up working as prostitutes (see Sections 5 and 6.c.).

REPUBLIC OF KOREA

The Republic of Korea is governed by a directly elected president and a unicameral legislature selected by both direct and proportional voting. Kim Dae-jung was elected President in a free and fair election in December 1997 and was inaugurated in February 1998. A free and fair National Assembly election was held in April. The Constitution provides for an independent judiciary, and in recent years, the judiciary has shown increasing independence; however, several scandals in 1999 involving alleged illegal influence peddling and cronyism have damaged the image of prosecutors and judges.

Responsibility for maintaining internal security lies with the National Intelligence Service (NIS)—formerly known as the National Security Planning Agency, the Korean National Police (KNP), and the Defense Security Command (DSC). Legislation enacted in 1993 restricts the NIS and the DSC from involvement in domestic politics and grants the NIS investigative authority only in cases involving terrorism, espionage, and international crime organizations. The Government revised this law in 1996 to allow the NIS to investigate members of domestic organizations that are viewed as supporting the government of the Democratic Peoples' Republic of Korea (North Korea; DPRK). The statutory restrictions on the DSC remain in place. Some members of the security forces were responsible for occasional human rights abuses.

Following a rebound in 1999 from the 1997–98 financial and economic crisis, the country's economic growth began to level off in 2000. Gross Domestic Product (GDP) increased by an estimated 9.3 percent in 2000, with 6 to 7 percent GDP growth estimated in the second half of the year. Underpinning this strong performance was the Government's continued commitment to a comprehensive financial and corporate restructuring plan. However, the country's economic growth was dependent on a narrow range of export products, and the still somewhat fragile financial system left the economy susceptible to unpredictable external conditions. Unemployment fell steadily from its 8.6 percent peak in February 1999 to 3.6 percent in November 2000.

The Government generally respected the human rights of its citizens; however, problems remain in some areas, although there were some improvements. Police abused detainees, although human rights groups reported that the number of such cases continued to decline. The Government continued to require released political

prisoners to report regularly to the police under the Social Surveillance Law; however, during the year, it did not undertake independent investigations of the cases of some prisoners who were sentenced on charges believed to have been fabricated by previous governments. Some of these prisoners reportedly were subjected to torture to extract confessions and received trials that did not meet international standards of fairness. The use or threatened use of the National Security Law (NSL)—which forbids contacts with North Korea—continued to infringe upon citizen's civil liberties, including the right to freedom of expression. The President continued to urge that sections of the NSL be revised to protect human rights and make the law consistent with the new atmosphere of improved relations with North Korea and the Government's attempts to expand contacts with that country. In September 63 spies from the DPRK who had been released from prison returned voluntarily to that country. Domestic violence and rape and physical abuse remain serious problems, and there is insufficient legal recourse for dealing with them. Women also continued to face legal and societal discrimination. Ethnic minorities, very small in number, face legal and societal discrimination. Trafficking in persons is a problem; the country is considered a transit point for alien smugglers, including traffickers of primarily Asian women and children for the sex trade and domestic servitude.

In July a revised child protection law went into effect, increasing the penalties for child abuse. In the first half of the year, the Government enacted laws authorizing the investigation of the arrests and so-called "mysterious" deaths of prodemocracy activists under previous military governments. Some of the activists were sentenced on charges believed to have been fabricated by previous governments.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or extrajudicial killings.

To investigate and redress complaints that officials of past military governments had tortured and killed prodemocracy activists, the Government enacted the Special Act on the Investigation of Suspicious Deaths in May. In August a nineperson panel was commissioned to review cases such as the 1960 student uprising and the 1980 Kwangju civil uprising and to shed light on the circumstances surrounding the arrests and deaths of prodemocracy activists.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Penal Code prohibits the mistreatment of suspects; the Government has ordered investigating authorities to protect the human rights of suspects, and allegations of abuse by authorities of those in custody for questioning continued to decline. Nonetheless, police sometimes abuse persons in custody. Prosecutors continued to place much emphasis on securing convictions through confessions. This focus is driven by cultural factors, with confession viewed as a necessary basis for the reform and rehabilitation of wrongdoers. While the Supreme Court has ruled that confessions obtained after suspects have been deprived of sleep during an interrogation cannot be used in court, there continued to be reports that police questioned suspects throughout the night. Credible sources also reported that in some cases police verbally or physically abused suspects (including beatings, threats, and sexual intimidation) in the course of arrest and police interrogation. However, human rights groups report that the number of such cases continued to declined during the year. In 1999 the Ministry of Justice (MOJ) announced that criminal suspects, who previously had been required to wear prison garb in court, would be allowed to wear street clothes until the court rendered a judgment.

Police and security officials who abuse or harass suspects rarely are punished, and public concern over impunity of police who commit abuses appears to be growing. In a highly publicized case, in February a former police officer, Lee Kun-an, known as the "torture cop" for his abuse of suspects, was convicted of the illegal confinement and cruel punishment of a suspected North Korean spy and sentenced to 7 years in prison. In February 1999, in a highly publicized case, several police officers were disciplined after it was discovered that they had shackled the feet and tied the hands of a 63-year-old man whom they had arrested for a traffic violation.

Former detainees who claimed that officials of previous military governments had tortured them continued to request compensation. However, the Government has not provided an effective mechanism for redress, such as an independent body to investigate complaints of past human rights violations. To investigate and redress complaints that officials of past military governments had tortured detainees, the Government in January enacted the Act on the Restoration of the Honor of and Compensation for Persons Engaged in the Democratic Movement.

Prison conditions are Spartan. Prison diets are adequate, but the facilities offer little protection against cold in the winter and heat in the summer. Some prisoners claim that these conditions damaged their health and that medical care was inadequate. Inmates occasionally criticized guards for using excessive force or needlessly putting prisoners in manacles.

Inmate access to reading materials, telephones, and television broadcasts has improved significantly in recent years. Beginning in March, the MOJ allowed prisoners to receive four visitors per month, and model prisoners who had served more than one-third of their sentences were allowed unsupervised meetings with visitors. Model prisoners also are exempt from mail censorship and eligible for overnight leave. The MOJ also announced a law that prohibits searches of women inmates by male prison guards without prior permission from the warden. Also beginning during the year, pregnant inmates received prenatal care for the full term of their pregnancies.

There is little independent monitoring of prison conditions, although representatives of human rights groups may visit certain prisoners at the discretion of the prison warden.

d. Arbitrary Arrest, Detention, or Exile.—The law is broadly outlined and open to interpretation. The National Security Law (NSL) defines espionage in broad terms and permits the authorities to detain and arrest persons who commit acts viewed as supporting North Korea, and thus perceived to be dangerous to the country. Authorities arrested not only persons accused of spying on behalf of North Korea, but also those who praised North Korea, its former leader Kim Il Sung, or North Korea's "self-reliance" ("juche") political philosophy. Persons traveling to North Korea without authorization also have been arrested under the NSL, as have some who appeared to be expressing opposing political views peacefully. The U.N. Human Rights Committee has termed the NSL "a major obstacle to the full realization of the rights enshrined in the International Covenant on Civil and Political Rights." President Kim Dae-jung, who himself was arrested and sentenced to death under the NSL, has acknowledged that the law has "problematic areas," and enforcement of the law was loosened in light of the June NorthSouth Summit and recent improvements in relations between the two countries. According to MOJ data, during the year 130 persons were arrested for NSL violations, and 50 remained in custody at year's end. The NSL arrest figure is nearly 60 percent lower than in 1999.

The NSL permits the imprisonment for up to 7 years of anyone who, "with the knowledge that he might endanger the existence or security of the State or the basic order of free democracy, praised, encouraged, propagandized for, or sided with the activities of an antistate organization." The legal standard for knowledge that one might endanger the security of the State is vague. Consequently a number of persons have been arrested for what appeared to be the peaceful expression of opposing views, which the authorities considered proNorth Korean or antistate.

In August 1998, Father Moon Kyu Hyun, a Roman Catholic priest, was arrested on charges of violating the NSL after he returned from North Korea. Although the Government had granted him permission to travel to North Korea in 1998, prosecutors alleged that Father Moon wrote in praise of Kim Il Sung in a North Korean visitors book and participated in a North Koreansponsored reunification festival in Panmunjom. The eight other priests who traveled with Father Moon were not arrested. In May Father Moon was sentenced to 2 years in prison and received a stay of execution of that sentence for 2 years. He filed an appeal.

The Government's rationale for retaining the NSL has been that North Korea is trying actively to subvert the Government and society and that due to this special circumstance, some forms of expression must be limited to block the greater danger to freedom and democracy posed by North Korean totalitarianism. The effect sometimes is to relieve the Government of the burden of proof in a court of law that any particular speech or action in fact threatens the nation's security. For example, the Government has prosecuted citizens for unauthorized travel to North Korea (see Section 2.d.). Novelist Hwang Sokyong served 4 years of a 7-year sentence for making an unauthorized visit to North Korea. He was released in 1998 by a special presidential amnesty, and his civil rights were reinstated by a special March 1999 amnesty.

The Criminal Code requires warrants to be issued by judges in cases of arrest, detention, seizure, or search, except if the person is apprehended while committing a criminal act, or if a judge is not available and the authorities believe that the suspect may destroy evidence or escape capture if not quickly arrested. In such emergency cases, judges must issue arrest warrants within 48 hours after apprehension, or, if a court is not located in the same county, within 72 hours. Police may detain suspects who voluntarily appear for questioning for up to 6 hours but must notify the suspects' families. The police generally respected these requirements.

The standards for issuing warrants were tightened in 1997, but following complaints from prosecutors that the new system was administratively cumbersome, the National Assembly voted to ease standards for issuing warrants. Authorities normally must release suspects after 30 days unless an indictment is issued. Consequently, detainees are a relatively small percentage of the total prison population.

The Constitution provides for the right to representation by an attorney and in May 1999, the MOJ announced that it would enforce a suspect's right to have a lawyer present during police interrogation. Beginning in January, individual police stations employed lawyers as legal advisors to aid in examining relevant legal clauses in charging suspects. There were no reports of access to legal counsel being denied.

The MOJ announced in March that all prosecutors' offices have private rooms where suspects could consult with lawyers. There is a bail system, but human rights lawyers say that bail generally is not granted when detainees are charged with committing serious offenses.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and in recent years, the judiciary has shown increasing independence; however, several recent scandals involving alleged illegal influence peddling and cronyism have damaged the image of prosecutors and judges. The President appoints the Chief Justice and most justices of the Constitutional Court. Although judges do not receive life appointments, they cannot be fired or transferred for political reasons. Some district court judges, citing the recent conciliatory mood between North and South Korea, have ruled that contrary to prosecutors' assertions, activists' exchange of faxes with North Korean students or meetings with North Korean representatives in third countries were not, in themselves, sufficient grounds to convict them of violating the NSL.

Local courts are presided over by judges who render verdicts in all cases. There is no trial by jury. Defendants can appeal a verdict to a district appeals court and to the Supreme Court. Constitutional challenges can be taken to the Constitutional Court, which was created in 1988.

The Constitution provides defendants with a number of rights in criminal trials including the presumption of innocence, protection against self-incrimination, freedom from retroactive laws and double jeopardy, the right to a speedy trial, and the right of appeal. When a person is detained physically, the initial trial must be completed within 6 months of arrest. These rights generally are observed. Trials are open to the public, but the judge may restrict attendance if he believes spectators may seek to disrupt the proceedings.

Judges generally allow considerable scope for the examination of witnesses by both the prosecution and defense. Cases involving national security and criminal matters are tried by the same courts. Although convictions rarely are overturned, appeals often result in reduced sentences. Death sentences are appealed automatically.

Human rights groups believe that many dissidents tried by past military governments during the 1970's and 1980's were sentenced to long prison terms on false charges of spying for North Korea. Furthermore, these persons reportedly had been held incommunicado for up to 60 days after their arrest, subjected to torture, forced to make "confessions," and convicted after trials that did not conform to international standards for a fair trial. To investigate and redress complaints that officials of past military governments had tortured former detainees, in January the Government enacted the Act on the Restoration of the Honor of and Compensation for Persons Engaged in the Democratic Movement. In July 1998, the Government repealed the system by which "ideological prisoners" had to renounce their real or alleged beliefs and instituted a system by which prisoners had to sign a written promise to obey the law and pledge to recognize the Republic of Korea in order to be released from prison. A total of 56 were freed, but only 7 signed the pledge in the 1999 Independence Day amnesty. Although the new system was a significant step for the Government, human rights groups criticized the requirement of a promise to obey the law, including the NSL, as tantamount to forcing citizens to renounce their beliefs. However, on the occasion of a special presidential amnesty in March 1999, 17 longterm, unconverted prisoners, that is, persons who had refused to renounce allegiance to the DPRK and Communist beliefs, were released without having to renounce their beliefs or sign an oath of obedience. However, some released political prisoners were required to report their activities regularly to the police. According to the MOJ, no long-term unconverted prisoners remained incarcerated. On September 3, 63 North Korean spies, who had been released from South Korean prisons, were allowed to return to North Korea per their wishes.

It is difficult to estimate the number of political prisoners because it is not clear whether particular persons were arrested for merely exercising the rights of free

speech or association or whether they were detained for committing acts of violence or espionage. Some human rights monitors estimate the number of political prisoners at 300. However, these monitors' definitions of political prisoner often include all persons imprisoned for politically motivated acts, without distinction as to whether the acts themselves included violence or other criminal behavior. The number of political prisoners and detainees as defined by international standards appears to number under 200.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—In general the Government respects the integrity of the home and family. In the past, the security services conducted varying degrees of surveillance, including wiretaps of political dissidents. The 1995 Antiwiretap Law and the law to reform the NIS (then known as the National Security Planning Agency) were designed to curb government surveillance of civilians and largely appear to have succeeded. The Antiwiretap Law lays out broad conditions under which the monitoring of telephone calls, mail, and other forms of communication are legal. It requires government officials to secure a judge's permission before placing wiretaps, or, in the event of an emergency, soon after placing them, and it provides for jail terms for those who violate this law. Some human rights groups argue that a considerable amount of illegal wiretapping still is taking place, and they assert that the lack of an independent body to investigate whether police have employed illegal wiretaps hinders the effectiveness of the Antiwiretap Law.

In 1998 several opposition lawmakers broke into the NIS (the then National Security Planning Agency) liaison office in the National Assembly building and removed documents that they claimed substantiated allegations that the office was being used by the NIS to conduct surveillance of National Assembly members. Several opposition legislators have alleged that they are under surveillance by the Government and that their homes, offices, and cellular telephones are tapped.

The NSL forbids citizens from listening to North Korean radio in their homes or reading books published in North Korea if the Government determines that they are doing so to help North Korea. However, in October 1999, the Government legalized the viewing of North Korean satellite telecasts in private homes. Furthermore, the Government allowed the personal perusal of North Korean books, music, television programs, and movies as a means to promote understanding and reconciliation with North Korea.

Student groups make credible claims that government informants are posted on university campuses.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—While most political discourse is unrestricted, under the NSL the Government limits the expression of ideas that authorities consider Communist or pro-North Korean. Broad interpretations of the NSL allow for restrictions on peaceful dissent.

Although the Government has abandoned direct control over the news media, it continues to exercise indirect influence, and government officials vigorously lobby reporters and editors. The latent threats of tax investigations against companies and pressure on advertisers still are believed to induce newspapers and broadcasters to self-censor criticism of the Government in some cases. Moreover, while the Government's anticorruption campaign curtailed politicians' payments of money to reporters, it did not eliminate them. Nevertheless, press criticism of the Government is extensive in all fields, and authorities have not used repressive measures to stop media reporting. Many radio and television stations are state supported, but they maintain a considerable degree of editorial independence in their news coverage.

Journalists allege that the libel laws are used to harass publications for articles that are unflattering but not necessarily untrue, and in the past some journalists have been arrested and jailed for libel.

Prosecutors continued to indict dissidents under the NSL for producing, selling, or distributing pro-North Korean or proCommunist materials. Court precedents allow citizens to possess these kinds of publications for purely academic use, profit, or curiosity, but not with the intent of subverting the State. Prosecutors have wide discretion in determining motives for possessing or publishing such materials.

There is wide reporting of North Korean issues and issues concerning NorthSouth relations.

The Government Censorship Board, which screens movies for sex and violence, has followed more liberal guidelines in recent years and allowed the release of a broader range of films. The Government does not control access to the Internet, but it made some effort—largely ineffective—to control Internet pornography.

The Government generally respected academic freedom, and no instances of prosecution for scholarly writing were reported during the year. However, student groups credibly report the presence of government informants on university campuses (see Section 1.f.).

b. Freedom of Peaceful Assembly and Association.—The Law on Assembly and Demonstrations prohibits assemblies considered likely to undermine public order. The law requires that the police be notified in advance of demonstrations of all types, including political rallies, and the police must notify organizers if they consider the event impermissible under this law.

In June more than 3,000 riot police forcibly dispersed about 1,000 striking workers at the Lotte Hotel in Seoul. The workers were taken into detention; at least 33 were beaten and injured (see Section 6.a.).

The Constitution provides for freedom of association, and the Government generally respects this right in practice. There are no registration requirements. Associations operate freely, except those deemed by the Government to be seeking to overthrow the State.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Most citizens can move freely throughout the country; however, police may restrict the movements of some former prisoners. Foreign travel generally is unrestricted; however, the Government must approve travel to North Korea (see Section 1.d.). To obtain approval, potential visitors must demonstrate that their trip does not have a political purpose—that is, to praise North Korea or to criticize the South Korean Government. During the year, the Government actively promoted the expansion of contacts of all types between citizens and persons in North Korea. However, travelers to North Korea who do not receive government permission are likely to be arrested upon their return.

In the past, the Government forbade some citizens convicted of politically related crimes from returning to the country, and some citizens still face sanctions if they return.

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Government guidelines provide for offering temporary refuge in the case of a mass influx of asylum seekers. However, the issue of provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they had a fear of persecution.

The Government ratified the International Convention Relating to the Status of Refugees in 1992; it went into effect in 1994, when provisions covering asylum seekers were included in the immigration law. Since 1994 54 individuals have sought asylum, but none so far has been granted asylum. According to the UNHCR, the Government's handling of asylum applications remains rigid. In 1999 the Government agreed to suspend temporarily exit orders for persons whose cases were under review by the UNHCR. The MOJ asserted that the asylum applicants did not qualify for refugee status under the refugee convention, failed to present evidence to back their claims, or made false statements on their applications.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The Constitution, as amended in 1987, provides for the direct election of the President and for a mixed system of direct and proportional election of legislators to the unicameral National Assembly. The President serves a single 5-year term and may not be reelected. The National Assembly's term is 4 years. All citizens 20 years of age or older have the right to vote, and elections are held by secret ballot.

Women are underrepresented in government and politics. Because of cultural traditions and discrimination, women occupy few important positions in government. There is one woman in the Cabinet, the Minister of Environment. In the April National Assembly election, 16 female legislators were elected to the 299seat National Assembly, one of them chairs a special committee on women's affairs.

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

Several nongovernmental organizations (NGO's) are active in promoting human rights, and they operate without government restriction. Chief among these groups are the Lawyers for a Democratic Society, Sarangbang, the Human Rights Com-

mittee of the National Council of Churches in Korea, the Korean Bar Association, People's Solidarity for Participatory Democracy, and "Mingahyup," an association of the families of political prisoners. These groups publish reports on human rights and make their views known both inside and outside the country. Government officials generally have been willing to meet with international human rights groups.

In September the MOJ sent to the National Assembly a bill that would establish a human rights commission to investigate accusations of human rights violations. The President first mentioned this action as one of his 100 presidential policy pledges in February 1998.

There is little independent monitoring of prison conditions, although representatives of human rights groups may visit certain prisoners at the discretion of the prison warden.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution and equal opportunity statutes forbid discrimination on the basis of race, sex, religion, disability, or social status, and the Government respects these provisions. However, traditional attitudes limit opportunities for women and the disabled. Ethnic minorities are very small in number; they face both legal and societal discrimination.

Women.—Violence against women remains a problem, and some women's rights groups maintain that such violence, including spousal abuse, has worsened with the recent decline of the economy. A 1997 survey found that 31.4 percent of households had experienced incidents of domestic violence during that year. In 1998 the Government enacted the Prevention of Domestic Violence and Victim Protection Act, which defines domestic violence as a serious crime. Authorities can order offenders to stay away from victims for up to 6 months and order them to be put on probation or to see court-designated counselors. The law also requires police to respond immediately to reports of domestic violence. Women's groups praised the law as a significant step in combating domestic violence. Several instances during the year of sexual harassment and attempted rapes allegedly committed by well-known men raised public awareness of these problems.

Rape remained a serious problem, with 6,359 cases reported in 1999, according to MOJ statistics, the most recent available. Many rapes go unreported because of the stigma associated with being raped. Women's groups' activities have increased awareness of the importance of reporting and prosecuting rapes, as well as of offenses such as sexual harassment in the workplace. According to women's rights groups, cases involving sexual harassment or rape generally go unprosecuted, and perpetrators, if convicted, often receive very light sentences.

A law was enacted to combat sexual harassment in the workplace, and went into effect in July 1999. Under the law, companies can be fined up to $2,500 (3 million won) for failing to take steps to prevent sexual harassment in the workplace or failing to punish an offender. The law also requires companies to establish in-house sexual harassment complaint centers and forbids firms from punishing employees for taking their complaints to outside organizations. In addition the Ministry of Education announced that the law's guidelines would apply at public schools and that teachers who make genderdiscriminatory remarks would be disciplined. As examples of such remarks, the Ministry cited statements that emphasized women's traditional roles in families, stressed men's leadership in society, and encouraged female students to work for good marriages instead of embarking on a career after graduation.

The 1991 Family Law permits women to head a household, recognizes a wife's right to a portion of the couple's property, and allows a woman to maintain greater contact with her children after a divorce. Although the revisions help women who choose to divorce, including victims of domestic violence, the stigma of divorce remains strong, and there is little government or private assistance for divorced women. These factors, plus the fact that divorced women have limited employment opportunities and have difficulty remarrying, lead some women to stay in abusive situations. The Government has established some shelters for battered women and has increased the number of childcare facilities, giving women in abusive situations more options, but women's rights groups say that they fall far short of effectively dealing with the problem.

The country's conservative traditions make women subordinate to men socially and economically. Despite the passage of equal employment opportunity legislation in 1987, few women work as company executives, and sexual discrimination in the workplace remains a problem. However, in January 1999 the National Assembly revised the 1987 Equal Employment Act to include tougher penalties to be imposed on companies that are found to discriminate against women in hiring and pro-

motions. Under the revised law, the Presidential Commission on Women was granted the authority to investigate sexual discrimination cases in the workplace. A company found guilty of practicing sexual discrimination could be fined up to $4,200 (5 million won) and have its name published in the newspaper. The revised law also provides for a public fund to support victims in seeking legal redress. Nevertheless, some government agencies' preferential hiring of applicants with military service (nearly always men) points to continued legal barriers against women. In December 1999, the Constitutional Court ruled that government agencies' preferential hiring practices for those who have performed military service discriminated against women and disabled persons and were unconstitutional. Women have full access to education, and social mores and attitudes are changing gradually. For example, the major political parties are making more efforts to recruit women; the Ministry of Women's Affairs continued its efforts to expand employment opportunities; and the military and service academies continued to expand opportunities for women.

The Government provides an allowance of $417 (500,000 won) per month to 143 former "comfort women" (women who, during World War II, were forced to provide sex to soldiers of the Japanese Imperial Army).

The country is considered a transit point for traffickers of Asian women and children sold into the sex trade and domestic servitude (see Section 6.f.).

Children.—The Government demonstrates its commitment to children's rights and welfare through its well-funded system of public education. The Government provides high-quality elementary education to all children free of charge, and education is compulsory through the age of 15. Most children obtain a good secondary education. High-quality health care is widely available to children.

As public awareness of the problem of child abuse continues to grow, the number of reported cases has increased. According to one NGO's figures, 2,115 cases of child abuse were reported in 1999. The Seoul metropolitan government operates a children's counseling center that investigates reports of abuse, counsels families, and cares for runaway children. Until 1998 there was no specific law against child abuse; however, the Prevention of Domestic Violence and Victim Prevention Act, which defines domestic violence as a serious crime, allows a child to bring charges against a parent in cases of abuse. During the year, the Government enacted a revised child protection law that mandated the establishment of a child abuse hot line and the dispatch of trained personnel to take preliminary measures for the protection of an abused child. Under the revised law, the Government also is to establish new child welfare facilities for abused children. Revisions also included increased penalties for convicted child abusers, who would face up to 5 years in prison (compared with the previous 2 years) for child abuse.

In July 1999, the Government's Commission on Youth Protection, exercising its mandate to "regulate the circulation of harmful materials and substances and to protect youth from harmful entertainment establishments," revised the Youth Protection Law. Under the revised law, owners of entertainment establishments who hire minors under the age of 19 face prison terms of up to 10 years and a fine of $17,000 (20 million won) per minor hired. The law previously had provided for a prison term of 3 years and a fine of $23,000 (28 million won) no matter how many minors were hired. The Commission also announced that it was expanding the definition of "entertainment establishment" to include facilities, such as restaurants and cafes, where children sometimes were hired illegally as prostitutes.

In July the Juvenile Sexual Protection Act took effect. It established the maximum imprisonment for the sale of the sexual services of persons under 19 years of age at 20 years. It also established prison terms for persons convicted of purchase of sexual services of youth under the age of 19 (see Section 6.f.).

The traditional preference for male children continues, although it is less evident among couples under the age of 40. Although the law bans fetal testing except when a mother's life is in danger, when a hereditary disease would be transmitted, in cases of rape or incest, such testing and the subsequent termination of pregnancies with female fetuses frequently occur. The Government has expressed concern about the widening disparity between male and female birth rates.

The country is considered a transit point for traffickers of Asian women and children sold into the sex trade and domestic servitude (see Sections 6.c., 6.d., and 6.f.).

People with Disabilities.—The law provides broad protections against discrimination against people with disabilities. Although measures aimed at creating opportunities for the disabled have been taken, public facilities for their everyday care and use remained inadequate. However, there is no legal discrimination against disabled persons in employment, education, or the provision of other state services.

In 1995 the Government expanded job training programs, medical benefits, and welfare facilities for disabled citizens. Since 1991 firms with over 300 employees have been required by law either to hire disabled workers or pay a fee. Surveys indi-

cate that most companies either paid the fee or evaded the law, with one 1999 survey indicating that 9 out of 10 firms with more than 300 employees failed to meet the legally mandated 2 percent job quota for disabled workers. In the past, the Government increased the subsidies provided to companies that hire the disabled. Nonetheless, the hiring of the disabled remains significantly below target levels. The disabled make up less than 1 percent of the work force. New public buildings are required to include facilities for the disabled, such as ramp access to entrances, a wheelchair lift, and special parking spaces. The Health and Welfare Ministry announced in 1995 that existing government buildings must be retrofitted with these facilities by 2005. As of 1998, 47.4 percent of public buildings and facilities had facilities for the disabled. In December 1999, the Constitutional Court ruled that government agencies' preferential hiring practices for those who have performed military service discriminated against disabled persons and were unconstitutional.

National/Racial/Ethnic Minorities.—The country is racially homogeneous, with no ethnic minorities of significant size. Except in cases of naturalization, citizenship is based on parentage, not place of birth, and persons must show their family genealogy as proof of citizenship. Thus, ethnic Chinese born and resident in Korea cannot automatically obtain citizenship or become public servants and may have difficulty being hired by some major corporations. Due to legal as well as societal discrimination, many ethnic Chinese have emigrated to other countries since the 1970's. There are approximately 20,000 ethnic Chinese, who represent 0.05 percent of the population. In June 1998, the Government passed legislation to allow a female citizen to transmit citizenship to her child regardless of the citizenship of the child's father. Amerasians face no legal discrimination, but informal discrimination is prevalent, making it more difficult for them to succeed in academia, business, or government.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides workers the right to associate freely, except for public sector employees. In 1998 the Government passed legislation that, beginning in January 1999, allowed white-collar government workers to form workplace councils. Blue-collar workers in such government agencies as the postal service, railways, telecommunications, and the National Medical Center are allowed to organize unions. As few as two employees may form a union. Until 1997 the Trade Union Law specified that only one union was permitted at each workplace. However, labor law changes in 1997 authorized the formation of competing unions starting in 2002. All unions are required to notify the authorities when formed or dissolved. According to 1999 figures, about 12.6 percent of workers belong to a union. There are approximately 5,560 trade unions.

In the past, the Government did not grant formal recognition to labor federations that were not affiliated with the country's two legally recognized labor groupings—the Federation of Korean Trade Unions (FKTU) and the Independent Korean Federation of Clerical and Financial Workers. However, in the past several years, the Labor Ministry officially recognized some independent white-collar federations representing hospital workers, journalists, and office workers at construction firms and at government research institutes. The courts ruled in 1992 that affiliation with the FKTU was not required for registration as a legal labor federation. The legalization of the teachers' union paved the way for government recognition of the dissident Korean Confederation of Trade Unions (KCTU) in November 1999. In practice labor federations not formally recognized by the Labor Ministry have operated without government interference.

Strikes are prohibited in government agencies, state-run enterprises, and defense industries. By law unions in enterprises determined to be of "essential public interest," including public transportation, utilities, public health, banking, and telecommunications can be ordered to submit to government-ordered arbitration in lieu of striking. However, in practice the Government rarely imposes arbitration. The number of labor disputes has declined in recent years. According to Labor Ministry statistics, 198 strikes occurred in 1999, the last year for which complete data are available. The Labor Dispute Adjustment Act requires unions to notify the Labor Ministry of their intention to strike; it mandates a 10-day "cooling-off period" before a work stoppage legally may begin and 15 days in public interest sectors. Labor laws prohibit retribution against workers who have conducted a legal strike and allow workers to file complaints of unfair labor practices against employers. In recent years, the Government has cultivated a more neutral stance in labor disputes. In 1998 the National Assembly adopted a law that permits mass layoffs of workers in cases of corporate restructuring. The impending layoffs of thousands of workers led to strikes in the auto and banking industries.

In August 1998, striking workers shut down the Hyundai Motors' auto plant in Ulsan; although the Government threatened to use police to remove the workers, labor and management settled their dispute peacefully. There were no reports that employer-hired squads assaulted workers during the year. In July a threatened bank workers' strike was averted, in contrast with a 1998 bank union strike in which strikers caused property damage.

According to government figures, as of August, 49 persons had been arrested for allegedly instigating violent strikes or illegally disrupting business (a total of 129 were arrested and tried in 1999). In June more than 3,000 riot police forcefully dispersed approximately 1,000 striking workers at a hotel strike in Seoul. Also in June, police dispersed a strike among workers at the National Health Insurance Corporation. Several union leaders were arrested in both strikes, and the violence in the hotel strike led to injuries to 33 strikers. Although there were several large general strikes, the Government did not punish union members for their participation in these strikes or other mass rallies. Workers fired by employers that were found guilty of unfair labor activities were reinstated.

In December Seoul police violently dispersed demonstrations by striking union members at two banks. Most workers left voluntarily, but several who refused to disperse were injured in conflicts with police.

The ban on teachers' unions was lifted in July 1999. Accordingly, the KCTU-affiliated Korean Teachers' Union (Chonkyojo) and the FKTU-affiliated Korean Union of Teachers and Educational Workers became legal. Although the two teachers unions have the right to bargain collectively with the Ministry of Education on wages or working condition—but not school curriculums—it is illegal for the unions to enter into collective action. In the April National Assembly election, several candidates from the KCTU-affiliated Democratic Labor Party made unsuccessful bids for assembly seats.

Labor laws prohibiting political activities by unions were rescinded in 1997. Election laws that apply to other social organizations regulate unions. These regulations prohibit donations by unions (and other social organizations) to political parties. Some trade unionists have temporarily resigned from their union posts to run for office.

The FKTU and KCTU are affiliated with the International Confederation of Free Trade Unions. Most of the FKTU's 20 constituent federations maintain affiliations with international trade secretariats, as does the KCTU Metalworkers Council.

In 1998 the country was reinstated to the Overseas Private Investment Corporation's (OPIC) insurance programs, which had been suspended since 1991 on worker rights grounds.

b. The Right to Organize and Bargain Collectively.—The Constitution and the Trade Union Law provide for the right of workers to collective bargaining and collective action. This law also empowers workers to file complaints of unfair labor practices against employers who interfere with union organizing or practice discrimination against union members. Employers found guilty of unfair practices can be required to reinstate workers who were fired for union activities.

Extensive collective bargaining is practiced, even with unions whose federations are not recognized legally by the Government. The labor laws do not extend the right to organize and bargain collectively to defense industry workers or to white-collar government employees, although the Government passed legislation to allow government workers to form workplace councils beginning in 1999, including workers at state or publicly run enterprises.

There is no independent system of labor courts. The central and local labor commissions form a semiautonomous agency of the Labor Ministry that adjudicates disputes in accordance with the Labor Dispute Adjustment Law. Each labor commission is composed of equal numbers of representatives of labor and management, plus neutral experts who represent the "public interest." Local labor commissions are empowered to decide on remedial measures in cases involving unfair labor practices and to mediate and, in some situations, arbitrate labor disputes. Arbitration can be made compulsory in sectors of the economy (for example, utilities and transportation) deemed essential to public welfare.

In 1998 the Government established the Tripartite Commission, with representatives from labor, management, and the Government to deal with labor issues related to the economic downturn. The work of the Commission made it legal for companies to lay off workers due to economic hardship and authorized temporary manpower agencies. Disputes among labor, management, and government representatives led to the withdrawal of the KCTU representatives in September 1999.

In the past, regulations forbade intervention in disputes by socalled third parties, such as labor federations not recognized by the Government. Labor laws were revised in 1997 to remove the ban on third-party intervention and allow nonrecog-

nized federations to assist member unions involved in a strike. Under this provision, persons who assist trade unions or employers in a dispute or in the course of bargaining are required to register with the Ministry of Labor. Those who fail to do so may face a large fine or a maximum sentence of 3 years' imprisonment.

Enterprises in the two export processing zones (EPZ's) had been designated by the Government as public interest enterprises. Workers in these enterprises, whose rights to organize formerly were restricted, gradually have been given the rights enjoyed by workers in other sectors of the economy. Labor organizations are permitted in EPZ's.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and compulsory labor, including forced or compulsory labor by children, and it is not known to occur. The Constitution provides that no person shall be punished, placed under preventive restrictions, or subjected to involuntary labor, except as provided by law and through lawful procedures. The country is a transit point in trafficking in Asian women and children (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Standards Law prohibits the employment of persons under the age of 15 without a special employment certificate from the Labor Ministry. Because education is compulsory through middle school (about age 14), few special employment certificates are issued for full-time employment. Some children are allowed to hold part-time jobs such as selling newspapers. To obtain employment, children under age 18 must have written approval from their parents or guardians. Employers can require minors to work only a limited number of overtime hours and are prohibited from employing them at night without special permission from the Labor Ministry. Child labor laws and regulations are clear and usually enforced when violations are found, but the Government employs too few inspectors to carry out regular inspections. The Government prohibits forced and bonded child labor and enforces this prohibition (see Section 6.c.). The Government has not defined Worst Forms of Child Abuse or hazardous work.

The country is a transit point for trafficking in Asian women and children (see Section 6.f.).

e. Acceptable Conditions of Work.—The Government implemented a minimum wage in 1988, and the minimum wage level is reviewed annually. Since September 1999, the minimum wage was approximately $1.45 (1,600 won) per hour. Companies with fewer than 10 employees are exempt from this law. The FKTU and other labor organizations assert that the current minimum wage does not meet the basic requirements of urban workers. In fact workers earning the minimum wage would have difficulty in providing a decent standard of living for themselves and their families, despite fringe benefits, such as transportation expenses, with which companies normally supplement salaries (however, the money an average blue-collar worker takes home in overtime and bonuses significantly raises the total compensation package). According to the Ministry of Health and Welfare, 4.2 percent of the population lived below the poverty level as of July 1999.

Amendments to the Labor Standards Law passed in 1989 brought the maximum regular workweek to 44 hours, with provision for overtime to be compensated at a higher wage. The law also provides for a 24-hour rest period each week. Labor laws were revised in 1997 to establish a flexible hours system, according to which employers could require laborers to work up to 48 hours during certain weeks without paying overtime, so long as average weekly hours for any given 2-week period did not exceed 44. If a union agreed to a further loosening of the rules, management could ask employees to work up to 56 hours in a given week. The legislation established a daily cap of 12 hours on the working day. Labor groups claim that the Government does not enforce adequately the maximum workweek provisions at small companies.

Foreign workers, most of whom come from China, the Philippines, Bangladesh, Nepal, and Pakistan, often face difficult working conditions. In the early 1990's, the Government sought to ease the problems of illegal workers by creating a program that allowed about 60,000 foreign workers to enter the country legally to work at established wages with legal safeguards. In September the Government announced that industrial trainees would be allowed to remain in the country for as long as 5 years. Previously, those entering the country on trainee visas could remain for 3 years.

The Government reports that approximately 235,000 foreign workers reside in the country and that about 150,000 are illegal residents. It is difficult for illegal workers to seek relief for loss of pay or unsatisfactory living and working conditions because they face deportation. However, the Government has established counseling centers that hear complaints from illegal foreign workers about such problems as overdue wages and industrial accidents. The MOJ announced in March that it would sus-

pend deportation proceedings for illegal residents awaiting back pay. The MOJ also announced that it would establish a human rights committee for foreign workers to address problems that some foreign workers face from primarily private sector employers. These workers have been subjected to beatings, forced detention, withheld wages, and seizure of passports. Finally, employers reported to have abused foreign workers would be subject to criminal charges and disadvantaged in the Government's allocation of jobs for overseas workers. Foreigners working as language teachers have complained that the language institutes that hired them frequently violated employment contracts, for which the legal system provided insufficient redress.

The Government sets health and safety standards, but the accident rate is unusually high. However, this rate continued to decline gradually due to improved occupational safety programs and union pressure for better working conditions. The Labor Ministry still lacks enough inspectors to enforce the labor laws fully. The Industrial Safety and Health Law does not provide job security for workers who remove themselves from dangerous work environments.

f. Trafficking in Persons.—The Criminal Code states that, "A person who kidnaps another by force or coercion for purposes of engaging in an indecent act or sexual intercourse, or for gain, shall be punished by imprisonment for not less than 1 year . . . this shall apply to a person who buys or sells a woman for purpose of prostitution." The Labor Standards Law prohibits employment of any person under 18 years of age in work that "is detrimental to morality or health."

Trafficking in persons is a problem. Because of lax control of transit areas at international airports, the country is considered a transit point for alien smugglers, including traffickers of primarily Asian women and children for the sex trade and domestic servitude. Relatively small numbers of Korean economic migrants, seeking opportunities abroad, are believed to have become victims of traffickers as well (see Section 5). One travel agency was accused of visa fraud and the trafficking of women to a Western country for prostitution. There were several reports of the falsification of Korean documents by travel agencies; many cases involved the trafficking of citizens of China to Western countries.

The Juvenile Sexual Protection Act enacted in July imposes lengthy prison terms for persons convicted of sexual crimes against minors (see Section 5).

In May police arrested 5 persons for visa fraud for the purpose of trafficking in aliens; the group had reportedly recruited more than 1,000 persons. In November police arrested Lim Il-kwon, a citizen convicted of past alien trafficking, on charges of document fraud. He admitted to the smuggling of women to Japan and Western countries for purposes of prostitution. Police believe that Lim was responsible for the trafficking of hundreds of persons. Police also arrested another suspected trafficker who admitted document fraud for international travel. All the suspects awaited trial at year's end.

Most related arrests are made on charges of travel document fraud, not trafficking itself. There were no trafficking arrests during the year.

LAOS

The Lao People's Democratic Republic is an authoritarian, Communist, one-party state ruled by the Lao People's Revolutionary Party (LPRP). Although the 1991 Constitution outlines a system composed of executive, legislative, and judicial branches, in practice the LPRP continued to influence governance and the choice of leaders through its constitutional "leading role" at all levels. The 99-member National Assembly, elected in 1997 under a system of universal suffrage, selected the President and Prime Minister in 1998. The judiciary is subject to executive influence.

The Ministry of Interior (MOI) maintains internal security but shares the function of state control with party and mass front (People Network) organizations. The Ministry of Foreign Affairs is responsible for the monitoring and oversight of foreigners working in the country; its activities are augmented by other security organizations and surveillance systems. The MOI includes local police, security police (including border police), communication police, and other armed police units. The armed forces are responsible for external security but also have some domestic security responsibilities that include counterterrorism and counterinsurgency activities. Civilian authorities generally maintain effective control over the security forces. There continue to be credible reports that some members of the security forces committed human rights abuses.

Laos is an extremely poor country of 5.2 million persons.

After the LPRP came to power in 1975, 10 percent of the population (at least 360,000 persons) fled the country to escape the Government's harsh political and economic policies. The economy is principally agricultural; 85 percent of the population is engaged in subsistence agriculture. Per capita gross domestic product is estimated to be $300 per year. Since 1986 the Government largely has abandoned its Socialist economic policies, although in practice the operation of the state-owned banks and enterprises indicates a reluctance to discard old models. Most economic reforms have begun to move the country gradually from a moribund, centrally planned system to a marketoriented economy open to foreign investment with a growing legal framework, including laws to protect property rights.

The Government's human rights record remained poor throughout the year, and there were a number of serious problems. Citizens do not have the right to change their government. During clashes with insurgents in the north, there were unconfirmed accusations that government troops deliberately killed noncombatant civilians. At times members of the security forces abused detainees and brutally beat suspected insurgents. Government troops razed one village in the north. Prison conditions are extremely harsh. Police used arbitrary arrest, detention, and intrusive surveillance. Lengthy pretrial detention is a problem. The judiciary is subject to executive influence, suffers from corruption, and does not ensure citizens' due process. The Government infringed on citizens' privacy rights. The Government restricts freedom of speech and imposes some restrictions on press freedom, assembly, and association. However, it permitted some access to the foreign press and the Internet. The Government restricts freedom of religion and arrested and detained approximately 95 Christians, and more than 25 members of religious communities remained in custody at the end of the year. Forced renunciation campaigns and church closings continued in some areas. The Government imposes some restrictions on freedom of movement. Some societal discrimination against women and minorities persists. The Government actively supported a policy of encouraging greater rights for women, children, disabled persons, and minorities. The Government restricts some worker rights. The Government continued to focus on the problem of trafficking in women and children.

Several small-scale explosive devices were detonated in urban areas during the year, causing one death and dozens of injuries. No group claimed responsibility for these acts. Official statements initially downplayed the incidents, attributing them to personal quarrels and vendettas; some government officials later blamed "foreign terrorists."

Organized Hmong insurgent groups were responsible for occasional clashes with government troops. These exchanges reportedly were brutal on both sides. The organized Hmong insurgent group, the Chao Fa, was responsible for the killing of more than 15 civilians in 4 incidents in Vientiane and Xieng Khouang provinces and in Saysomboune Special Zone. These incidents appeared to be acts of deliberate terror against citizens who do not support resistance to the Government.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no confirmed reports of politically motivated killings by government officials during the year. There continued to be isolated, unconfirmed reports of deaths at the hands of security forces in remote areas, usually in connection with personal disputes and the personal abuse of authority.

In armed actions against insurgents, government troops burned down one village in the north in the first part of the year; accusations that government troops deliberately killed civilian noncombatants could not be confirmed (see Section 1.c.).

In October security forces killed from three to five prisoners who had escaped from Phongsaly provincial jail; there was no evidence that the prisoners were armed or had threatened their pursuers. Some reports stated that the prisoners had already been recaptured.

According to unconfirmed reports, in early May police from Phonesavanh, Xieng Khouang province, shot and killed two Hmong civilians visiting from another province who were out walking after the nighttime curfew. There is no additional evidence available about the case, including whether the Government gave compensation to the victims' families, the usual practice with accidental shootings in security zones.

A series of bomb detonations in urban areas killed at least one bystander and injured dozens. No group claimed responsibility for these small-scale bombings. Official statements initially downplayed the incidents, attributing them to personal quarrels and vendettas; some government officials later blamed "foreign terrorists,"

failing to acknowledge that the incidents may have been acts of terror by internal rivals for power and influence. Authorities arrested two suspects whom they later released.

Attacks by armed groups on official and civilian travelers continued on a small scale in the central and north central regions. The attacks reportedly involved various factors including insurgency, clan rivalry, robbery, and reaction to encroaching development. The Government remained concerned about the safety of foreign tourists and aid workers in remote areas, although there were no confirmed attacks on foreigners during the year.

In January Hmong insurgents attacked Xieng Khouang province's district capital town of Muang Khoune, killing 7 persons and burning down 17 structures. Credible reports indicated that Hmong insurgents attacked a village in Kasi district in July and killed five civilians. Other reports indicated that the Hmong insurgents shot and killed persons gathering food during February to April in the forest areas of Saysomboune Special Zone. There was no evidence that the deaths were intentional.

In December Hmong insurgents attacked a village in Xieng Khouang province. They killed three civilians and destroyed houses.

b. Disappearance.—There were no reports of politically motivated disappearances of Lao citizens; however, reports indicated that two U.S. citizens disappeared in April 1999 near the northwest border with Thailand. The two men, Michael Vang and Houa Ly, disappeared soon after reportedly entering the country. The matter remained under review by authorities at year's end, but there was no evidence that the Government either provided the promised investigative cooperation or conducted a serious unilateral investigation during the year.

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

The Constitution and the Penal Code prohibit torture, and the Government generally respected these provisions in practice; however, on occasion, members of the security forces subjected detainees to abusive treatment. For example, early in the year, a few local police and prison officials in one southern province beat a number of religious detainees. In March 1998, Lao authorities, some wearing police uniforms, detained a foreign citizen and three family members in an unofficial detention center for 4 days. The Government did not file charges against the four persons. The officials reportedly kept the four persons in locked, windowless rooms and subjected them to long and arduous interrogation before releasing them. The Government offered no explanation for this treatment. There is no evidence that the Government has investigated the incident seriously, and no prosecution or punishment of the perpetrators is expected.

The Government chose not to address numerous reports of massive human rights violations by government authorities that were made by groups outside the country. Most of these reports could not be confirmed through independent sources. However, there continue to be credible reports that some members of the security forces committed human rights abuses, including arbitrary detention and intimidation. There were credible reports that some members of the security forces burned down a Hmong village in the northern insurgency area and were responsible for nearly beating some villagers to death, and that other members abused citizens in the first half of the year during clashes with insurgents or armed individuals suspected to be insurgents. Some members of the security forces in Xieng Khouang and Saysomboune Special Zone threatened families and villages.

A series of eight bombs exploded in Vientiane during the year, killing at least one and injuring dozens of persons. Authorities found as many as four other unexploded bombs in Vientiane and two others in southern provinces. Another bomb exploded in the south, with no injuries. The Vientiane Times reported official claims that the bombs were the result of business disputes and personal vendettas.

Prison conditions generally are extremely harsh. Food rations are minimal, and most prisoners rely on their families for their subsistence. The Government discriminates in its treatment of prisoners, restricting the family visits of some and prohibiting visits to a few. Prison authorities use degrading treatment, solitary confinement, and incommunicado detention against perceived problem prisoners, especially suspected insurgents. On occasion authorities used incommunicado detention as an interrogation method; in isolated cases, this was life threatening. There are confirmed reports that a few jails place prisoners in leg chains, wooden stocks, or fixed hand manacles for extended periods. Medical facilities range from poor to nonexistent. Prison conditions for women are similar to those for men.

Several international human rights groups continued their longstanding requests to the Government to move two political prisoners to a prison with better conditions, including more modern medical facilities (see Section 1.e.). At year's end, the Government continued to ignore these humanitarian pleas.

The Government does not permit independent monitoring of prison conditions.

d. Arbitrary Arrest, Detention, or Exile.—The law provides for arrest warrants issued by the prosecutor, and the Constitution provides for procedural safeguards; however, in practice the Government does not respect these provisions, and arbitrary arrest and detention remain problems. Police sometimes use temporary arrest as a means of intimidation. Police exercise wide latitude in making arrests, relying on exceptions to the requirement for arrest warrants for those in the act of committing a crime or for "urgent" cases. The length of detention without a pretrial hearing or formal charges is unpredictable, and access to family or a lawyer is not assured. There is a functioning bail system, but its implementation is arbitrary. A statute of limitations applies to most crimes. Alleged violations of security laws have led to lengthy pretrial detentions without charge and minimal due process protection of those detained. Reports indicated that some students, teachers, and their associates who had staged protests in 1999 remained in detention without trial at year's end. These persons had peacefully advocated multiparty democracy and increased political freedom and had expressed hostility to the regime. Their detention without trial violates the 1year statutory limit.

During the year, government authorities arrested and detained more than 95 Christians and their spiritual leaders, at times holding them in custody for months (see Section 2.c.) Those detained without trial at year's end for their religious activities include: One person in Phongsaly; two persons in Luang Namtha; two persons in Vientiane Municipality; and four persons in Savannakhet (see Section 2.c.). Eight lowland Lao men who returned from China have been detained without trial since 1997 (see Section 2.c.).

Police sometimes administratively overrule court decisions, at times detaining a defendant exonerated by the court, in violation of the law (see Section 1.e.).

Three former government officials detained in 1990 for advocating a multiparty system and criticizing restrictions on political liberties were not tried until 1992. One died in prison since that time. That same year, the court finally tried and handed down life sentences to three men detained since 1975 for crimes allegedly committed during their tenure as officials of the previous regime. One of these persons reportedly has died in prison.

An estimated 100 to 200 persons, based on known cases, are in detention for suspicion of violations of national security. Most of these detainees are held without trial; one person has been detained since 1992.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for the independence of the judiciary and the prosecutor's office; however, senior government and party officials wield influence over the courts, although likely to a lesser degree than in the past. Some corrupt members of the judiciary appear to act with impunity, leading many observers to conclude that persons can bribe judges with money. The National Assembly Standing Committee appoints judges; the executive appoints the Standing Committee.

The People's Courts have three levels: District; municipal and provincial; and a Supreme Court. Decisions of both the lower courts and separate military courts are subject to review by the Supreme Court.

The Constitution provides for open trials in which defendants have the right to defend themselves with the assistance of a lawyer or other person. The Constitution requires authorities to inform persons of their rights. The law states that defendants may have anyone represent them in preparing a written case and accompanying them at their trial, however, only the defendant may present oral arguments at a criminal trial. Due to lack of funds, most defendants do not have attorneys or trained representatives. Defendants enjoy a presumption of innocence; however, in practice lawyers face severe restrictions in criminal cases. Most trials are little more than direct examinations of the accused, although judges appear not to hold preconceived views of a trial's outcome. Defendants sometimes are not permitted to testify on their own behalf. Trials for alleged violations of some security laws and trials that involve state secrets, children under the age of 16, or certain types of family law are closed.

Police sometimes administratively overrule court decisions, at times detaining a defendant exonerated by the court, in violation of the law.

There are four known political prisoners. Two prisoners from the pre-1975 regime, Colonel Sing Chanthakoumane and Major Pang Thong Chokbengvoun, are serving life sentences after trials that did not appear to be conducted according to international standards. Two former government officials, Latsami Khamphoui and Feng Sakchittaphong, were detained in 1990 for advocating a multiparty system and criticizing restrictions on political liberties, and were not tried until 1992. They are serving 14year sentences based on their 1992 convictions.

Because some political prisoners may have been arrested, tried, and convicted under security laws that prevent public court trials, there is no reliable method to ascertain accurately their total number. There have been no verifiable reports of other political prisoners in the last few years. International humanitarian organizations are not permitted to visit political prisoners.

f. Arbitrary Interference With Privacy, Family,

Home, or Correspondence.—The Government limits citizens' privacy rights, and the Government's surveillance network is vast. Security laws allow the Government to monitor individuals' private communications (including e-mail) and movements. The Government increased these elements of state control again during the year, especially in areas involving safety and security problems. However, some personal freedoms accorded to citizens expanded along with the liberalization of the economy.

The Constitution prohibits unlawful searches and seizures; however, police at times disregarded constitutional requirements to safeguard citizens' privacy, especially in rural areas. By law security police may not authorize their own searches; they must have approval from a prosecutor or court. However, in practice police did not always obtain prior approval. The Penal Code generally protects privacy, including mail, telephone, and electronic correspondence. But as is the case with email monitoring, government security concerns prevail over such legal protections. In October the National Internet Control Committee promulgated highly restrictive regulations on Internet use (see Section 2.a.).

Ministry of Interior forces monitor citizens' activities; in addition a loose militia in both urban and rural areas has responsibility for maintaining public order and reporting "bad elements" to the police. Militia usually concern themselves more with petty crime and instances of moral turpitude than with political activism, although some rural militia may be used for security against insurgents. A sporadically active system of neighborhood and workplace committees plays a similar monitoring role.

The Government permits the public sale of few leading foreign magazines and newspapers; however, minimal restrictions on publications mailed from overseas are enforced only loosely (see Section 2.a.). The Government allows citizens to marry foreigners but only with its prior approval. Although the Government routinely grants permission, the process is lengthy and burdensome. Marriages to foreigners without government approval may be annulled, with both parties subject to fines.

The Government displaced internally hundreds of persons during the year, mainly as a result of organized infrastructure development programs. The Government provides compensation to displaced persons in the form of land and household supplies.

Credible sources reported flexibility by the Government toward the disposition of infrastructure-related and other governmentplanned resettlements. One hydropower project resettlement village opened during the year, funded by investors. However, some local administrators forced highlander groups to resettle in lowland areas to control their use of farming methods that destroy forest areas in the pursuit of increased food security.

There are two Internet service providers. In the second half of the year, the National Internet Control Committee in the Prime Minister's Office began a review of national telecommunications and Internet access procedures; it stated that it intends to monitor and control Internet communications more actively. Some Internet users reported that they received email warnings from the Government during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government severely restricts political speech and writing in practice. The Government also prohibits most criticism that it deems harmful to its reputation. The Penal Code forbids slandering the State, distorting party or state policies, inciting disorder, or propagating information or opinions that weaken the State. The Government showed limited tolerance of general criticisms of good governance or public service, and citizens who lodge legitimate complaints with government departments generally do not suffer reprisals. However, government concern about potential public violent displays of discontent over failed economic policies and concern over the series of terrorist bombings led to tighter control of the media. Newspapers did not report on investigations into the causes of any of the eight bombs that exploded in Vientiane from March through December. In July the Vientiane Times reported that officials had stated that the bombings were the result of business disputes or personal vendettas (see Section 1.c.).

All domestic print and electronic media are state-owned and controlled. Local news in all media reflects government policy. Television talk shows and opinion articles refer only to differences in administrative approach. However, translations of foreign press reports generally are without bias, and access to Thai radio and tele-

vision and foreign-based Internet servers is unhindered. Only a few other Asian and Western newspapers and magazines are available, through private outlets that have government permission to sell them.

Authorities also prohibited the dissemination of materials deemed to be indecent, to undermine the national culture, or to be politically sensitive. Films and music recordings produced in government studios must be submitted for official censorship. However, in practice most foreign media are easily available. Government enforcement of restrictions on nightclub entertainment generally was lax during the year.

Citizens have 24-hour access to Cable News Network and the British Broadcasting Corporation, among other international stations accessible via satellite television. The Government requires registration of receiving satellite dishes and a one-time licensing fee for their use, largely as a revenuegenerating scheme, but otherwise makes no effort to restrict their use.

Foreign journalists must apply for special visas. Unfettered access to information sources and domestic travel unescorted by officials—hallmarks of a more liberal government attitude in previous years—declined during the year.

The Government controls all domestic Internet servers, blocks access to those World Wide Web sites that are deemed pornographic or are critical of government institutions and policies, and monitors e-mail. In October the National Internet Control Committee promulgated highly restrictive regulations on Internet use by citizens. The regulations significantly curtailed freedom of expression and made "disturbing the peace and happiness of the community and "reporting misleading news" criminal acts. However, the Government in the past has been limited in its ability to enforce such regulations.

The Constitution provides for academic freedom; however, the Government restricts it, although it has relaxed its restrictions in certain areas. Lao and Western academic professionals conducting research in Laos may be subject to restrictions on travel and access to information and Penal Code restrictions on publication. As the sole employer of virtually all academic professionals, the Government exercises some control over their ability to travel on research or study grants. However, the Government, which once limited foreign travel by professors, actively seeks out these opportunities worldwide and approves virtually all such proposals.

Credible reports indicate that some academically qualified ethnic minorities, including Hmong, are denied opportunities for foreign fellowships and study abroad based on the actions of some state and party officials whose discriminatory behavior goes unchecked. On rare occasions, the Government has denied government employees who were not party members permission to accept certain research or study grants, apparently because they had chosen not to join the LPRP.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government continues to restrict this right in practice. The Penal Code prohibits participation in an organization for the purpose of demonstrations, protest marches, or other acts that cause turmoil or social instability. Such acts are punishable by a prison term of from 1 to 5 years. If defendants are tried for political crimes against the State, they may face much longer sentences of up to 20 years or possible execution.

The Constitution provides citizens with the right to organize and join associations; however, the Government restricts this right in practice. The Government registers and controls all associations and prohibits associations that criticize it. Political groups other than mass front organizations approved by the LPRP are forbidden. Although the Government restricts many types of formal professional and social associations, in practice informal nonpolitical groups can meet without hindrance. Individuals who in 1997 formed the Foundation for Promoting Education, a private voluntary organization in Vientiane Municipality, were active during the year and awarded prizes for educational achievement and scholarships to needy students. The group is supported by private contributions and operates independently under its own charter; however, it reports to the Ministry of Education. The Buddhist Promotion Foundation is a semiprivate group founded in 1998 by the Lao Buddhist Fellowship Association, which reports to the National Front.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government restricts this right in practice. The Constitution prohibits "all acts of creating division of religion or creating division among the people." The Party and Government appear to interpret this section narrowly, thus inhibiting religious practice by all persons, including the Buddhist majority and a large population of animists. Although official pronouncements accepted the existence of religion, they emphasized its potential to divide, distract, or destabilize.

The Constitution notes that the State "mobilizes and encourages" monks, novices, and priests of other religions to participate in activities "beneficial to the nation and

the people." The Department of Religious Affairs in the LPRP Lao National Front for Construction, an LPRP mass organization, is responsible for overseeing all religions.

During the year, government authorities arrested and detained more than 95 Christians and their spiritual leaders, at times holding them in custody for months. In some isolated cases, prisoners were detained in prison with crude, one-leg, wood stocks or fixed hand manacles.

In the following provinces, prisoners are serving 2 to 3-year prison terms for peaceful religious activities found under the Penal Code to be creating social turmoil: In Attapeu (6 jailed); in Houaphan (3 jailed); in Luang Prabang (3 jailed); in Oudomxay (2 jailed). In Oudomxay 3 other persons arrested for proselytizing, purportedly in coordination with foreigners, were sentenced to 15-year (1 jailed) and 12-year sentences (2 jailed). The more severe sentences in Oudomxay were based on harsh Penal Code provisions for acts against the State.

In Savannakhet province, a renunciation and churchclosing campaign that was begun in 1999 by district authorities, supported by police, military forces, and representatives of the national front continued into the second half of the year. For the first time, churches of longer standing were targeted. Only about 10 churches—less than half—remained open at year's end. Most practitioners who found that their local churches had been closed were able to move their activities to new places of worship. As in late 1999, in a few villages in which churches had been recently closed, security forces mobilized on Sundays to stop all large vehicles that carried multiple passengers during Sunday worship hours. These actions expressly prevented villagers from traveling to other places to conduct worship services. In July in Vientiane province, the Government began a similar renunciation and churchclosing campaign that continued through year's end. District-level police, military, and national front authorities instructed Christians, especially Christians from the Khmu and Hmong ethnic groups, to renounce their faith or face arrest and imprisonment. Vientiane provincial authorities arbitrarily closed at least 1 dozen churches, including a church in a refugee returnee village agreed to at the time the village was established under U.N. High Commissioner for Refugees (UNHCR) auspices. In Vientiane province, authorities targeted both Protestant and Catholic congregations.

The Party controls the Buddhist clergy (Sangha) in an attempt to direct national culture. After 1975 the Government attempted to "reform" Buddhism and ceased to consider it the state religion, causing thousands of monks to flee abroad, where most still remain. The Government has only one semireligious holiday—Boun That Luang—also a major political and cultural celebration. However, the Government recognizes the popularity and cultural significance of Buddhist festivals, and many senior officials openly attend them. Buddhist clergy are featured prominently at important state and party functions. The Lao National Front directs the Lao Buddhist Fellowship Association, which adopted a new charter in April 1998. The Front continues to require monks to study Marxism-Leninism, to attend certain party meetings, and to combine with their teachings of Buddhism the party-state policies. In recent years, some individual temples have been permitted to receive support from Theravada Buddhist temples abroad, to expand the training of monks, and to focus more on traditional teachings.

The authorities continued to be suspicious of parts of the religious community other than Buddhism, including some Christian groups, in part because these faiths do not share a similarly high degree of direction and incorporation into the government structure as is the case with Theravada Buddhism. Authorities especially appear to suspect those religious groups that gain support from foreign sources, aggressively proselytize among the poor or uneducated, or give targeted assistance to converts. The Government strictly prohibits foreigners from proselytizing, although it permits foreign nongovernmental organizations with religious affiliations to work in the country. Foreign persons caught distributing religious material may be arrested or deported. Although there is no prohibition against proselytizing by citizens, there was increased local government investigation and harassment of citizens who do so under the constitutional provision against creating division of religion.

The Government's tolerance of religion varied by region. In general central government authorities appeared unable or unwilling to control or mitigate harsh measures that were taken by local or provincial authorities against the practices of members of minority religious denominations. Although there was almost complete freedom to worship among unregistered groups in a few areas, particularly in the largest cities, government authorities in many regions allowed properly registered religious groups to practice their faith only under circumscribed conditions. In other areas, such as Savannakhet, Luang Prabang, Phongsaly, Houaphanh, Oudomxay, and Attapeu, the authorities arrested and detained religious believers and their spiritual leaders without charges. In more isolated cases, provincial authorities in-

structed their officials to monitor and arrest persons who professed belief in Christianity, Islam, or the Baha'i faith. For example, there is clear evidence that in Luang Prabang, Savannakhet, and Vientiane provinces, the authorities continued to force some Christians to sign renunciations of their faith.

Citizens in Luang Prabang continued to report that local authorities ordered them to stop their open practice of Christianity completely, under threat of arrest. The order appeared to apply only to new converts; believers of long standing were allowed to continue their beliefs but not to conduct worship or practice their faith openly. Local officials monitored Christians closely to ensure that they did not practice their religion and harassed and arrested some Christians who violated these policies.

Although authorities generally tolerated diverse religious practices, in the southern Laos panhandle, a pattern of petty local harassment persists. Many converts must undergo a series of harsh government interviews; however, after overcoming that initial barrier, they generally are permitted to practice their new faith unhindered. Members of longestablished congregations had few problems in practicing their faith; however, some churches established a century ago continued to be subjected to harassment by local government officials in Savannakhet. Many groups of coreligionists seeking to assemble in a new location are thwarted in attempts to meet, practice, or celebrate major religious festivals.

Some minority religious groups report that they were unable during the year to register new congregations or receive permission to establish new places of worship, including in Vientiane. Authorities sometimes advised new branches to join other religious groups with similar historical roots, despite clear differences between the groups' beliefs. Some groups did not submit applications to establish places of worship because they did not believe that their applications would be approved.

The Roman Catholic Church is unable to operate effectively in the highlands and much of the north. However, it has an established presence in five of the most populous central and southern provinces, where Catholics are able to worship openly. There are three bishops: In Vientiane, Thakhek, and Pakse. The status of the Catholic Church in Luang Prabang center remains in doubt; there appears to be a congregation there but due to local obstructionism, worship services may not always be conducted readily.

Over 250 Protestant congregations conduct services throughout the country. The Lao National Front has recognized two Protestant groups, the Lao Evangelical Church, the umbrella Protestant church, and the Seventh Day Adventist Church. The Front strongly encourages all other Protestant groups to become a part of the Lao Evangelical Church. The Government has granted permission to these approved denominations to have a total of four church buildings in the Vientiane area. In addition the Lao Evangelical Church has maintained church buildings in Savannakhet and Pakse.

The Government permits major religious festivals of all established congregations without hindrance. Two mosques and two Baha'i centers operate openly in Vientiane municipality; two other Baha'i centers are located in Vientiane province and Pakse. Five Mahayana Buddhist pagodas are located in Vientiane, and others are found in larger cities and towns.

Animists generally experience no interference by the Government in their religious practices, which vary extensively among the 48 to 69 identified ethnic groups and tribes in the country.

The Government does not permit the printing of religious texts or their distribution outside a congregation and restricts the import of foreign religious texts and artifacts. The Government requires and grants routinely its permission for formal links with coreligionists in other countries; however, in practice the line between formal and informal links is blurred, and relations generally are established without much difficulty.

d. Freedom of Movement Within the Country, Foreign Travel, Migration, and Repatriation.—The Constitution provides for these rights; however, the Government restricted some of these rights in practice. Citizens who travel across provincial borders are required to report to authorities upon their departure and arrival. In designated security zones, roadblocks and identity card checks are routine. Citizens who seek to travel abroad are required to apply for an exit visa; however, the Government grants such visas routinely. Foreigners are restricted from traveling to certain areas such as the Saysomboune Special Zone, an administrative area operated by the military forces, for safety and security reasons.

During the year, security forces in at least one province set up roadblocks during Sunday worship hours, which prevented villagers from traveling to participate in religious worship services (see Section 2.c.).

Fear of insurgent attacks on civilians in vehicles traveling in the north-central areas impedes travel, especially along parts of Route 13, Route 7, and Route 1. Bandits operate in the same area (see Section 1.a.). The Government attempts to ensure safety on these roads.

Citizens are free to emigrate; exit visas are required, and the Government grants these routinely.

Since 1980 more than 29,060 citizens who sought refugee status in Thailand, China, and other countries have returned to Laos for permanent resettlement under monitoring by the UNHCR. There were no new returnees during the year. The Government cooperates with the UNHCR to assist such returnees to reintegrate. Most are ethnic Hmong and other minorities. These returnees generally have been treated the same as other citizens.

The Constitution provides for asylum and the protection of stateless persons under the law, but in practice, the Government does not provide first asylum. There were no known cases during the year of asylum seekers being returned to a country where they feared persecution.

The Government has a longstanding policy of welcoming back virtually all those among the 10 percent of the population who fled after the change in government in 1975. Many have visited relatives, some have stayed and gained foreign resident status, and some have reclaimed citizenship successfully. A small group, tried in absentia in 1975 for antigovernment activities, does not have the right of return.

Eight Lowland Lao men who returned from China have been detained without trial since 1997, which is beyond the limit for investigative detention (see Section 1.d.).

Some refugee returnees carry identification cards with distinctive markings, ostensibly for use by authorities. Such cards tend to reinforce a pattern of societal discrimination against the refugees. Authorities increasingly harassed religious minorities in refugee returnee villages, and local officials closed a Christian church in one such village. The Government had permitted use of the church building at the time that the refugees returned (see Section 2.c.).

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

Citizens do not have the right to change their government. The Constitution legitimizes only a single party, the Lao People's Revolutionary Party, which must approve all candidates for local and national elections. Candidates need not be LPRP members.

The Constitution provides for a 99-member National Assembly, elected every 5 years in open, multiple-candidate, fairly tabulated elections, with voting by secret ballot and universal adult suffrage. The National Assembly chooses a standing committee apparently based on the previous standing committee's decision. Upon the committee's recommendation, the National Assembly elects or removes the President and Vice President. The standing committee also has powers over elections (including approval of candidates), supervision of administrative and judicial organizations, and the sole power to recommend presidential decrees. Activities of the standing committee are not fully transparent.

The National Assembly, upon the President's recommendation, elects the Prime Minister and other Ministers in the Government.

The National Assembly may consider and amend draft legislation but may not propose new laws. The Constitution gives the right to submit draft legislation to the National Assembly standing committee and the ruling executive structure.

Women are underrepresented in government and politics; however, women increased their representation in the National Assembly in 1997 elections from 9 percent to 20 percent, as 20 of the 27 female candidates won seats. Four members of the 48-member LPRP Central Committee are women, 2 of whom are also members of the 7-member standing committee in the National Assembly. There are no women in the Politburo or the Council of Ministers.

The proportions of ethnic minority members in the 99-member National Assembly: 10 Lao Soung (highland tribes) and 26 Lao Theung (midslope dwelling tribes)are consistent with their proportions in the general population. There are 10 Hmong in the National Assembly. Men of lowland Lao origin dominate the upper echelons of the Party and the Government. Nonetheless, the President, 2 Deputy Prime Ministers, 3 Ministers, and 36 members of the National Assembly are believed to be members of ethnic minority groups.

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

There are no domestic nongovernmental human rights organizations, and the Government does not have a formal procedure for registration. Any organization wishing to investigate and publicly criticize the Government's human rights policies would face serious obstacles if it were permitted to operate at all. The Government cooperates on an uneven basis with international human rights organizations.

A human rights unit in the Ministry of Foreign Affairs' (MFA's) Department of International Treaties and Legal Affairs has responsibility for inquiry into allegations of human rights violations. This government unit rarely responds to inquiries regarding individual cases, but early in the year published in Lao language a partial compilation of international conventions on human rights.

In 1998, at the invitation of the Government, the U.N. Special Rapporteur on Trafficking in Children visited various locations and made inquiries into possible incidents of child prostitution and child pornography.

The Government maintains contacts with the International Committee of the Red Cross (ICRC); government officials received ICRC training on human rights law in 1998, and the Government is translating more international conventions with ICRC support. The Government permitted U.N. human rights observers to monitor the treatment of almost 30,000 returned refugees in all parts of the country with minimal interference; however, it occasionally obstructs monitoring so that it cannot be conducted in accordance with international standards.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal treatment under the law for all citizens without regard to sex, social status, education, faith, or ethnicity. Although the Government sometimes has taken action when well-documented and obvious cases of discrimination came to the attention of high-level officials, the legal mechanism whereby a citizen may bring charges of discrimination against an individual or organization is neither widely developed nor widely understood among the general population.

Women.—There are reports that domestic violence against women occurs, although it is not widespread. Sexual harassment and rape reportedly are rare. In cases of rape that are tried in court, defendants generally are convicted.

Trafficking in women is a problem (see Section 6.f.).

The Constitution provides for equal rights for women, and the Lao Women's Union operates nationally to promote the position of women in society. Discrimination against women is not generalized; however, varying degrees of traditional culturally based discrimination persist, with greater discrimination practiced by some hill tribes. Many women occupy responsible positions in the civil service and private business, and in urban areas their incomes are often higher than those of men. The Family Code prohibits legal discrimination in marriage and inheritance.

In the period from 1997 through 2000, the Government increased support for the position of women in society in development programs, some of which are designed to increase the participation of women in the political system.

Children.—The level of support for education is exceedingly low. Government funding to provide fully for children's basic health and educational needs is inadequate. Education is compulsory through the fifth grade, but children from rural areas and poor urban families rarely comply with this requirement. There is a significant difference in the treatment of boys and girls in the educational system: Female literacy is 48 percent versus 70 percent for males. However, men and women attend the three universities in approximately equal numbers. Violence against children is prohibited by law, and violators are subject to stiff punishments. Reports of the physical abuse of children are rare. Trafficking in women and children is a problem (see Section 6.f.).

People with Disabilities.—With donor assistance, the Government is implementing limited programs for the disabled, especially amputees. The law does not mandate accessibility to buildings or government services for disabled persons, but the Labor and Social Welfare Ministry began to establish regulations on building access and some sidewalk ramps in Vientiane during the year. The Lao National Commission for the Disabled (LNCD) is formulating a new draft law and other policies regarding the disabled, and the Lao Disabled Persons Association set up offices in Champassak and Xieng Khouang provinces to assist with rehabilitation, job skills training, and social integration of the disabled. The LNCD also hosted a regional conference on disabilities in Vientiane in November to promote leadership and organizational skills for disabled persons.

Religious Minorities.—The enhanced status given to Buddhism in Luang Prabang—famed for its centuries-old Buddhist tradition and numerous templesapparently led some local officials there to act more harshly toward minority religions, particularly toward Christians and Baha'is, than in other areas of the country (see Section 2.c.).

National/Racial/Ethnic Minorities.—The Constitution provides for equal rights for citizens of all minorities, and there is no legal discrimination against them. However, societal discrimination persists.

Approximately half the population is ethnic Lao, also called "lowland Lao." Most of the remainder is a mixture of diverse upland hill tribes whose members, if born in Laos, are Lao citizens. There are also ethnic Vietnamese and Chinese minorities, particularly in the towns. There is a small community of South Asian origin. The implementation in 1994 of the 1990 Law on Nationality provided a means for Vietnamese and Chinese minorities to normalize their Lao citizenship; a small number did so during the year. The Government encourages the preservation of minority cultures and traditions; however, due to their remote location and difficult access, minority tribes have little voice in government decisions affecting their lands and the allocation of natural resources.

The Hmong are one of the largest and most prominent highland minority groups. Societal discrimination against the Hmong continues, although there are a number of Hmong officials in the senior ranks of the Government. In recent years, the Government focused some limited assistance projects in Hmong areas in order to overcome disparities in income along regional and ethnic lines. Some international observers claim that governmental policies aimed at assimilating the Hmong into larger societysuch as regional boarding schools—are not respectful of Hmong native culture; others see this approach as an escape from centuries of poverty.

In the intensified Hmong insurgency in the north, government forces beat Hmong insurgents and treated them harshly in some Hmong villages (see Sections 1.a. and 1.c.). In an unconfirmed report, a foreign newspaper in December recounted an alleged government soldier's account that security forces had shot to death a number of young Hmong men in Saysomboune Special Zone during the year.

During the year, the Government continued to assist citizens, largely members of ethnic minorities, who returned to Laos after having fled in 1975. Central and local government officials worked with organizations such as the UNHCR to provide land and a sustainable level of economic security. Repatriated Hmong generally face no greater discrimination than those Hmong who remained. A number of Hmong returnees were forced to renounce their Christian faith, and one church in a returnee village was closed by authorities. Two U.N. observers who monitored repatriation efforts reported no significant human rights violations.

Under the Constitution, aliens and stateless foreign citizens are protected by "provisions of the laws" but do not in practice enjoy rights provided for by the Constitution. During the year, there were isolated cases of persons of Lao ethnic background who, as citizens of other nations, suffered discrimination when arrested or detained and were denied due process, apparently on the basis of their Lao ethnic background.

Section 6. Worker Rights

a. The Right of Association.—Under the 1990 Labor Code and a 1995 prime ministerial decree, labor unions can be formed in private enterprises as long as they operate within the framework of the officially sanctioned Federation of Lao Trade Unions (FLTU), which in turn is controlled by the LPRP. Most of the FLTU's 77,057 members work in the public sector.

The State employs the majority of salaried workers, although this situation is changing as the Government reduces the number of its employees and privatizes state enterprises. Subsistence farmers comprise an estimated 85 percent of the work force.

Strikes are not prohibited by law, but the Government's ban on subversive activities or destabilizing demonstrations (see Section 2.b.) makes a strike unlikely, and none were reported during the year. However, the Labor Code does not prohibit temporary work stoppages.

With advice from the International Labor Organization (ILO), including a foreign expert provided by the ILO to work with the Ministry of Labor and Social Welfare, the Government in 1994 revised the Labor Code in an effort to clarify the rights and obligations of workers and employers. However, the ILO Committee of Experts cited the Government for its failure to submit reports required of member states.

The FLTU is free to engage in contacts with foreign labor organizations, which during the year included the Association of Southeast Asian Nations (ASEAN)

Trade Union and the Asia-Pacific American Labor Alliance. The FLTU is a member of the World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively.—There is no right to organize and bargain collectively. The Labor Code stipulates that disputes be resolved through workplace committees composed of employers, representatives of the local labor union, and representatives of the FLTU, with final authority residing in the Ministry of Labor and Social Welfare. Labor disputes are infrequent. The Government sets wages and salaries for government employees, while management sets wages and salaries for private business employees.

The Labor Code stipulates that employers may not fire employees for conducting trade union activities, for lodging complaints against employers about labor law implementation, or for cooperating with officials on labor law implementation and labor disputes. Workplace committees are one mechanism used for resolving complaints.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Labor Code prohibits forced labor except in time of war or national disaster, during which the State may conscript laborers; however, trafficking in women and children is a problem (see Section 6.f.). The Code also applies to children under the age of 15, and generally is enforced effectively; however, reports that children are being lured into other countries for sexual exploitation and slave labor continued, and increased over the previous year (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age.—for Employment

Under the Labor Code, children under the age of 15 may not be recruited for employment. However, many children help their families on farms or in shops. The Labor Code accordingly provides that children may work for their families, provided that such children are not engaged in dangerous or difficult work. Such employment of children is common in urban shops, but rare in industrial enterprises. The Ministries of Interior and Justice are responsible for enforcing these provisions, but enforcement is ineffective due to a lack of inspectors and other resources. Education is compulsory through the fifth grade, but this requirement rarely is observed in the rural areas or among the urban poor. Some garment factories reportedly employ a very small number of underage girls. The Labor Code prohibits forced and bonded labor performed by children under age 15, and the law generally is enforced effectively; however, there were reports that children were lured into sexual exploitation and slavery abroad (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The Labor Code provides for a broad range of worker entitlements, including a workweek limited to 48 hours (36 hours for employment in dangerous activities), safe working conditions, and higher compensation for dangerous work. The Code also provides for at least 1 day of rest per week. Employers are responsible for all expenses for a worker injured or killed on the job, a requirement generally fulfilled by employers in the formal economic sector. A section of the Labor Code mandates extensive employer responsibility for those disabled while at work. During the year, this law was enforced adequately. The daily minimum wage is $0.53 (4,000 kip), which is insufficient to provide a decent standard of living for a worker and family. Most civil servants receive inadequate pay. However, few families in the wage economy depend on only one member for income. Some piecework employees, especially on construction sites, earn less than the minimum wage. Many persons are illegal immigrants, particularly from Vietnam, and are more vulnerable to exploitation by employers. Although workplace inspections reportedly have increased, the Ministry of Labor and Social Welfare lacks the personnel and budgetary resources to enforce the Labor Code effectively. The Labor Code has no specific provision allowing workers to remove themselves from a dangerous situation without jeopardizing their employment.

f. Trafficking in Persons.—The Penal Code prohibits abduction and trade in persons as well as the constraint, procuring, and prostitution of persons; however, trafficking in women and children is a problem. Laos is a source and transit country for trafficking in persons. The Government only recently has focused on the trafficking of persons across its borders. Although there is no reliable data available on the scope and severity of the problem, there are indications that the numbers are considerable. The Government has increased monitoring and educational programs provided by the Lao Women's Union and the Youth Union, both party-sanctioned organizations, designed to educate girls and young women about the schemes of recruiters for brothels and sweatshops in neighboring countries and elsewhere. In the past, the Government has prosecuted some persons for involvement in such recruiting activities. Recent evidence indicates an increase in arrests for procuring; however, this may not reflect a genuine government effort to address the problem. Dur-

ing the year, law enforcement agencies conducted a minimal number of raids on entertainment establishments accused of fostering prostitution.

The Government remains concerned about Lao children being lured into sexual exploitation and slave labor in other countries, but the Government denied that there were any problems in the country that involve child prostitution. The National Commission for Mothers and Children, established in 1992 and chaired by the Foreign Minister, continues an active program with support from the U.N. Children's Fund. The Commission, working with the Lao Women's Union, Youth Union, Justice Ministry, and Labor Ministry, has conducted workshops around the country designed to make parents and teenagers aware of the dangers of HIV. At the Government's invitation, the U.N. Special Rapporteur on Trafficking in Children visited in 1998 (see Section 4).

MALAYSIA

Malaysia is a federation of 13 states and 3 federal territories with a parliamentary system of government based on periodic multiparty elections in which the ruling National Front coalition has held power for more than 40 years. Opposition parties actively contest elections, but face significant obstacles in competing with the long-entrenched ruling coalition. However, in the November 1999 elections, opposition parties won roughly 25 percent of the seats in the Federal Parliament, and an opposition party also retained control of one state government and gained control of another. The Constitution provides for an independent judiciary; however, government action, constitutional amendments, legislation, and other factors undermine judicial independence and strengthen executive influence over the judiciary. The impartiality of the judiciary continued to be a concern during the year, although the December appointments of a highly regarded new Chief Justice and Attorney General were viewed with optimism by most observers.

The Royal Malaysian Police have primary responsibility for internal security matters. The police report to and are under the effective control of the Home Minister. Some members of the police committed human rights abuses.

Malaysia is an advanced developing country with an estimated per capita gross domestic product of $3,640 and an unemployment rate of 3.0 percent. Following nearly a decade of strong economic growth averaging over 8 percent annually, it was hit hard by the 1997 regional financial and economic crisis. After contracting by 7.5 percent in 1998, the economy began to recover in 1999, during which it posted a 5.8 percent growth rate. Analysts predicted a 7 to 8 percent growth for the year. During 1998 the Government adopted stimulative fiscal and monetary policies to promote economic recovery and established institutions to recapitalize distressed financial institutions and to remove nonperforming loans from the banking system. It also enacted selected capital controls to eliminate offshore trading in the local currency (ringgit) and to insulate the domestic economy from the effects of short-term, speculative capital flows. The Government takes an active role in the development of the export-oriented economy. Manufacturing accounts for 30.0 percent of GDP, services for 54.3 percent, agriculture for 9.4 percent, construction for 3.6 percent, and mining for 7.2 percent. Principal manufactured products include semiconductors, consumer electronics, electrical products, textiles, and apparel. Palm oil exports and production of natural rubber, cocoa, and tropical timber also are significant.

The Government generally respected its citizens' rights in some areas; however, its record was poor in a number of other areas, and significant problems remain. Police committed a number of extrajudicial killings; however, authorities prosecuted the perpetrators in some of these cases. Police on occasion tortured, beat, or otherwise abused prisoners, detainees, and demonstrators. The former chief of police was sentenced to 2 months imprisonment for having beaten the handcuffed and blindfolded former Deputy Prime Minister Anwar Ibrahim in 1998. In 1999, an Inter-Parliamentary Union (IPU) delegation found that prison conditions were not in accord with international norms; the Government subsequently took some steps to improve prison conditions. Conditions in the detention facilities of illegal aliens continued to pose a threat to life and health, although marginal improvements in food and water rations were reported. The trial of a prominent human rights activist on charges arising from her criticisms of such conditions continued. Police continued to use several statutes to arrest and detain many persons without charge or trial. Prolonged pretrial detention is a serious problem. Detained criminal suspects often were denied access to legal counsel prior to being charged formally. Many observers expressed serious doubts about the independence and impartiality of the judiciary, es-

pecially in high-profile cases. Former Deputy Prime Minister Anwar was charged with corruption in 1998 for political reasons, and was convicted and sentenced to 6 years in prison in April 1999. In August he was convicted of sodomy and sentenced to 9 years, to be served consecutively with the earlier 6-year sentence. Improper conduct by the police and prosecutors, along with many questionable rulings by the judge, denied Anwar a fair opportunity to defend himself. Anwar remained in prison at year's end, but he was transferred to a hospital in December to receive treatment for a slipped disk in his back. Politically motivated, selective prosecution continued to be a concern during the year. The courts continued to defy most of a 1999 International Court of Justice (ICJ) ruling that a U.N. Special Rapporteur was immune from several libel suits. Authorities infringed on citizens' privacy rights in some instances.

Government restrictions, pressure, and intimidation led to a high degree of press selfcensorship. The Government raided newsstands that sold an opposition party newspaper, limited its publication, and refused to renew the publication permits of several other political weeklies. Independent on-line newspapers operated without government interference. In 1999 a U.N. Special Rapporteur reported that the Government systematically curtailed freedom of expression. The Government did not respond to the report by year's end. Proliferating slander and libel suits threatened to stifle freedom of speech. The Government placed some restrictions on freedom of assembly and some peaceful gatherings. The Government continues to restrict significantly freedom of association. The Government continued to prohibit students from participating in some political activities. The Government places some restrictions on religious freedom, in particular the right of Muslims to practice teachings other than Sunni Islam. In addition the right of Muslims to change their religion was hindered by many practical obstacles. The Government continued to impose some restrictions on freedom of movement. Government policies create significant restrictions on opposition parties' ability to compete effectively with the ruling coalition. The Election Commission's lack of independence impedes it from effectively enforcing election results and monitoring elections. The Government continued to criticize harshly human rights NGO's, but also met with several such groups during the year. The Government established a National Human Rights Commission in April. Despite some limitations on its scope, the Commission established several human rights working groups, publicly supported the right of peaceful assembly in certain instances, and in December opened a public inquiry into alleged police misconduct during a November 5 opposition gathering. Despite government efforts, societal violence and discrimination against women remain problems. Sexual abuse of children is a problem, although it is punished severely. Indigenous people face discrimination and often are exploited, especially in regard to land issues. Longstanding policies give preferences to ethnic Malays in many areas, and ethnic minorities face discrimination. Some restrictions on worker rights persist. Child labor persists, although the Government has taken vigorous action against it. The country is a source, transit, and destination country for trafficking in women and girls for the purpose of forced prostitution.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings; however, police committed a number of extrajudicial killings. Police leadership continued efforts to curb such abuses during the year, including by inviting the U.N. Human Rights Commission to provide human rights training to police officers.

At year's end, the press reported that the police had killed 49 persons (in 27 separate incidents) during the course of apprehension. Press accounts suggested that police conduct was appropriate in a number of these incidents; however, several cases raised concerns.

In January 1999, the Bar Council called on the police to implement a standard procedure to investigate every lethal shooting by police; however, the police did not implement such a procedure. By year's end the Government had not formed an independent commission to investigate police killings, as was recommended by a group of 119 domestic NGO's in February 1999. In October 1999, the Deputy Home Minister informed Parliament that police had shot and killed 387 persons over the past 5 years.

In April police shot and killed three suspected robbers in waters off Sabah state during an antipiracy campaign. In August police shot and killed three men in Sabah whom police suspected were on their way to commit a robbery. Also in August, police shot and killed a suspected arsonist who reportedly attacked them with a knife. In several incidents throughout the year, police shot and killed individuals who they

claimed had "run amok" and threatened bystanders. At year's end, the results of any police internal investigations into these and other incidents of police extrajudicial killings during the year were not available.

A Human Rights Watch report issued in August on the status of Burmese Rohingya illegal immigrants in the country documented allegations of deaths during the 1990's in illegal immigrant detention camps due to beatings and inhuman conditions such as inadequate food and medical care (see Sections 1.c. and 2.d.). The conditions in the camps remained a cause for concern; however, there were no reports of similar deaths during the year.

There were developments in several cases of extrajudicial killings from previous years. The case of a policeman charged in 1999 with culpable homicide not amounting to murder for shooting a doctor seated in his car went to trial. In December the policeman was sentenced to 8 years in prison by the sessions court for causing the death of the person. The policeman has appealed the decision to the High Court. In August a coroner ruled that four police officers and one civilian were culpable in the 1995 death of a youth in police custody. A negligence suit against the police regarding the death of a couple shot by police in 1998 in connection with the alleged kidnaping of the son of a state chief minister was to be heard in November, but it was postponed to a future date that had not been determined by year's end. In July testimony during a coroner's inquiry indicated that six men who were killed by police in a 1998 incident had been shot in the head at close range. In April the police announced that an inquiry would be made into the case of a 21-year-old who died in police custody in 1999. In May a woman filed suit against police for the death of her husband in police custody in 1999 and said publicly that her husband's death might be linked to his involvement with the opposition National Justice Party. A domestic worker who sued the government and the then-Inspector General of Police in 1992 over the death of her son in police custody in 1990 was awarded a judgment of just over $10,000 (40,000 ringgit). In May two policemen convicted of injuring an Indonesian illegal immigrant who later died in police custody were sentenced to 3 years in prison.

In June Acehnese leader Teauku Don Zulfari, exiled from Indonesia, was shot and killed in a Kuala Lumpur restaurant. The press speculated that the assailants were either gangsters or political rivals from Aceh.

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

In late April, members of the Filipino terrorist group Abu Sayyef attacked a diving resort on the island of Sipadan, seizing several hostages of various nationalities. The group released all of the hostages but one, a Filipino national, who was being held in the Philippines at year's end.

In early September, four armed Abu Sayyaf rebels kidnaped three Malaysian hostages at the Pasir Dive Resort on Pulau Pandanan in Sabah state. All three hostages had been released at year's end.

In both instances, the Government made attempts to retrieve hostages and prevent further attacks.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—No constitutional provision or law specifically prohibits torture, although laws that prohibit "committing grievous hurt" encompass torture; however, at times some police tortured, beat, and otherwise abused prisoners, detainees, and other citizens. The authorities investigated some police and other officials for such abuses; however, the Government does not release routinely information on the results of investigations, and whether those responsible are punished is not always known.

Police sometimes abuse detainees. There were several press reports of persons who alleged police torture or cruel, inhuman, or degrading treatment while in custody. For example, in April a 16-year-old schoolboy sued the police, alleging that he was tortured after a February arrest in connection with an arson case. In October a suspected robber claimed that police had shot him in the eye during an interrogation. He reportedly then was ordered to tell doctors that he had been in an accident. In November a man claimed that police had squeezed his genitals with pliers in order to make him confess to a theft. All of the cases were under investigation at year's end.

Police sometimes subjected criminal suspects and illegal alien detainees to physical and psychological torture during interrogation and detention. During the 1998 trial of former Deputy Prime Minister Anwar Ibrahim, senior police officers testified that the police had institutionalized techniques to subject some "national security" detainees to coercive and abusive treatment. A senior police officer said that the police did not consider the legality of such tactics. However, the Government continued to require police to attend community relations and ethics courses to address public concerns over police misconduct. The results of such courses were unclear at year's end.

In March former Inspector General of Police Tan Sri Rahim Noor was sentenced to 2 months in jail and ordered to pay the maximum fine of about $525 (2,000 ringgit) for "causing hurt" after pleading guilty to beating former Deputy Prime Minister Anwar Ibrahim in 1998 while Anwar was blindfolded and handcuffed in police custody. The beating badly bruised Anwar's face, neck, and arms, and reportedly temporarily left him with impaired balance and unclear vision. Rahim said that Anwar had provoked him. Charges of attempted assault were reduced as part of a plea bargain. Rahim paid the fine, but his lawyers immediately appealed the sentence, and he remained on bail. The prosecution appealed the sentence, which it termed inadequate. In June a hearing of Rahim's appeal was postponed until September after his lawyers claimed that Rahim was ill. In September the court again rescheduled the hearing to November after the defense informed the judge that Rahim had been admitted to a hospital. The appeal was heard in November; Rahim's fine was waived, but the 2-month jail sentence was upheld. Rahim's lawyer's appealed the sentence to the Federal Court. Rahim will lose his pension if the sentence is not overturned.

In 1999 Prime Minister Mahathir bin Mohamad formed the Royal Commission of Inquiry after a long police internal investigation established that police had been responsible for the beating of Anwar, but failed to identify a culprit. The Commission found no members of the police besides Rahim culpable or complicit in the beating of Anwar or in the subsequent cover-up. In April 1999, the Malaysian Bar Council expressed concern that the Royal Commission had recommended that no action be taken against senior police officers who failed to report or arrest Rahim after the beating. Anwar's supporters continued to call on the Prime Minister, who oversaw the police as the Home Minister at the time of Anwar's arrest, to take responsibility for Anwar's beating. The Prime Minister had not responded by year's end.

During the year, there was no response from the Government to charges that psychological pressures and threats of physical coercion had been used in previous years to obtain confessions in the politically sensitive trials of former Deputy Prime Minister Anwar Ibrahim. In July the case against fashion designer Mior Abdul Razak bin Yahya for fabricating evidence, was dismissed as "not amounting to an acquittal," after being postponed four times. Mior had sworn in an affidavit that police had threatened and abused him after he was detained in September 1998, causing him to confess falsely to having had sexual relations with the former Deputy Prime Minister. In February Anwar's codefendant, Sukma Darmawan, testified that he had confessed falsely to a homosexual relationship with Anwar under police pressure in exchange for a promise that the would be free for such testimony. One other alleged homosexual partner of Anwar's gave a consistent description of the psychological and physical abuse used by police to force similar confessions from him.

No government response was reported to the March 1999 police report filed by opposition activist Abdul Malek bin Hussin in which he accused police of torturing him in 1998 while he was under detention without charge under the Internal Security Act (see Section 1.d.). Malek alleged that police among other abuses, had beaten him unconscious and forced him to drink their urine.

During the year, riot police several times forcibly dispersed peaceful demonstrators in Kuala Lumpur, using truncheons, water cannons, and tear gas (see Section 2.b.). In April the Legal Aid Centre, representing 48 persons arrested during street protests on April 15 to mark the first anniversary of Anwar Ibrahim's sentencing on corruption charges, called on the Government to probe allegations of police brutality during the protests. The Human Rights Commission announced in April that it would look into the allegations. Opposition activist Tian Chua claimed that police beat him in August after they detained him during a demonstration outside the courthouse where Anwar Ibrahim was being convicted and sentenced on sodomy charges. Tian reportedly suffered back injuries during the beating. He brought his case before the commission and announced that he intended to sue the Government.

Logging companies reportedly used police force and intimidation to appropriate land from indigenous Iban and Penan communities in Sarawak (see Section 5).

Criminal law prescribes caning as an additional punishment to imprisonment for those convicted of some nonviolent crimes such as narcotics possession, criminal breach of trust, and alien smuggling. Judges routinely include caning in sentences of those convicted of such crimes as kidnaping, rape, and robbery. Some state Islamic laws, which bind only Muslims (see Section 1.e.), also prescribe caning. The caning, which is carried out with a °-inch-thick wooden cane, commonly causes welts, and it sometimes causes scarring. Male criminals age 50 and above and women are exempted from caning. According to the provisions of the Child Act passed in December, male children may be given up to 10 strokes of a "light cane" (see Section 5).

Prison conditions are poor. The authorities in 1999 announced that changes would be made concerning prison conditions, in the wake of a 1999 report by the IPU on the treatment in prison of then political prisoner Lim Guan Eng. The report found that the conditions of Lim's imprisonment did not comply with the U.N. Standard Minimum Rules (Treatment of Prisoners) and the U.N. Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment. The report cited portions of the Minimum Rules that concern light, ventilation, and proper bedding, and Principle 6 of the Body of Principles, which prohibits torture or cruel, inhuman, or degrading treatment. However, the delegation that drafted this report did not visit Lim in prison, and therefore was unable to make direct observations. The Government stated that Lim was detained under the same conditions as other prisoners and in accordance with the colonial-era 1952 Prison Rules and the 1995 Prisons Act, which, the Government contended, met the standards of the U.N. Minimum Rules.

Deputy Home Minister Ong Ka Ting told Parliament in 1999 that the Government had completed a review of prison rules and made amendments that would improve the management of prisoners. Ong said that the amendments would be promulgated after their approval by the Attorney General. Deputy Prime Minister Abdullah Badawai announced in April that the Government had spent over $250,000 (1 million ringgit) during the year to provide every prisoner with a mattress, although this had not been confirmed by independent monitors by year's end. In August prison officials announced that a number of current prison rules would be reviewed. Officials stated that these changes would include allowing female prisoners to keep children with them until age 4 instead of the current restriction to age 3 and expanding visiting privileges.

Prison overcrowding is a serious problem. In 1999 the Director General of Prisons said that the country's 35 prisons held 27,400 prisoners; total designed capacity is 20,000. In March the Deputy Home Minister announced that eight more prisons, two juvenile reform schools, and a moral rehabilitation center would be built by 2005. "Security" prisoners (see Section 1.d.) were detained in a separate detention center.

Credible reports by former prisoners indicated that guards at some prisons regularly beat prisoners convicted of criminal offenses.

NGO's and former detainees have made credible allegations of inadequate food, poor medical care and sanitation, and abuse by guards in government camps for illegal immigrants. Conditions are considered to have improved with increased food and water rations, and vitamin B shots for detainees suffering from beri-beri. A Human Rights Watch report issued in August on the status of Burmese Rohingya illegal immigrants in the country documented allegations of deaths in the camps due to beatings and inhuman conditions during the 1990's (see Sections 1.a. and 2.d.). There were no reports of similar deaths during the year. In July 1999, after 3 days without adequate supplies of water, 192 illegal aliens escaped from the Lenggeng detention center. Testimony during the ongoing trial of nongovernmental organization (NGO) activist Irene Fernandez (see Section 2.a.) described inhuman conditions at illegal alien detention camps from 1993 to 1995. Former detainees from this period testified during the trial that they had been kicked, beaten with sticks and rubber hoses by camp policemen, refused medical treatment for their injuries, and subjected to severe punishments, including sexual abuse. Some physical abuse still occurs in the camps.

The law provides that young boys and girls in remand (judicially approved detention) may be placed in prison. The local press reported in September that children as young as 10 years old were held in prisons for offenses such as petty theft or involvement in school fights. Although kept in a separate cell block, they reportedly mingled with adult prisoners during communal activities. The Prisons Department acknowledged that more than 200 juveniles between 14 and 21 years of age were being held in prisons, in particular at Sungai Buloh. A prison official claimed that the juvenile prisoners, 82 percent of whom were waiting for their cases to be heard, are kept separately from adult prisoners at all times. In September the Government identified 2,061 juveniles held in 26 prisons throughout the country. The Minister in the Prime Minister's Office responsible for legal affairs said that he would review the rules governing custody of juveniles, claiming that the law did not provide for such imprisonment of minors. According to press reports in November, officials from the National Unity and Social Development Ministry expressed surprise that juvenile offenders still were being sent to prison, despite plans to relocate them to separate facilities.

The Government has an agreement with the International Committee of the Red Cross (ICRC) that permits visits to certain categories of prisoners. The Government has not blocked or denied such visits. However, the ICRC did not visit prisons dur-

ing the year. In August an ICRC representative arrived to open a regional facility in the country, but he had not received accreditation from the Government. Other NGO's and the media generally are not permitted to monitor prison conditions. Access to illegal alien detention camps is restricted.

d. Arbitrary Arrest, Detention, or Exile.—Police continued to use several statutes to arrest and detain many persons without charge or trial. Suspects in some crimes (called "seizable offenses") may be arrested without warrants; suspects in other crimes ("nonseizable offenses") may be arrested only based on a warrant from a magistrate. Crimes characterized as bailable offenses permit suspects to present bail at the police station according to a schedule. Bail is not available for nonbailable offenses and sometimes also is denied in other circumstances, for example, great risk of flight. Police may hold suspects for 24 hours without charge. Police may request a magistrate to extend the period of remand without charge for up to 2 weeks. After this extension, the police, if they wish to hold the suspect, must charge him and seek an order of detention from a magistrate. In some cases, police have released suspects under remand and quickly rearrested them on new but similar charges. However, in general police practice is in accord with legal provisions concerning detention.

Police may deny prisoners under remand access to legal counsel and routinely they do so. During this period of remand, police also may question suspects without giving them access to counsel. Police justify this practice as necessary to prevent interference in ongoing investigations. Judicial decisions have upheld this practice. Defendants' advocates claimed that the lack of access to counsel seriously weakened defendants' legal rights.

Crowded, understaffed courts and the legal safeguards and appeals available to the accused often result in lengthy pretrial detention, sometimes lasting several years. In 1998 the Prison's Director General stated that roughly half of the prison population consisted of prisoners who had not yet been sentenced. Most such prisoners either have been convicted and are awaiting sentence or are in the midst of their trials. In April a government minister acknowledged that a prisoner had been held for more than 8 years pending trial.

Three laws permit the Government to detain suspects without judicial review or the filing of formal charges: the 1960 Internal Security Act (ISA); the 1969 Emergency (Public Order and Prevention of Crime) Ordinance, and the 1985 Dangerous Drugs Act (Special Preventive Measures). Enacted more than 40 years ago when there was an active Communist insurgency, the ISA empowers the police to hold for up to 60 days any person who may act "in a manner prejudicial to the security of Malaysia." The Home Minister may authorize further detention for periods of up to 2 years. Those released before the end of their detention period are subject to "imposed restricted conditions" for the remainder of their detention periods. These conditions limited their rights to freedom of speech, association, and travel outside the country.

According to the Government, the goal of the ISA is to control internal subversion. According to a prominent local human rights NGO, as of November 30, there had been 76 detentions under the ISA during the year. In addition, according to the NGO's statistics through June, 836 persons had been detained under the Dangerous Drug Act and, as of August 31, 418 persons were being detained under the Emergency Ordinance.

The ISA often is used against what the Government considers nonpolitical crimes, including those against ostensibly "deviant" Muslim groups. The Government states that deviant groups pose a danger to national security because of their radical beliefs. The ISA, and the threat of invoking the ISA, also are used to intimidate and restrict political dissent. For example, in 1998 the police detained Anwar Ibrahim and 27 of his followers under the ISA after a series of largely peaceful antigovernment demonstrations. The Government claimed that the demonstrations threatened national security (see Sections 1.e. and 2.b.). The 29 members of the Al-Ma'unah sect arrested in June initially were detained under the ISA.

Security authorities sometimes wait several days after detention before informing an ISA detainee's family. Even when there are no formal charges, the authorities must inform detainees of the accusations against them and permit them to appeal to an advisory board for review every 6 months. However, advisory board decisions and recommendations are not binding on the Home Minister, are not public, and often are not shown to the detainee. In the past, some ISA detainees have refused to participate in the review process under these circumstances.

Amendments to the ISA in 1997 sharply circumscribed judicial review of ISA detentions. Although the Bar Council has in the past asserted that detentions under the ISA should be subject to judicial review on both procedural and substantive grounds, the courts have not concurred with this interpretation, and they review

ISA detentions only on technical grounds. Detainees freed on technical grounds nearly always are detained again immediately.

In May 1999, the Government announced new procedures for ISA detention. According to press reports, the new amendments stipulated that senior police officials must concur with ISA detentions. The then-Deputy Minister in the then Prime Minister's Department Datuk Ibrahim Ali claimed that the amended procedures would help prevent misuse of the ISA. The details were not reported.

In early August, the Government charged 29 members of the Al-Ma'unah sect, who were arrested for the early June raids on two army depots, after previous remandings had expired. The group was charged under Section 121 of the Penal Code with "waging or attempting to wage or abetting the waging of war" against the King. Also in August, the Government detained under the ISA at least 33 additional Al-Ma'unah members solely for their membership in the group. In December six members of the first group were convicted and sentenced to 10 years in prison. The remaining members (of both groups) remained in custody at year's end. In March police in Sarawak detained two persons under the ISA for allegedly dealing illegally in firearms (see Sections 1.e. and 2.c.).

Opposition leaders and human rights organizations continued to call on the Government to repeal the ISA and other legislation that deprived persons of the right to defend themselves in court. For example, in August 70 opposition parties and nongovernmental groups signed a memorandum calling for the repeal of the ISA. However, during the year, a number of ruling coalition politicians and government officials stated that the ISA still was necessary and would not be repealed. In February the Deputy Home Minister said in Parliament that the ISA is useful in maintaining the peace, but it would not be misused. In July the Prime Minister said "the ISA is a legitimate law of the country, and although we do not like using it, we have the right to use it against persons whose actions can jeopardize the country's security."

Under the 1969 Emergency Ordinance, which was instituted after intercommunal riots in that year, the Home Minister may issue a detention order for up to 2 years against a person if he deems it necessary to protect public order, or for the "suppression of violence, or the prevention of crimes involving violence." In fact the Government has used the Emergency Ordinance for other reasons. In September press reports quoted a police official as saying that 328 persons were detained under the ordinance during the year.

Provisions of the 1985 Dangerous Drugs Act (Special Preventive Measures) give the Government specific power to detain suspected drug traffickers without trial. Such suspects may be held for up to 39 days before the Home Minister must issue a detention order. Once the Ministry has issued an order, the detainee is entitled to a hearing before a court. In some instances, the judge may order the detainee's release. Suspects may be held without charge for successive 2-year intervals with periodic review by an advisory board, whose opinion is binding on the Home Minister. However, the review process contained none of the procedural rights that a defendant would have in a court proceeding. The police frequently detained suspected narcotics traffickers under the Special Preventive Measures after the traffickers are acquitted of formal charges—often as they leave the courtroom. Between January and September, 1,259 persons were detained under this measure. The Government detained over 1,300 persons under this law in 1999.

Immigration laws are used to detain possible illegal aliens without trial or hearing. The detainees are not accorded any administrative or legal hearings and are released only after their employers prove their legal status. Those who were able to produce legal documents normally are released immediately; those who were unable to prove their legal status often were held for extended periods before deportation. Illegal aliens were kept in detention centers that are separate from prisons (see Section 1.c.).

Law enforcement authorities also used the Restricted Residence Act to restrict movements of criminal suspects for an extended period. The act allows the Home Ministry to place criminal suspects under restricted residence in a remote district away from their homes for 2 years. The Ministry is authorized to issue the banishment orders without any judicial or administrative hearings. Human rights activists have questioned the need for this law, which was passed more than 60 years ago (during British sovereignty) under very different circumstances, and they have called for its repeal. The Government has continued to justify the act as a necessary tool and has used it in the recent past, primarily to combat vice and gambling offenses. In July 1999, the Terengganu state chief of police warned publicly that operators of illegal gambling machines would be banished under the act if they did not cease their activities. In August 1999, Director General of the Anticorruption Agency (ACA) Datuk Ahmad Zaki Husin proposed using the act to banish officials sus-

pected of corruption. After the Bar Council expressed concerns over the proposal, Zaki clarified that the Restricted Residence Act might be used only for "syndicated graft." Also in August 1999, the Deputy Prime Minister warned "get-rich-quick" scheme operators that they might face banishment under the act. The Government has not disclosed how many persons were subject to the Restricted Residence Act and no accurate estimate was available. In April the Deputy Home Minister said in Parliament that during 1999 there were 93 persons held in prison waiting to be placed under restricted residence, and 17 of these persons were released from prison into restricted residence. In September the Selangor state government stated that it might use the Restricted Residence Act to banish those responsible for the increase in illegal video and gaming outlets in Selnagor.

In 1998 the Attorney General stated that the Government had expedited hearings on the cases of 44 prisoners held "at the pleasure of the Sovereign" for inordinate periods, often well exceeding the maximum sentences for their original crimes. In one case, a prisoner had been held for 37 years. Most such "forgotten prisoners" committed their crimes as minors or while of unsound mind. The Government has not released the findings of the hearings held on these cases, or indicated whether any of the 44 prisoners have been released.

Section 396 of the Criminal Procedure Code allows the detention of a person whose testimony as a material witness is necessary in a criminal case, if that person is likely to abscond.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, since 1988 government action, constitutional amendments, legislation restricting judicial review, and other factors steadily have eroded judicial independence and strengthened executive influence over the judiciary. A number of high-profile cases continued to cast doubts on judicial impartiality and independence, and raised questions of arbitrary verdicts, selective prosecution, and preferential treatment of some litigants and lawyers. Members of the bar, NGO's, and other observers (including those who attended a 1999 Commonwealth Law Conference held in the country) continued to express serious concern about the deterioration of the independence and overall fairness of the judiciary. In December a new Chief Justice and Attorney General were sworn into office. Most observers were optimistic that these appointments will help restore the health and credibility of the judiciary. Immediately after taking his position, the new Chief Justice made public remarks regarding the importance of restoring public trust in the judiciary.

High courts have original jurisdiction over all criminal cases involving serious crimes and most civil cases. Civil suits involving automobile accidents and landlord-tenant disputes are heard by sessions courts. Juvenile courts try offenders under age 18. The Special Court tries cases against the King and sultans. The Court of Appeal has appellate jurisdiction over high court and sessions court decisions. The Federal Court, the country's highest court, hears appeals of court of appeal decisions.

Islamic religious laws administered by state authorities through Islamic courts bind ethnic Malays and other Muslims in some matters. In 1997 the Government announced that it would harmonize Islamic law at the federal level and appoint an Islamic law federal attorney general. However, the Government has not been able to obtain the necessary agreement of all the states and the proposal has not been implemented, though it is still under discussion.

Indigenous people in Sarawak and Sabah also have a system of customary law to resolve matters such as land disputes between tribes.

Penghulu (village head) courts may adjudicate minor civil matters, but these are rarely used.

The military has a separate system of courts.

The secular legal system is based on English common law. Trials are public, although judges may order restrictions on press coverage. For example, in the corruption trial of former Deputy Prime Minister Anwar, the judge often restricted press coverage of defense testimony and remarks that might embarrass senior government leaders. However, the judge generally did not restrict press coverage of testimony and remarks that might embarrass Anwar.

Defendants have the right to counsel, bail is sometimes available, and strict rules of evidence apply in court. Witnesses are subject to cross-examination. The defense in both ordinary criminal cases and special security cases is not entitled to a statement of evidence before the trial. In general, limited pretrial discovery in criminal cases hobble defendants' ability to defend themselves.

Defendants enjoy the presumption of innocence and may appeal court decisions to higher courts. In criminal cases, defendants also may appeal for clemency to the

King or local state rulers as appropriate. A single judge hears each criminal trial. There are no jury trials.

A 1997 amendment to the Criminal Procedure Code that may erode defendants' presumption of innocence continued to concern lawyers. Before the 1997 amendment, the prosecution was required to prove its case beyond a reasonable doubt or the defendant would receive a summary dismissal without having to present the defense case. Now, the prosecution only needs to prove a legally sufficient uless disproved case, and the defense must be called. In August 1999, a man was convicted of murder after electing to enter a no defense. The judge ruled that the prosecution had proven a legally sufficient case and, when the man chose to offer no defense, the judge convicted him and sentenced him to death.

In 1998 Parliament passed amendments to the 1964 Courts of Judicature Act that limited the rights of defendants to appeal in some circumstances. The Government stated that these amendments would expedite the hearing of cases in the upper courts. The president of the Bar Association said in 1998 that the amendments imposed too many restrictions on appeals.

The Attorney General may restrict the right to a fair trial in criminal cases by invoking the 1975 Essential (Security Cases) Regulations. These regulations governing trial procedure normally apply only in firearm cases. In cases tried under these regulations, the standards for accepting selfincriminating statements by defendants as evidence are less stringent than in normal criminal cases. Also, the authorities may hold the accused for an unspecified time before making formal charges. The Attorney General has the authority to invoke these regulations in other criminal cases if the Government determines that the crime involves national security considerations, but such cases are rare. However, the Essential Regulations were invoked in September at the beginning of the trial of the 29 members of the Al-Ma'unah sect accused of carrying out arms thefts at 2 army posts in July. Defense lawyers argued that the use of the Essential Regulations was unconstitutional, since no certificate of emergency declaring a national emergency had been issued. The judge ruled that the Attorney General has the discretion to opt to use the Essential Regulations, if he sees fit to do so (see Sections 1.d. and 2.c.).

Even when the Essential Regulations are not invoked, defendants and defense lawyers lack legal protections against interference. For example, during a trial police may call and interrogate witnesses who have given testimony not helpful to the prosecution. Human rights advocates accused police of using this tactic to intimidate witnesses. One instance of this practice led the Bar Council in July 1999 to issue a statement of concern. Police also have used raids and document seizures to harass defendants. Selective prosecution that is, prosecution based on political rather than legal considerations, is a serious problem in the legal system. According to the law, the decision to prosecute a case rests solely with the Attorney General. In August 1999, the former Chief Justice publicly reminded magistrates and judges not to question the Attorney General's sole discretion to prosecute. Opposition leaders and some NGO's made credible accusations of political interference in the judicial process. In April 1999 the Prime Minister publicly denied that he interfered in the decisions of the Attorney General. In February the Minister in the Prime Minister's Department responsible for legal affairs stated in Parliament that the Attorney General does not practice selective prosecution.

In practice the Attorney General uses his power to prosecute selectively. In May 1999, the Attorney General warned that those accusing the Government of selective prosecution could be charged with sedition or criminal defamation. The Bar Council criticized the Attorney General's statement and stated that it showed "a lack of respect or understanding of the concept of democracy and the rule of law." No one was charged with sedition or criminal defamation on such grounds during the year.

Contempt of court charges also have restricted the ability of defendants and their attorneys to defend themselves. Attorney Zainur Zakaria, after raising a legal issue on behalf of his client Anwar Ibrahim, was charged with contempt in 1998. Zainur lost his appeal in September but was granted a stay of execution of the 3month sentence pending his appeal to the Federal Court, the country's highest court. The Bar Council expressed concern over Zainur's case and other contempt of court cases several times in recent years and in March 1999, it prepared a draft Contempt of Courts Act to provide explicitly what would constitute contempt. The Chief Justice said in April 1999 that there was no need for a Contempt of Courts Act because judges do not abuse their power. In August 1999, former Deputy Minister in the Prime Minister's Department Datuk Ibrahim Ali said that the Government would study the Bar Council's draft; however, the Government had not passed or considered such a bill by year's end. In September senior government officials participated in a Bar Council seminar on contempt of court provisions.

Following a number of high-profile corruption cases, the Government amended the Anticorruption Act in 1997. The law gives the Attorney General powers that impinge on the presumption of innocence and requires accused persons to prove that they acquired their monetary and other assets legally.

Islamic courts do not give equal weight to the testimony of women. Many NGO's have complained that women do not receive fair treatment from Islamic courts, especially in matters of divorce.

In August, a judge ruled that U.N. Special Rapporteur on the Independence of Judges and Lawyers Datuk Param Cumaraswamy, because of his status as a U.N. Special Rapporteur, was immune from one of four libel suits pending against him in Malaysia. The judge explicitly stated that his ruling did not affect any of the other suits pending against Param. The suits stem from a longstanding and complex series of events. In 1997 Param and former Malaysian Bar Council secretary general Tommy Thomas were sued by several large companies, prominent businessmen, and a prominent lawyer for libel for an article, in an international legal journal. The article alleged that certain plaintiffs and their lawyers enjoyed improper preferential treatment in the courts. In judgments that widely were thought to be politically motivated and improperly influenced by favoritism, the courts had rejected Param's claim of immunity. In April 1999, the International Court of Justice (ICJ) had ruled that because of his status as a U.N. Special Rapporteur, Param was immune from the suits. The following month the Prime Minister said that the Government would abide by the ICJ's decision; however, in October 1999, a court defied the ICJ and ruled that Param would have to defend himself. Similar decisions were handed down in the other three suits. The U.N. expressed its regret over the court's decisions, and in December 1999, asked the Government to reimburse it for legal expenses. Param appealed the rulings, leading to the August decision. The other 3 libel suits against Param were still pending at year's end.

The libel case against Tommy Thomas was settled in October 1998 after he issued a written apology through his lawyers. However, he then issued a statement that the settlement was initiated by his insurance company over his objections. Subsequently Thomas issued a second statement retracting his earlier one. However, the judge cited him for contempt of court. He was convicted in 1998 and sentenced to 6 months in prison. The appeal of his conviction was still pending at year's end.

In June the High Court granted an order preventing the Malaysian Bar Council from holding an extraordinary meeting to discuss a motion calling for an investigation into alleged improper conduct by the Chief Justice. In 1994 the Chief Justice was accused of accepting vacation travel, from a lawyer who had matters pending before the court. The High Court stated that the allegations against the Chief Justice had not been verified.

The cases against former Deputy Prime Minister Anwar Ibrahim and some of his associates, and against Irene Fernandez (see Section 2.a.), have raised questions about judicial independence and impartiality. Nonetheless, the Courts did not rule exclusively in favor of the Government. In August a court convicted and fined a Member of Parliament (M.P.) from the ruling coalition government more than $2,600 (10,000 ringgit) on a contempt charge. The M.P. filed an appeal; if the conviction stands, he would lose his seat.

Former Deputy Prime Minister Anwar Ibrahim is a political prisoner. In September 1998, after a political conflict, Prime Minister Mahathir Mohammad removed Anwar as Deputy Prime Minister. Later the same month, after a large and mostly peaceful demonstration in which he called for Mahathir's resignation, Anwar was detained for alleged corruption and sodomy. The Government was motivated primarily by its desire to remove Anwar from political prominence following the significant manifestation of popular support for the reform movement that Anwar began after his removal. While in detention, Anwar was beaten by the former Inspector General of Police Rahim Noor (see Section 1.c.).

For several days, Anwar was denied medical treatment for the injuries that he received at the hands of Rahim. Presumably to avoid bringing a visibly injured Anwar to court, police changed Anwar's status to "detention without charge" under the Internal Security Act. Anwar's status subsequently was changed again to "criminal detention." Anwar later was tried and convicted on four counts of corruption. He was sentenced to 6 years in prison for corruption in April 1999. In April Anwar's appeal of the conviction and sentence was denied by the Court of Appeals. He has appealed to the Federal Court, the country's highest court. At year's end, Anwar's appeal of this conviction still was pending. At the request of his lawyers in November, the appeal was postponed because Anwar was in the hospital being treated for a slipped disk in his back. No date has yet been set to hear the appeal.

During Anwar's corruption trial, the judge made several questionable rulings that greatly limited Anwar's ability to defend himself against what some individuals be-

lieve were politically motivated charges. For example, the judge sentenced one of Anwar's attorneys to 3 months' imprisonment for contempt after the attorney raised in court charges of prosecutorial misconduct. The judge greatly restricted the scope of Anwar's defense (on occasions during the trial, the judge explicitly said that he did not care if there was a conspiracy to bring down Anwar) and tolerated improper activities by the police and prosecutors. The judge allowed prosecutors to amend the charges in the middle of the trial, which is permitted under the law but in this case clearly was unfair to Anwar. Anwar was denied the ability to rebut evidence of sexual misconduct presented by prosecution witnesses when the judge, at the end of the prosecution's case, allowed prosecutors to amend the charges, and then expunged the record of all evidence of sexual misconduct. Since his arrest, Anwar has been denied bail on questionable legal grounds.

On August 8, Anwar was convicted on a separate charge of sodomy and sentenced to 9 years in prison, to be served consecutively with the 6year sentence that Anwar received for corruption. Once he completes his 15 years in prison, he would be disqualified from holding any public office for 5 years. His adopted brother, Sukma Damarawan, a codefendent in the case, was sentenced to 6 years in prison and four strokes of the cane, but he remains free on bail. Lawyers for both immediately filed appeals. At the beginning of the sodomy trial, prosecutors changed the dates of the alleged acts of sodomy, allegedly because the defense had discovered that the apartment building where the sodomy allegedly took place had not been completed by the original dates. Despite testimony detailing how police had coerced a confession from an alleged homosexual partner, on July 26 1999, the judge ruled that the prosecution had proven beyond a reasonable doubt that this confession had been voluntary. A few days later, another witness admitted that police had coached part of his testimony. On August 18, 1999, the lead police investigator materially contradicted his testimony (in order to make it consistent with the amended dates of the alleged offense); on the next day, the judge ruled that the policeman had not lied. In April the judge ruled that the Prime Minister, who was called by the defense in an attempt to prove a political conspiracy against Anwar, would not be required to testify. Defense attorneys maintained that they were not permitted by the judge to call a number of desired witnesses. The defense claimed that the judge exerted such pressure during the summer to bring the trial to an early conclusion.

Anwar's conviction and sentence were criticized strongly by opposition parties, human rights groups, and a number of foreign governments and international human rights organizations. For example, the Malaysian Bar Council criticized the trial, citing irregularities in the evidence, and characterized the sentence as "manifestly excessive and harsh." Anwar remained in prison at year's end, but he was transferred to a hospital in December to receive treatment for a slipped disk in his back. He is permitted to receive visits from only his family and lawyers. According to the law, Anwar is a "common criminal" rather than a political prisoner, and therefore does not have the right to receive visits from international human rights organizations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law provides for these rights; however, authorities infringed on citizens' privacy rights in some cases. Provisions in the security legislation (see Section 1.d.) allow the police to enter and search without a warrant the homes of persons suspected of threatening national security. Police also may confiscate evidence under these acts. In some cases each year, police use this legal authority to search homes and offices, seize books and papers, monitor conversations, and take persons into custody without a warrant.

The law permits the Home Ministry to place criminal suspects under restricted residence in a remote district away from their homes for a 2-year period (see Section 1.d.).

The Government bans membership in unregistered political parties and in unregistered organizations (see Section 2.b.).

A clause in the 1997 Anticorruption Act empowers the Attorney General to authorize the interception of mail and the wiretapping of telephones. Such information would be admissible as evidence in a corruption trial.

Certain religious issues pose significant obstacles to marriage between Muslims and adherents of other religions (see Section 2.c.).

Muslim couples must take premarital courses. In previous years, women's activists complained that the courses, as implemented, perpetuated gender discrimination by misinforming women of their rights in marriage (see Section 5). However, there were no reports during the year of such misinformation regarding marriage rights.

Two state governments sought to restrict Muslim women's dress during the year (see Section 5).

Singaporean newspapers and magazines may not circulate in the country (see Section 2.a.), despite being easily available on the Internet.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, some important legal limitations exist, and the Government restricts freedom of expression and intimidates most of the print and electronic media into practicing selfcensorship.

The Constitution provides that freedom of speech may be restricted by legislation "in the interest of security (or) public order." For example, the Sedition Act prohibits public comment on issues defined as sensitive, such as racial and religious matters. In practice the Sedition Act, the Official Secrets Act, criminal defamation laws, and some other laws have been used to restrict or intimidate dissenting political speech.

In February 1999, the U.N. Special Rapporteur on Freedom of Opinion and Expression issued a report stating that freedom of opinion was curtailed systematically in Malaysia. The Special Rapporteur stated that the Internal Security Act, the Sedition Act, and the Printing Presses and Publications Act were used to suppress or repress expression and curb peaceful assembly. He further stated that defamation laws "appear to be having a very chilling effect." The Government stated that the Special Rapporteur's report was "baseless and distorted."

The Prime Minister and other senior officials continued to ascribe seditious or treasonous motives to critics of government policies. Although many persons still criticized the Government publicly, the Government's statements made many persons more cautious about exercising their rights of free speech. For example, in November the Home Affairs Ministry issued several warnings to a Chinese language daily newspaper, the China Press, about reporting on controversial issues, specifically the Vision School and the Education Fund.

In August 1999, Deputy Prime Minister Datuk Seri Abdullah Badawi warned that political parties that raised sensitive issues and caused an "undesirable situation" would be charged under the Sedition Act. However, government and ruling party officials sometimes made statements on sensitive racial and religious issues with no repercussions. For example, on the same day that the Deputy Prime Minister threatened to invoke the Sedition Act, he stated that voting for the opposition would be "disastrous" for ethnic Malays.

Two prominent figures were charged under sedition statutes during the year. In January the Government charged attorney and opposition politician Karpal Singh with sedition for statements he made in court during his legal defense of former Deputy Prime Minister Anwar Ibrahim, first time that a lawyer was charged with sedition for statements made in court. Karpal's case came to trial in July, but it was postponed until May 2001. Also in January, opposition politician Marina Yusoff was charged with sedition for comments that she made about racial violence in 1969 while campaigning for Parliament in 1999. Her case was postponed several times; it was being heard at year's end. Both Karpal and Marina were charged under Section 4(1)(b) of the Sedition Act of 1948, which carries a maximum fine of just over $1,300 (5,000 ringgit), or 3 years' imprisonment, or both.

Again in January, the editor and printer of Harakah, the newspaper of the opposition Islamic party, Parti Islam Se-Malaysia (PAS), were charged with sedition in connection with an August 1999 Harakah article that quoted an opposition politician's comments on the confession of Sukma Darawaman, Anwar Ibrahim's codefendant in Anwar's sodomy trial. The printer pleaded guilty in May and was fined slightly over $1,000 (4,000 ringgit). The editor's case is scheduled to be heard in 2001, although no formal date has been set.

In September 1999 an offical of the United Malays National Organization (UMNO), the dominant component of the ruling National Front coalition, lodged a police report charging the chief minister of the opposition-controlled state of Kelantan with sedition. The chief minister allegedly had said that the state's populace no longer held the royal family in high regard. Police announced that they had questioned 10 members of the opposition Islamic party about this case. There were no reports of further developments by year's end.

In March the Melaka state government announced that it had terminated the contracts of an undetermined number of panel doctors, architects, and lawyers, and blacklisted contractors who allegedly were aligned with opposition parties. The state government also closed accounts in banks where the staff were accused of criticizing the Government. In July the Penang state government also blacklisted contractors for their alleged involvement in antigovernment activities, such as supporting or funding opposition parties. Opposition parties and NGO's criticized these actions as discriminatory, claiming that such steps were inconsistent with the demands of a democratic society.

In March 1999, the Prime Minister said that slanderous statements had become a "security problem" and claimed that some statements advocated violence and assassination. Police later claimed that they were monitoring all slanderous statements, including news reports that amounted to incitement. It was unclear from the Prime Minister's and police officials' statements whether security concerns were confined to advocating violence or whether these concerns also encompassed legitimate criticism of the Government.

UMNO formed a legal panel in March 1999 to identify slanderous and libelous statements and to take legal action against them. The panel subsequently sued several government critics for public statements and statements reported in the press. Fromer Deputy Minister in the Prime Minister's Department Datuk Ibrahim Ali, the chairman of the panel, warned that those who made allegations against the Government or the ruling party also might face prosecution for criminal defamation. In a separate statement in May 1999, Datuk Ibrahim Ali said that the ruling party had identified 40 to 50 individuals from the opposition and academia who often mad defamatory statements. He reportedly said that UMNO wanted to ensure that the critics did not get away "scot free." Government opponents accused the Government of using the panel to stifle legitimate dissent. In June 1999, UMNO secretary general Tan Sri Khalil Yaakob said that the panel had countered opposition slander successfully.

During 2000, many government officials, opposition figures, and private citizens filed multimillion-dollar lawsuits for libel and slander. In May 1999, the Bar Council stated that the proliferation of multimillion-dollar libel and slander lawsuits "would end up stifling the freedom of speech." In July the Federal Court upheld a judgment of over $250,000 (1 million ringgit) against a freelance journalist who had been sued for libel by a wealthy businessman in 1994. In September the Court of Appeals dismissed an appeal by a Asian Edition Wall Street Journal correspondent against the rejection of his application to amend his statement of defense in a more than $10 million (40 million ringgit) libel suit against him. A different panel of judges also struck down (with costs) the correspondent's application for a stay of the suits against him that were pending in a lower court. Also in September, the New Straits Times made a public apology to a prominent opposition party leader for two caricatures published in the newspaper in 1999. The Minister in the Prime Minister's Department responsible for legal affairs told reporters in September that the Government would review the law of defamation in response to public concern over libel awards which, he noted, frequently exceeded damages handed down in personal injury cases.

The Official Secrets Act (OSA) also restricts freedom of expression. In the past, The Bar Council and other NGO's have called for a review of certain provisions of the OSA that grant considerable discretion to the authorities. Opposition leaders historically have accused the Government of using the OSA to cover up corruption. In January Ezam Nor, former Anwar aide and youth chief of the opposition group National Justice Party, was charged under the OSA with disclosing to reporters secret AntiCorruption Agency (ACA) reports. Ezam stated publicly in August 1999 that Anwar had stored abroad documents that corroborated charges of corruption against senior government leaders. Ezam claimed that the reports showed that the ACA was not pursuing corruption cases against senior government officials. Ezam's case went to trial in August, but it was postponed until February 2001. In March a government official stated in Parliament that only six persons have been arrested under the OSA since its inception in 1972, and he claimed that this statistic proved that the Government does not use the OSA to silence critics.

The 1984 Printing Presses and Publications Act limits press freedom. Under the act, domestic and foreign publications must apply annually to the Government for a permit. The act was amended in 1987 to make the publication of "malicious news" a punishable offense, expanded the Government's power to ban or restrict publications, and prohibited court challenges to suspension or revocation of publication permits. Government power over license renewal and other policies create an atmosphere that inhibits independent or investigative journalism and resulted in extensive self-censorship. In April the Deputy Home Minister stated in Parliament that from 1996 through March, action had been taken under the Act against 164 publishers. In May the Deputy Prime Minister stated in Parliament that the act has "served its purpose" of preserving harmony and promoting coexistence in a multiracial country. In August the Minister in the Prime Minister's Department responsible for legal affairs said that the act would not be repealed, even if a national press council were established to regulate the media.

The English and Malay mainstream press provide generally laudatory, uncritical coverage of government officials and policies, and usually give only limited and selective coverage to political views of the opposition or political rivals. Editorial opin-

ion almost always reflects government positions on domestic and international issues. Chinese-language newspapers are much freer in reporting and commenting on sensitive political and social issues, but they are not immune to government pressure. However, self-censorship and biased reporting in the print media was not uniform and the English-, Malay-, and Chinese-language press all, at times, provided balanced reporting on sensitive issues.

The Government often conveyed its displeasure with press reporting directly to a newspaper's board of directors or chief editors. In addition leading political figures in the ruling coalition, or companies controlled by them, own most major newspapers, thus limiting the range of views. At times the susceptibility of the press to government pressure has a direct and public impact on operations. For example, in January the group editor in chief of a local press conglomerate was removed after its flagship newspaper, the New Straits Times, carried several articles that reportedly angered the UMNO Supreme Council. However, the individual was appointed in September as chairman of Bernama, the national news agency.

By World Press Freedom Day on May 3, 950 journalists had signed a petition, initiated a year earlier, calling for the repeal of the Printing Presses and Publications Act and the formation of an independent media council to regulate the press. The petition stated that government controls on the press had resulted in self-censorship and diminished the credibility of the mainstream press. The Bar Council issued a statement in 1999 supporting the journalists' petition. Although in response the Deputy Prime Minister reaffirmed his intention to look into the idea of a media council, no action had been taken by year's end.

The Center for Independent Journalism, which was founded in May, issued a statement after a seminar in September on press freedom, that cited selfcensorship as the biggest obstacle to press freedom in the country. It identified the Printing Presses and Publications Act and fear of lawsuits as the primary causes of selfcensorship.

The Government continued to prosecute human rights activist Irene Fernandez under the Printing Presses and Publications Act for charges that she made in 1995 of mistreatment of detainees at illegal alien detention centers. Fernandez's supporters accuse the Government of purposely prolonging the trial, the longest in the country's history, to harass Fernandez. As of year's end, the trial continued.

The Government also sometimes directly restricts the dissemination of information that it deems embarrassing or prejudicial to national interests. The Government continued its policy of not allowing public disclosure of air pollution index-readings. In July the Minister for Science, Technology, and Environment Datuk Seri Law Hieng Ding reiterated that the Government would not release air pollution index-readings due to fear that they would affect the tourism industry negatively. In February 1999, the Government forbade all state health departments from commenting on the outbreak of a deadly virus. The Government later restricted reporters' access to sites of the outbreak. However, the issue was reported widely.

Publications of opposition parties, social action groups, unions, and other private groups actively covered opposition parties and frequently printed views critical of government policies. However, the Government retained significant influence over these publications by requiring annual renewal of publishing permits and limiting circulation only to members of the relevant organization. Several times in 1999, senior government leaders publicly warned the publishers of Harakah, the Islamic opposition party's newspaper not to print "slanderous" remarks and to limit distribution to party members. Harakah also was the target of several ruling party-sponsored libel suits. In December 1999, the Home Ministry issued a letter to Harakah's publisher asking him to explain why Harakah should not be banned for violating the terms of the publishing permit. Acting on a Home Ministry directive, police officers raided newsstands that distributed Harakah to the public and confiscated many copies. Harakah stated that he would abide by the Home Ministry directive and the newspaper generally no longer is sold openly. The circulation of Harakah rivals that of mainstream newspapers. Harakah was the only major Malay and English language media forum for opposition views. In March, the Government stipulated that Harakah published only twice a month instead of twice a week. The Government failed to renew publication permits for several political weeklies, such as Ekslusif and Detik, and a teen magazine, Al-Wasilah. The Government stated that the permits of Detik and Ekslusif were not renewed because of their "imbalanced reporting."

For most of the year, there were two exclusively on-line newspapers, although one of these was forced to shut down in December due to financial difficulties. Most major newspapers have an on-line edition. For example, Detik now publishes an on-line Internet edition. Exclusively on-line newspapers do not require publication permits; however, the Government denies their reporters press accreditation to cover

government functions and ministers' press conferences, and refuses their admission into government buildings. During the year, readership of online newspapers increased markedly.

Printers, who also must have their permits renewed annually, were often reluctant to print publications were critical of the Government.

Both legal magazines (those with publishing permits) and illegal, that is lacking publishing permits, publications frequently printed criticism of the Government. In May 1999, police seized over a thousand copies of illegal antigovernment magazines at a printing company and charged the company owner with violating the Printing Presses and Publications Act.

Isolated instances of violence against journalists occurred during the year. A news photographer reportedly was assaulted during an August demonstration staged by the UMNO youth wing against an ethnic Chinese group accused of questioning special Malay rights and privileges.

The foreign press continued to be a target of government criticism for allegedly biased reporting. In February 1999, several government ministries announced plans to boycott three foreign publications that they claimed criticized the Government overzealously. In his August Independence Day speech, the Prime Minister stated the foreign media "have succeeded in discrediting us and encouraging and supporting all acts by any groups, including criminals, which could undermine our country."

The electronic media is restricted more tightly than the print media. Radio and television are almost uniformly laudatory of the Government. News on the opposition is restricted tightly and reported in a biased fashion. In July 1999, the Deputy Information Minister stated candidly that government television and radio channels would not broadcast the views of opposition parties. He said that opposition parties were welcome to use private news stations or apply for broadcasting licenses of their own. In fact the two private television stations have close ties to the ruling coalition and are unlikely to provide a forum for the opposition parties, and it is unlikely that the Government would grant the opposition a broadcasting license. In April the Deputy Information Minister stated that the opposition only would be allowed access to government media if the opposition "has anything specific or good to say." The Government has not approved a longstanding license application for a state radio station in the oppositioncontrolled state of Kelantan. Every other state has such a station.

A government censorship board censors films for profanity, nudity, sex, violence, and certain political and religious content. Television stations censor programming in line with government guidelines. The Government bans certain books for political and religious reasons or because of sexual or profane content. Some foreign newspapers and magazines are banned (see Section 1.f.) and, infrequently, foreign magazines or newspapers are censored, most often for sexual content. However, the increased prevalence of the Internet is undermining such restrictions. The Government maintains a "blacklist" of local and foreign performers, politicians, and religious leaders who may not appear on television or radio broadcasts.

The Communications and Multimedia Act (CMA), which came into force on April 1, 1999, requires certain Internet and other network service providers to obtain a license under the CMA. In December the Government stated that it did not intend to impose controls on Internet use, but it would punish the "misuse" of information technology under the CMA, which, while prohibiting censorship, provides for "legal action against those who post defamatory and false information on the Internet." The Government has not used licensing provisions under the CMA to interfere with Internet access or to restrict Internet content.

Police detained four persons under the ISA in 1998 for "cyber rumor-mongering." Police accused the four of spreading false reports of rioting and potential violence against Chinese Malaysians via the Internet. The four later were charged under a section of the Penal Code that prohibits statements that cause fear or alarm. One of the four was acquitted in April for lack of evidence. The other three cases still were pending at year's end. During the year, government officials made several contradictory comments about the desirability of censoring the Internet. In September the Deputy Home Affairs Minister announced that his ministry was drafting a new law that would allow legal action to be taken against those believed to be responsible for spreading "misleading information" and pornography via the Internet. However, in the same month, the Information Minister said that the Government had no plans to censor the Internet. The Minister in the Prime Minister's Department responsible for legal affairs stated in September that, while the Internet would not be censored, users remained subject to the law, and anyone who defamed another over the Internet or made seditious comments still could legal face action.

The Government generally restricts remarks or publications that might incite racial or religious disharmony; it also attempts to restrict the content of sermons at government-affiliated mosques. Some state governments ban certain Muslim clergymen from delivering sermons (see Section 2.c.).

In December 1999, Prime Minister Mahathir said that the Government should find ways to prevent the opposition from "spreading lies" at mosques. Also in December 1999, Deputy Prime Minister Abdullah instructed the Religious Affairs Department to conduct background checks on religious speakers.

Throughout the year, government officials and ruling coalition politicians complained that opposition Islamic party members were giving political sermons in mosques around the country. In January the Prime Minister's office announced that all state religious councils had been instructed to keep a closer watch on the use of mosques for political purposes. In March a government minister stated that Friday sermons at mosques were being monitored to prevent the spread of "slander and lies." Selangor state government officials announced that they were investigating mosque committee members with links to the opposition, and Johor state government officials said that they had identified several "political" religious leaders who had criticized the Government. Selangor officials threatened to expel opposition sympathizers from mosque committees, and in Johor state, officials threatened "stern action." In May 24 members of the opposition Islamic party were banned by the Selangor state government from giving speeches in all mosques, government buildings, and prayer places in the state.

In the past, the Government generally had respected academic freedom in the areas of teaching and publication. Academics are sometimes publicly critical of the Government. However, there is self-censorship among public university academics whose career advancement and funding depend on the Government. In October the Education Ministry submitted the results of its inquiry into several teachers in Malacca who allegedly promoted antigovernment feelings by assigning political topics in a debate competition. The Teaching Service Commission was to determine whether these teachers should be dismissed; the inquiry was ongoing at year's end. Private institution academics also practiced self-censorship due to fear that the Government may revoke licenses for their institutions. Legislation also imposed limitations on student associations and student and faculty political activity (see Section 2.b.). A university vice chancellor must approve campus demonstrations.

The Government remained intolerant of teachers and students who expressed dissenting views. Throughout the year, senior government officials stated that teachers who opposed the Government and students who took part in antigovernment activities would face disciplinary actions, including dismissal and expulsion. In September the Minister in the Prime Minister's Department responsible for legal affairs warned that teachers who "poisoned the minds of school children" with political views during class faced the possibility of being charged under the Sedition Act and the Penal Code, and that students should not be involved in partisan politics. He asked the police to file a report on three teachers. In August 1999, an Education Ministry official said that a disciplinary panel had received reports from several states concerning teachers who had "incited" their students against the Government. In September 1999, an Education Ministry official said that the Ministry had "acted against" several teachers involved in antigovernment activities.

The Government has long stated that students should be apolitical and used that assertion as a basis for denying opposition parties access to student forums. According to student leaders, students who sign antigovernment petitions sometimes are expelled or fined. In fact the Government enforces this policy selectively; however, it does not refrain from spreading government views on political issues among students and teachers. In September the head of an Islamic student group was summoned for questioning by University of Malaya authorities for organizing a demonstration against a Western singing group.

In February 1999, the University of Malaya declined to renew the contract of Professor Chandra Muzaffar. Chandra, a well-known supporter of political reform and long-time government critic, charged that the university had fired him for political reasons. The university stated that it had declined to renew Chandra's contract for economic and personnel reasons. In June 1999, the High Court agreed to hear Chandra's application to reverse the university's decision. His case went to court in March but judgment had not been announced at year's end.

In 1997 the Government prohibited academics from making any public statements or publishing any writings on the country's air pollution crisis. Academics and others openly protested this order. The gag order remained in effect.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, the Government places significant restrictions on this right. These rights may be limited in the interest of security and public

order, and the 1967 Police Act requires police permits for all public assemblies except for workers on picket lines. The decision to grant a permit theoretically rests with the district police chief; however, in practice senior police officials and political leaders influence the grant or denial of some permits. Police grant permits routinely to government and ruling coalition supporters; however, they use a more restrictive policy with government critics, although the police have granted permits for many opposition meetings. In March the Government renewed a ban on outdoor public rallies in the capital that involve more than five persons.

Opposition leaders frequently alleged that police issue permits for public assemblies in an unfair manner that discriminates against the opposition. Various state and local police departments rebutted these allegations by providing statistics that indicated that most requests for permits are granted; however, in certain sensitive cases political considerations clearly led to the denial of permits. For example, in August police denied a permit to the National Justice Party to hold a rally at a large stadium in Kuala Lumpur. In response the National Justice Party organized and held a large public demonstration on November 5. The Government denied the permit for this demonstration as well, and police blocked roads leading to the private property on which it was to take place. As a result, participants demonstrated on the roadways nearby. The police used repressive, sometimes violent, means to block the demonstration and to arrest participants. There were reports that peaceful demonstrators were teargassed, struck with batons, and locked in police trucks for several hours in the afternoon sun. In December the National Human Rights Commission opened an inquiry into the police response to this demonstration and took testimony in public hearings. Opposition politicians noted that regulations that required that political meetings be held indoors if no permit is obtained make it difficult to hold large meetings, especially in rural areas. Police reaction to opposition rallies that ignored the requirement for a permit or were held after the Government denied a permit varied. Opposition politicians noted that ruling coalition parties frequently assembled without the requisite permits. For example, in August a youth group of the dominant Malay Party held a noisy assembly outside a Chinese assembly hall during a period of public tension over public comments that a Chinese association had made concerning special Malay rights (see Section 2.c.).

At the April, September, November, and other, smaller pro-Anwar opposition demonstrations in 1999, police arrested hundreds of demonstrators, including many peaceful demonstrators. Many of these demonstrators later were acquitted, a handful were convicted, sentences ranging from 1 to 3 months and a fine, and some cases still were pending at year's end. Among those arrested were many opposition party leaders. Police detained them under the Police Act for allegedly participating in an illegal assembly and under the Penal Code for allegedly causing a riot. All were released on bail, and they still were awaiting trial at year's end. In December seven members of the opposition were arrested and charged with rioting for stopping and directing to the local police headquarters a number of buses that they suspected were carrying unregistered voters to the polls during the November by-election in Lunas. All subsequently were released and were awaiting trial at year's end.

In April the police mounted an operation to prevent citizens from participating in a Kuala Lumpur demonstration called by the opposition to commemorate the 1-year anniversary of Anwar Ibrahim's 1999 conviction on corruption charges. Police set up roadblocks and monitored bus stations, train stations, and airports to turn back suspected opposition supporters. Despite these efforts, a small crowd of roughly 100 persons gathered on April 15 in Kuala Lumpur. The police dispersed the group as it moved between several locations, in some instances by using water cannons. Roughly half of the group was arrested; Amnesty International reported that many were assaulted while in police custody (see Section 1.c.). In the days before the April 15 demonstration, police arrested several opposition figures. One such person, Tian Chua, was arrested on the day after the demonstration, along with his lawyer (who was released shortly afterwards). All of those arrested were released on bail, and they awaited trial at year's end.

On August 8, a crowd of several hundred opposition supporters gathered outside the courthouse in downtown Kuala Lumpur at which the verdict in Anwar Ibrahim's sodomy trial was being announced. The Government declared that the gathering was illegal and warned the public not to attend, despite the Human Rights Commission's pleas to respect the right to peaceful assembly outside the courthouse. Three members of the commission observed the demonstration and police conduct. Several days later, the commission issued a statement declaring that in general police conduct had been professional and considerate of the demonstrators. Opposition leader Tian Chua and several others claimed that they were beaten at a police station after being detained by police outside the courthouse.

In a meeting with the Human Rights Commission to discuss the August 8 demonstration, a public assembly observer team that represented a coalition of seven NGO's recommended a series of reforms to improve police handling of peaceful assemblies. The observers presented photographs taken on the scene as evidence of overly aggressive behavior by the police. The commission stated that it would study the documents and pictures.

There were several smaller demonstrations in Kuala Lumpur during the year. For example, a demonstration was held in January when Anwar Ibrahim's sodomy trial resumed after a several month break and a second took place in March at the National Mosque to protest government restrictions on the opposition newspaper Harakah. In each case, the police arrested some of the demonstrators and quickly broke up the gatherings.

In February 1999, the U.N. Special Rapporteur on Freedom of Opinion criticized the Government's use of various laws to curb peaceful assembly (see Section 2.a.).

In July 1999, five social activists were arrested for illegal assembly when they tried to prevent police from demolishing a squatter settlement. The case still was pending at year's end.

In April 4 of the over 50 Islamic opposition party members who were arrested in 1997 when they demonstrated in protest of an Israeli team's participation at an international cricket championship were ordered to testify in their own defense. In November each of the 4 was given a sentence of either 1 month in jail or a fine of $400 (15,000 ringgit). Three chose jail time and one chose to pay the fine. The three serving jail time were released in early December after serving abbreviated sentences. Charges against the others were dropped in 1999.

The Constitution provides for the right of association; however, the Government places significant restrictions on this right. Certain statutes limited this right. Under the 1966 Societies Act, only registered, approved organizations of seven or more persons may function. The Government sometimes refuses to register organizations or may impose conditions when allowing a society to register. For example, the Government did not allow AI to set up a branch as an NGO. However, AI incorporated itself, and it was able to function much like an NGO. The Government prohibits the Communist Party and affiliated organizations (see Section 1.f.). The Government also has the power to revoke the registration of an existing society for violations of the act, a power that it has enforced selectively against political opposition groups. This threat of possible deregistration inhibits political activism.

To avoid the burdensome requirements of the Societies Act, many NGO's register as companies under the Companies Act or as businesses under the Registration of Businesses Act. Amendments to the Companies Act passed in 1998 empowered the Registrar of Companies to refuse registration of a proposed company if he is satisfied that the company is likely to be used for any purpose prejudicial to national security or the public interest. The Registrar also may cancel the registration of an existing company and disband it on the same grounds. Opposition parties and NGO activists claim that the sweeping powers granted to the Registrar of Companies were designed to stifle criticism. The Government denied such charges and stated that financial irregularities were the amendments' main target. However, later police statements threateningly alluded to the status of certain NGO's under the Companies or Societies Acts. In 1999 the Deputy Home Minister notified Parliament that the Government had revoked the registration of 981 societies under the Societies Act since 1966. No human rights NGO has had its registration revoked in recent years.

In August the High Court heard an appeal from the Socialist Party of Malaysia, whose application to form a new political party had been rejected in February 1999 by the Registrar of Societies. The Registrar stated that information on the application form was incomplete. Supporters of the Socialist Party claimed that the denial was motivated politically and filed an appeal. The case still was pending at year's end.

The Bar Council continues to be the target of government criticism in some instances; however, in others the Government attempted to collaborate with the council. In March 1999, former Deputy Minister Datuk Ibrahm Ali said that the Bar Council should not question the appointment of judges. In May 1999, Ali said that the Bar Council should stop meddling in government affairs. In June 1999, government leaders threatened to pass legislation making the Attorney General the head of the Bar Council. However, the Minister in the Prime Minister's Department, Rais Yatim, spoke at a Bar Council seminar in September on contempt-of-court procedures. In the past, the Government has threatened to expand legally the membership of the Bar Council to include government lawyers and legal professors. Some members of the Council feared that such a measure would dilute the Council's independence. No such measures had been implemented by year's end.

The Universities and University Colleges Act also restricted freedom of association. This act mandates university approval for student associations and prohibits student associations, as well as faculty members, from engaging in political activity. However, there were no reports that students were suspended during the year, as had occurred in the past. Restrictions are not enforced as vigorously on students who participate in political activities in support of the ruling coalition. A university vice chancellor must approve campus demonstrations. Many students, NGO's, and opposition political parties called for the repeal or amendment of the act. A number of ruling coalition organizations and politicians also supported reexamination of the act, but the Government stated that the act still is necessary.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government places some restrictions on this right. Islam is the official religion; however, the practice of Islamic beliefs other than Sunni Islam is restricted severely. Religious minorities, which include large Buddhist, Christian, Hindu, and Sikh communities, generally worship freely, although with some restrictions. Government funds support an Islamic religious establishment, and it is official policy to "infuse Islamic values" into the administration of the country. The Government imposed Islamic religious law (Shari'a) on Muslims only in some matters and it does not impose Shari'a beyond the Muslim community. Adherence to Islam is considered intrinsic to Malay ethnic identity and therefore Islamic religious laws administered by state authorities through Islamic courts bind all ethnic Malays (and other Muslims) in some matters. The Government also grants funds to non-Islamic religions, but to a more limited degree.

According to 1991 government census figures, the principal religions are: Islam (59 percent of the population, the majority of whom are Sunni); Buddhism (18 percent); Christianity (8 percent); Hinduism (6 percent); and Confucianism, Taoism, or other religions that originated in China (5 percent).

For Muslims, particularly ethnic Malays, the right to leave the Islamic faith and adhere to another religion is a controversial question. The legal process of conversion is unclear; in law and in practice, it is very difficult for Muslims to change religions. In March 1999, the country's highest court ruled that secular courts have no jurisdiction to hear applications by Muslims to change religions. According to the ruling, the religious conversion of Muslims is solely the jurisdiction of Shari'a courts. The state of Perlis enacted a law that stipulated that Muslims found guilty of apostasy by a Shari'a court are to be sent to "faith rehabilitation centers." Such a bill also has been proposed at the highest level of the Government. Leaders of the opposition Islamic Party have said that the penalty for apostasy should be death.

In 1998 the Government stated that "apostates", that is those who wish to leave or have left Islam for another religion, would not face government punishment as long as they did not defame Islam after their conversion. However, a senior government official stated in September that a faith rehabilitation bill was being prepared that could provide up to a year detention in a faith rehabilitation center for Muslims found guilty of apostasy. Subsequently the Prime Minister stated that the proposed federal and Perlis state bills, both of which aroused considerable controversy, were under further study.

The Government generally respects non-Muslims' right of worship; however, state governments carefully control the building of nonMuslim places of worship and the allocation of land for nonMuslim cemeteries. Approvals for such permits sometimes were granted very slowly. In July 1999, the Malaysian Consultative Council of Buddhism, Christianity, Hinduism, and Sikhism (MCCBCHS), an NGO representing minority religions, claimed that the guidelines required an area to have at least 2,000 to 5,000 adherents of a particular non-Muslim faith for a non-Muslim place of worship to be approved. No such requirement exists for Muslim places of worship. The group also argued that, under the guidelines, the state Islamic council must approve the establishment of all nonMuslim places of worship. In August after years of complaints by non-Islamic religious organizations about the need for Islamic authorities in each state to approve construction of non-Islamic religious institutions, the Minister of Housing and Local Government announced that such approval no longer would be required. According to press reports, the new guidelines permit a non-Islamic house of worship to be built in every 0.5 hectare for the use of 2,600 worshippers, or a house of worship for every 5,000 worshippers regardless of the size of the area.

During the controversy over the proposed new guidelines on nonMuslim places of worship, the MCCBCHS and the Federal Territory Counseling and Service Center separately urged the Prime Minister to create a national non-Muslim religious council. Such a council was not established by year's end.

In December 1999, the press reported that the new administrators of the state of Terengganu, the opposition Islamic party PAS, planned to introduce a special tax

on non-Muslims. Non-Muslims expressed strong opposition to this proposal. State government leaders said that the press had distorted their plans. No special tax was imposed by year's end.

The proselytizing of Muslims by members of other religions is prohibited strictly; persons proselytizing non-Muslims face no obstacles. The Government discouraged, and in practical terms forbids, the circulation in peninsular Malaysia of Malaylanguage translations of the Bible and distribution of Christian tapes and printed materials in Malay. However, Malaylanguage Christian materials can be found. Some states have laws that prohibited the use of Malay-language religious terms by Christians, but the authorities do not always enforce them actively. The distribution of Malay-language Christian materials faced few restrictions in east Malaysia. Most visas for foreign Christian clergy are approved. Beginning in March, non-Muslim representatives now sit on the immigration committee that approves such visa requests.

The Government opposes what it considers to be deviant interpretations of Islam, maintaining that the "deviant" groups' extreme views endanger national security. In the past, the Government imposed restrictions on certain Islamic groups, primarily the small number of Shi'a. The Government continues to monitor the activities of the Shi'a minority, including those of 55 religious groups believed to be involved in deviant Islamic teachings. In August the Deputy Prime Minister stated that the Government had identified 44 extremist Islamic groups which, according to him, claimed to possess mystical powers of invincibility. In November the Shari'a high court in the state of Kelantan sentenced four persons to 3 years in jail for disregarding a lower court order to "repent" their allegedly heretical Islamic beliefs and "return to the true teachings of Islam." The high court rejected their argument that Shari'a law had no jurisdiction over them because they had ceased to be Muslims.

The Government periodically detains members of what it considers Islamic deviant sects without trial or charge under the ISA. After release, such detainees are subject to restrictions on their movement and residence. For example, in July the Government detained under the Internal Security Act at least 33 members of the Al-Ma'unah sect who reportedly were not suspected of involvement in the early July arms thefts. They remained under ISA detention at year's end (see Sections 1.d. and 1.e.).

The Government generally restricts remarks or publications that might incite racial or religious disharmony. This includes some statements and publications critical of particular religions, especially Islam. The Government also restricts the content of sermons at mosques. The Government periodically warns against those who deliver sermons in mosques for "political ends" and, occasionally, state governments banned certain Muslim clergymen from delivering sermons at mosques. In July 1999, the Negeri Sembilan state government banned a state religious department officer from preaching sermons because the officer allegedly had given a political speech during one of his sermons. In February 1999, the state of Selangor lifted a ban on a former mufti (the highest state Muslim leader) of Selangor. He allegedly had called the Prime Minister an apostate (see Section 2.a.). Throughout the year, the Government spoke out against what it considered the political use of mosques by the opposition Islamic Party PAS and several state governments, which are responsible for oversight of local religious matters, barred some opposition religious figures from speaking in mosques (see Section 2.a.).

After the November 1999 national elections, the Government significantly expanded efforts to restrict the activities of the Islamic opposition party at mosques. Several states announced measures including banning opposition-affiliated imams from speaking at mosques, more vigorously enforcing existing restrictions on the content of sermons, replacing mosque leaders and governing committees thought to be sympathetic to the opposition, and threatening to close unauthorized mosques with ties to the opposition. The Government justified such measures as necessary to oppose the "politicization of religion" by the opposition.

In December 1999, Prime Minister Mahathir said that ways should be found to prevent the opposition from "spreading lies" at mosques. Also in December 1999, Deputy Prime Minister Datuk Seri Abdullah Badawi directed the religious affairs department to conduct background checks on religious speakers to find out whether the speakers disseminated "wrongful information" that may have influenced civil servants to stop supporting the Government. Also in December 1999, Selangor state government officials announced that they were investigating mosque committee members with links to the opposition. Officials threatened to expel opposition sympathizers from mosque committees. At year's end, no action had been taken. Also in December 1999, Johor state officials said that they had identified several "political" religious leaders who had criticized the Government. The state government threatened "stern action," but at year's end, no action had been taken. In October

the Chief Minister of Kelantan, who is also the spiritual adviser for the opposition Islamic party PAS, was banned from speaking at a mosque in Selangor. The Chief Minister spoke despite the ban and vowed that he would continue to speak wherever he was invited. He was warned of prosecution if he defied the ban again. The mosque officers who allegedly allowed him to speak were not prosecuted, but they were required to attend a counseling session.

For Muslim children, religious education according to a government-approved curriculum is compulsory. There are no restrictions on home instruction.

In July 1999, the Government announced a plan to take control of state religious schools. (Under the Constitution religion is a matter for state governments.) The chief minister of the opposition-controlled state of Kelantan rejected the plan. In response, former federal Education Minister Datuk Seri Najib said that the Government would find a way to take over Kelantan's religious schools. In October 1999, the Government announced that religious schools could choose to be incorporated wholly or partially into the federal school system beginning this year; however, at year's end, the plan had not yet been implemented, and its implications were unclear.

In June the Government announced that all Muslim civil servants must attend religious classes, but only classes in Islam would be held. In addition only teachers approved by the Government would be employed.

In January 1999, the Selangor state government announced the formation of a government interreligious consultative council that included representatives of all major religions. The council's stated objectives were to prevent interreligious conflict, to promote interreligious understanding, and to address moral and social problems jointly.

The Government has a comprehensive system of preferences for ethnic Malays and members of a few other groups known collectively as "bumiputras," most of whom are Muslim (see Section 5).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens generally have the right to travel, live, and work where they please; however, the Government restricts these rights in some circumstances. The East Malaysian states of Sabah and Sarawak have the right to control immigration and to require citizens from peninsular West Malaysia and foreigners to present passports or national identity cards for entry. In 1998 the Court of Appeal ruled that Sabah and Sarawak, despite their autonomy, still are bound by the federal Constitution in all matters. Thus, the court voided Sabah's expulsion of a West Malaysian attorney who had been involved in several lawsuits against the state government. In May 1999, the Sabah state government filed an appeal of the ruling, which is still pending. The federal Government regulates the internal movement of provisionally released ISA detainees (see Section 1.d.). The Government also uses the Restricted Residence Act to limit movements of those suspected of some criminal activities (see Section 1.d.).

The Government generally does not restrict emigration.

Citizens must apply for the Government's permission to travel to Israel. Travel to Jerusalem for a religious purpose is allowed explicitly.

The Government has not ratified the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government rejected customary international law in this area. The Government does not recognize the principle of first asylum; however, it sometimes grants temporary refuge to asylum seekers. In September 1999, Foreign Minister Datuk Seri Syed Hamid Albar said that "we allow people for temporary stay and when that stay is over they have to go back. We have never granted anybody refugee status." The Government continues to refuse to acknowledge that any Indonesian illegal aliens, including Acehnese, have a claim to refugee status. The Government has not made a concerted attempt to find and detain illegal Acehnese or other Indonesians; however, at least two refugees recognized by the U.N. High Commissioner for Refugees (UNHCR) were deported to Indonesia during the year. In 1998 the Government forcibly returned several hundred Acehnese, despite representations from the UNHCR and the international community and evidence that the Acehnese might face persecution upon return to Indonesia.

A Human Rights Watch report published in August on the condition of illegal Burmese Rohingyas in the country stated that they can be subject to arrest and detention in immigration camps. In the report, former detainees made detailed allegations of deaths in these camps due to beatings and inhuman conditions in the 1990's (see Sections 1.a. and 1.c.). The conditions in the camps remained a cause for concern; however, there were no reports of similar deaths during the year. After the Human Rights Watch report was released, the Muslim Youth Movement of Malaysia (ABIM) declared the report "untrue." One Abim official, a self-exiled Rohingya, de-

scribed the Government's treatment of the Rohingyas as "humane." The Malaysian Human Rights Commission currently is investigating allegations made in the Human Rights Watch report, and it defended the Government's handling of refugee claimants and illegal immigrants in general. UNHCR officials stated that approximately 10,000 Rohingyas in the country are de facto stateless persons; however, the vast majority do not qualify for refugee status under international law. In 1999 the UNHCR received 1,473 applications for refugee status from Rohingya asylum seekers and granted refugee status in only 43 cases.

The Government did not restrict the access of undetained asylum seekers to the UNHCR office and cooperated in the resettlement of some refugees. However, the Government only infrequently granted the UNHCR and other humanitarian organizations access to detained aliens. There were some forced expulsions of asylum seekers and refugees.

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

By law citizens have the right to change their government through periodic elections; however, while votes generally are recorded accurately, there are some irregularities that affect the fairness of elections, and in practice opposition parties are unable to compete on equal terms with the governing coalition (which has held power at the national level since 1957) because of significant restrictions on campaigning, freedom of assembly, and freedom of association. Nevertheless opposition candidates campaign actively, with some success in state and national elections. In the November 1999 elections, the opposition roughly doubled its strength to 25 percent of federal parliamentary seats and an opposition party retained control of the Kelantan state government (the opposition won control of one state government in the 1995 elections) and took over the state government of Terengganu. In December the opposition won a seat in the Kedah state assembly in a tightly contested by-election.

Malaysia has a parliamentary system of government. National elections are required at least every 5 years and have been held regularly since independence in 1957. The Malay-based United Malay National Organization party dominates the ruling National Front coalition, which has ruled the country continuously since independence. Since 1969 the National Front coalition always has maintained at least a two-thirds majority in Parliament, which enabled the Government to amend the Constitution at will. Over the years, power increasingly has been concentrated in the executive branch, and the Prime Minister.

The lack of equal access to the media was the most serious problem encountered by the opposition in the November 1999 elections (see Section 2.a.). Government officials frankly stated that government television and radio would not carry reporting on the opposition. The country's two private television stations also had virtually no impartial reporting on the opposition. The mainstream English-language and Malay-language newspapers also carried biased coverage of domestic politics. In addition opposition parties encountered difficulties in placing paid advertisements in newspapers; however, a few opposition advertisements did appear, after editing by the newspapers, in English- and Chinese- language newspapers. On-line newspapers and political websites, which tend to express an independent perspective, grew in popularity during the year.

Opposition leaders credibly claimed that the Election Commission, which is responsible for holding and monitoring elections, did not carry out its duties impartially. The Election Commission is nominally independent, but perceived widely by the opposition to be under the control of the Government. In June 1999, Deputy Prime Minister and Home Minister Datuk Seri Abdullah Badawi said that there was no need to consult the opposition on the appointment of a new election commission chairman. Opposition leaders said that Prime Minister Mahathir's remark that same month that the Government would "not entertain" an opposition demand for a long campaign period in upcoming elections demonstrated the lack of independence of the Election Commission (the Commission has the sole power to set the length of the campaign period). After the 1999 elections, several government officials publicly disputed opposition claims that the Election Commission was biased. Some members of the ruling coalition charged that individual Commission officials supported opposition candidates. The results of the election were released officially in January.

Opposition complaints of irregularities by election officials and allegations of other election fraud during the 1999 campaign were not substantiated during the year, and according to most observers, there was no evidence that the conduct of election officers significantly affected the results of the elections. Opposition leaders also complained that local government officials who served as election officers were not

always neutral. For example, in July 1999, the opposition National Justice Party filed a complaint with the Election Commission, accusing a district officer in the State of Perak of participating in an UMNO party event. The Election Commission later announced that it completed its investigation, but it did not reveal its findings. The Government did not permit international monitoring or adequately allow for domestic NGO monitoring efforts during the elections. (The last time that foreign observers monitored elections was in 1990.)

Opposition parties and some NGO's also alleged that defective voting rolls led to some fraudulent votes. In the Sabah state elections in March 1999, opposition leaders accused the ruling coalition of employing "phantom" voters (illegal aliens and other fraudulently documented voters). NGO's analysis of the voting roll used in the national elections also revealed irregularities, such as dead persons on the rolls, multiple voters registered under single identity card numbers, and other anomalies; however, according to most observers, there is no evidence that these irregularities significantly affected the results in more than a handful of races. The Government did not respond to postelection calls by an election-monitoring NGO for a national reregistration exercise to produce a clean electoral roll.

"Postal votes," or absentee ballots by police and military personnel and their spouses, also are a concern. The Government, citing security concerns, does not allow party agents to monitor absentee ballot boxes placed on military and police installations. Opposition parties questioned the rationale for such security restrictions. Opposition parties and NGO's have raised credible allegations of improper manipulation of postal votes, including statements by former military personnel that their ballots were filled out by others or under the eye of commanding officers. For the November 1999 elections, the Election Commission changed some procedures to allow better monitoring by Election Commission officers. Opposition parties continued to call for monitoring of postal votes by party agents. Election Commission officials estimated before the November election that roughly 235,000 postal votes would be cast. No count of the actual number of postal votes was published by year's end.

The anonymity of balloting also is a potential concern. Ballots are marked with a serial number that could be matched against a voter's name. While there is no evidence that the Government ever has traced individual votes, some opposition leaders have alleged that the potential to do so has a chilling effect on some voters, particularly civil servants.

Gerrymandering diluted the votes of some citizens. The Constitution states that parliamentary constituencies should have roughly equal numbers of eligible voters, although the same section states that greater weight should be given to rural constituencies. In practice these guidelines often are ignored. For example, in Sabah constituencies are weighted strongly against the state's large Christian population. Nationwide, the constitutional provision giving greater weight to rural constituencies greatly dilutes the voting power of urban residents. The single member, winner-take-all system also diminishes the political power of the minority groups. Because of the changing dynamics of ethnic politics, ethnic gerrymandering of parliamentary constituencies, used against the opposition in the past, is believed to no longer be as great an advantage to the ruling coalition.

Other government measures hamper the opposition's ability to compete with the incumbent ruling coalition. For example, the Government on several occasions issued public warnings to civil servants, including teachers (see Section 2.a.) not to support the opposition. Students face certain restrictions on political activity (see Section 2.b.). Government leaders routinely and openly threatened to suspend the allocation of federal funds beyond the constitutionally mandated minimum to constituencies that elected opposition representatives. Ruling coalition Members of Parliament received a government allocation totaling in aggregate roughly $25 million (95 million ringgit). Opposition Members of Parliament receive no such funds. In July 1999, a government minister told Parliament that the money only was given to ruling coalition Members of Parliament because it came from the Government.

The opposition has complained in the past about restrictions on public assemblies during the campaign period (see Section 2.b.). However, in the period prior to the November 1999 elections, police did not implement restrictions vigorously, and the opposition held many large rallies. The opposition also has stated that the short official campaign period gives an advantage to the incumbent ruling coalition. However, de facto campaigning began long before the elections, and there is little evidence that the short official campaign period had much practical effect.

In August 1999, Prime Minister Mahathir stated that the ruling coalition's failure to win a two-thirds majority in Parliament in 1969 had resulted in widespread rioting and said that if a "weak government" were elected, "the peace of the country could not be guaranteed." Opposition leaders complained that these statements were

a threat to instigate violence if the ruling coalition should lose the two-thirds majority in the upcoming elections. Opposition leader Lim Kit Siang called on the Government to pledge to accept the results of the upcoming election. The Government did not respond.

Prime Minister Mahathir said in June 1999 that he expected the November 1999 elections to be "the dirtiest ever." For different reasons, the opposition expressed similar fears. The Government did not respond to the opposition's call for an election code to ensure that these elections would be free, fair, and clean. A group of NGO's formed an independent elections watch organization. The Election Commission stated that the NGO's were free to do so, but the organization was accorded no special privileges. (The law does not provide for monitoring of polling stations except by political party agents.) In June 1999, the Government publicly rejected the idea of foreign observers. The Government also rejected opposition calls for foreign observers in Sabah state elections in March. After the election, the Prime Minister continued to allege that the opposition engaged in unfair tactics, including slander.

Under the electoral law, unsuccessful candidates may appeal election results to special election courts in instances of alleged fraud, vote tampering, or other infractions of electoral rules. After the November 1999 elections, 21 petitions were filed by losing candidates from both the ruling and opposition coalitions. According to the Elections Commission, all petitions were dismissed. In March the High Court ruled that the Election Commission and returning officers may not be named as "necessary parties" in petitions filed with election courts by unsuccessful candidates. In April the Cabinet approved the creation of an election appellate court to provide an additional opportunity to seek redress for unsuccessful candidates whose election petitions were denied by election courts. Also in April, the Cabinet approved the creation of an Election Appellate Court to provide an additional opportunity to seek redress for unsuccessful candidates whose election petitions were denied by election courts. All remaining election appeals from the 1999 Sabah state elections in which opposition parties filed objections to the results of 17 of 48 seats were dismissed by election courts or withdrawn by the parties during the year.

In the past, within the ruling UMNO party, there had been active political debate. "No-contest" rules for leadership positions and generally increased intolerance of dissent limited but did not eliminate UMNO's role as a vehicle for public debate. However, after the removal of Deputy Prime Minister Anwar in 1998, intolerance of dissent within UMNO increased, and an extraordinary UMNO Assembly in 1998 approved a series of measures designed to limit independent grassroots initiatives. During the year, there were no contests for the top two leadership positions in UMNO. At the UMNO General Assembly in May, 3 vice president slots and 25 elected seats on the Supreme Council were contested vigorously, with a number of candidates known not to be favored by party leaders. It had been announced before the General Assembly that there would be no contest for the party president and deputy president, positions held respectively by Prime Minister Mahathir and Deputy Prime Minister Abdullah.

Over the years, Parliament's function as a deliberative body has deteriorated. Legislation proposed by the Government rarely is amended or rejected. Legislation proposed by the opposition never is given serious consideration; however, during the 1999 elections, the opposition increased the number of seats it held. Opposition opportunities to hold legislation up to public scrutiny have diminished. The Parliament in 1995 amended its rules to strengthen the power of the Speaker and curb parliamentary procedures heavily used by the opposition. The amendments empowered the Speaker to ban members he considered unruly for up to 10 days, imposed limits on deputies' ability to pose supplementary questions and revisit nongermane issues, and established restrictions on the tabling of questions of public importance. Further measures in 1997 and 1998 limited members' opportunities to question and debate government policies even more severely. Nonetheless, government officials often faced sharp questioning in Parliament, although this was not always reported in detail in the mainstream press.

State assemblies also limited debate. After the 1969 intercommunal riots, the Government abolished elected local government in favor of municipal committees and village chiefs appointed by state governments. Some politicians and NGO activists have advocated reintroduction of local government. Even some ruling party municipal officials have noted that local bodies are simply "rubber stamps" for the Government.

Women face no legal limits on participation in government and politics; however, they remain underrepresented in government and politics due to social and other factors. At year's end, 2 of 28 cabinet ministers were women. Women hold 20 of 193 seats in the elected lower house of Parliament, and they hold 19 of 69 seats in the appointed upper house. In May Datuk Dr. Zeti Akhtar Aziz assumed the post of

Central Bank Governor. She is the first woman to be appointed to the post. On December 19, the King announced the appointment of Ainum Mohamed Saaid as the new Attorney General, the first woman to hold this position. Ainum is to serve as the Government's top legal advisor and as the Public Prosecutor, with wide discretionary powers for a 2-year term beginning on January 1, 2001. In 1998 the Minister of National Unity and Social Development stated that the country would not achieve its goal of 30 percent female representation in the Government by 2005. The Minister stated that the 1998 rate of participation (defined as the percentage of female representatives in Parliament and in state assemblies) was 6 to 7 percent. The Islamic opposition party does not allow female candidates to stand as candidates for the lower house; however, the Party has one female senator. In the past, it has supported female candidates of other parties.

Ethnic minorities are represented in cabinet-level positions in Government, as well as in senior civil service positions. Nevertheless, the political dominance of the Malay majority means in practice that ethnic Malays hold the most powerful senior leadership positions. Non-Malays fill 9 of the 26 cabinet posts and 14 of 28 deputy minister positions. An ethnic Chinese leader of a component party of the ruling coalition holds executive power in the state of Penang.

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

A number of NGO's, including the Bar Council and other public interest groups, devoted considerable attention to human rights. The Government generally tolerates their activities but often does not respond to their inquiries or press statements. However, Government officials met with NGO's on several occasions during the year. The results of these meetings were not made public. Government officials harshly criticize domestic NGO's for collaborating with foreigners, including international human rights organizations. However, at year's end, no group had been banned or decertified. In the past, public apathy and racial divisions (non-Malays had dominated most human rights NGO's) limited the effectiveness of NGO's. However, public discontent over the 1998 removal of and subsequent imprisonment of Deputy Prime Minister Anwar encouraged some NGO's to speak out against the Government, and it has led to the increased involvement of ethnic Malays in NGO activity.

In 1998 the Government amended the Companies Act to grant the Registrar of Companies wide powers to block or disband organizations deemed prejudicial to national security or the national interest. In May 1999, the Government announced that it was planning to table amendments to the Registration of Businesses Act to enable the Government to track the activities and movements of organizations registered under the act (see Section 2.b.).

The Government generally does not allow international human rights organizations to form branches; however, it generally does not restrict access by representatives of international human right organizations. AI has registered itself as a private company. A February 1999 report issued by the IPU on prison conditions (see Section 1.c.) noted that, while the Government welcomed the December 1998 investigative mission, the IPU delegation was not able to make important appointments and was not allowed to meet privately with Lim Guan Eng. Several foreign human rights observers have attended sessions of Anwar's two trials.

Government officials reacted sharply to a report entitled "Justice in Jeopardy: Malaysia in 2000," which was issued early in the year by the International Bar Association, the Centre for the Independence of Judges, and lawyers from the International Commission of Jurists, the Commonwealth Lawyers Association, and the International Lawyers Union. The report was the result of the findings of a three-man team that spent 10 days in Malaysia in April 1999. The report concluded that "the extremely powerful Executive in Malaysia has not acted with due regard for the essential elements of a free and democratic society based on the rule of law."

In early April, the Government announced that former Deputy Prime Minister Musa Hitam would head the National Human Rights Commission provided for in legislation passed by Parliament in July 1999. Twelve other members also were named, including retired jurists, consumer activists, and academics. The commission's functions and powers include promoting awareness of human rights, helping the Government to draft laws and regulations concerning human rights, advising the Government on acceding to human rights treaties, inquiring into human rights complaints, inspecting places of detention, and hearing witnesses and receiving evidence on human rights questions. The legislation that created the commission defines human rights as "the fundamental liberties provided for" in the federal Constitution and restricts the application of the Universal Declaration of Human Rights to those provisions consistent with the Constitution. In 1999 prior to the commis-

sion's creation, opposition leaders and NGO's, including the Bar Council, criticized the definition of human rights as too narrow. They also were skeptical of the Government's pledges that it would be independent. In May the commission announced four working groups: One to promote human rights awareness and education; a second to advise and assist the Government in formulating legislation and procedures; a third to make recommendations to the Government on accession to treaties and other international human rights instruments; and a fourth to investigate complaints of human rights violations. The commission received its first complaint in April from three NGO members in Penang, who claimed that they were mistreated by police after being arrested during a rentcontrol protest in February. Later in April, the commission announced that it would investigate reports of abuse received by demonstrators detained during the April 15 demonstration in support of Anwar Ibrahim (see Sections 1.c. and 2.b.). In early August, Musa Hitam publicly supported the right of citizens to assemble peacefully outside the courthouse at which the verdict in Anwar Ibrahim's sodomy trial was to be announced (see Section 2.b.). (Police did not interfere with three members of the commission who observed the demonstrations outside the courthouse on August 8.) During the year, the Commission met with human rights NGO's, government ministries, representatives from the ruling, and opposition parties, and recommended that human rights issues and problems be incorporated into school curriculums. The commission also met several times with senior police officials, who agreed to allow the commission to provide human rights training to the police. However, the commission is not empowered to inquire into allegations relating to ongoing court cases. In December the Human Rights Commission opened an inquiry into and took public testimony about allegations of police misconduct during a November 5 rally organized by the opposition. It also must cease its inquiry if an allegation under investigation becomes a subject matter of a court.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal protection under the law and prohibits discrimination against citizens based on religion, race, descent, or place of birth; however, discrimination based on some factors persists. For example, government policies give preferences to ethnic Malays in housing, home ownership, the awarding of government contracts, educational scholarships, and other areas. Although neither the Constitution nor laws explicitly prohibit discrimination based on sex or disabilities, the Government has attempted to eliminate discrimination against women and promote greater public acceptance of the disabled.

Women.—Violence against women remains a problem, although statistics indicated that the problem has decreased during the year. Reports of rape are common in the press and among women's rights groups and NGO's, although the Government has not released comprehensive statistics. In December 1999, a women's NGO issued a report that stated that the incidence of rape had increased 48 percent in the 5year period from 1993 to 1998 more than 50 percent of rape victims are under age 16. Statistics from the Royal Malaysian Police show 1,217 reported cases of rape during the year. Many hospitals have set up crisis centers where victims of rape and domestic abuse can make reports without going to a police station. NGO's and political parties also cooperate in providing counseling for rape victims. Nonetheless, cultural attitudes and a perceived lack of sympathy from the largely male police force lead many victims not to report rapes. According to an NGO study involving 417 court files from 7 state capitals and Kuala Lumpur, even when alleged rape is reported, only one of five cases is heard in court. Only half of the court cases resulted in a rape conviction. Some rapists receive heavy punishments, including caning, but women's groups complain that some rapists receive inadequate punishments. Section 376 of the Penal Code stated that a convicted rapist shall be punished with imprisonment for a term not less than 5 years and not more than 20 years.

Spousal abuse has drawn considerable government, NGO, and press attention. Awareness of the severity and prevalence of this problem is growing and may be leading to a decrease in its incidence. In 1990 the only national survey ever conducted on battered women showed that 1.8 million women (approximately 39 percent of respondents) above the age of 15 had been beaten physically by their husbands or boyfriends. A local women's NGO and a well-known social marketing company conducted the survey using a nationally representative random sampling of adults residing in peninsular Malaysia in 1989. However, statistics released at year's end by the Royal Malaysian Police show that 3,468 cases of domestic violence were reported during the year, which represents nearly a 10 percent decrease in the number of reported cases compared to 1999 (3,806).

The 1996 Domestic Violence Act addresses violence against women in the home. However, women's groups criticized the act as inadequate and called for amendments to strengthen it. In their view, the act fails to protect women in immediate danger by requiring separate reports of abuse to be filed with both the Welfare Department and the police. This requirement causes delay in the issuance of a restraining order against the perpetrator. Women's rights activists also highlighted the fact that because the act is a part of the Penal Code, legal protection for victims is limited to cases in which visible evidence of physical injury is present, despite its interpretation to include sexual and psychological abuse. In April the Government announced that the Domestic Violence Act would be reviewed to determine weaknesses in the law and eliminate legal loopholes; however, the Government had taken no action by year's end.

Although the Government, NGO's, and political parties have formed shelters and offer other assistance to battered spouses, activists asserted that support mechanisms remain inadequate. Police responses to complaints of domestic violence were more professional and sensitive than in previous years, but problems remained and cultural attitudes are still an impediment.

Domestic violence complaints are rare in Islamic law (Shari'a) courts (six cases in 1997). Some Shari'a experts have urged Muslim women to become more aware of the provisions of Shari'a that prohibit spousal abuse and provide for divorces on grounds of physical cruelty. Nonetheless, Shari'a generally (each state has a separate code) prohibits wives from disobeying lawful orders of their husbands. These provisions often present an obstacle to women pursuing claims, including charges of abuse, against their husbands.

Spousal rape is not a crime. Theoretically a man who raped his wife could face charges of assault; however, women's rights activists claim that no man has been convicted in such circumstances.

A 1998 International Labor Organization (ILO) study estimated that there were roughly 40,000 to 140,000 prostitutes in the country. The Government strongly disputed this estimate, and the police stated that they would investigate NGO's that might have provided the information that formed the basis of the study. However, from January through August alone, the Royal Malaysian police arrested 2,338 foreign prostitutes (see Section 6.f.). Sex tourism is not legal, and the level of such activity is not high.

A women's rights NGO stated in 1998 that the economic downturn had forced more local women into prostitution. In February 1999, the press reported a 1998 study by the national population and family development board that showed that the economic downturn had decreased the demand for prostitution.

The same women's rights NGO cited government statistics showing an upturn in the number of arrests for prostitution. A government source substantiated this claim by noting that the increase in arrests was due to more vigorous enforcement. Police also believed that the increasing number of arrests was a result of greater numbers of women being brought to the country from countries of the former Soviet Union (see Section 6.f.).

Malaysia is a source, transit, and destination country for trafficking in women for purposes of prostitution (see Section 6.f.).

In August 1999, the Ministry of Human Resources issued a Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace. Women's groups noted the code's detailed definition of sexual harassment and attempted to raise public awareness of the problem, but they criticized the fact that adherence to the code is voluntary and not legally binding. The Code of Practice has no legal effect and earlier plans for a sexual harassment law apparently have been abandoned. Women's rights activists claimed that a law on sexual harassment would be more effective than a code of practice. In the first year following the issuance of the code, the Human Resources Minister asked women's groups and labor unions to give the code "a chance to work." He advocated voluntary compliance by employers and advised unions to incorporate policies against sexual harassment into their collective labor agreements. The Malaysian Employers Federation has criticized publicly any attempt to legislate against sexual harassment in the workplace, arguing that governmentimposed policies would unduly restrict the management of labor relations.

Since the code was introduced in August 1999, the number of reported incidents of sexual harassment has risen. The Labor Department reported that since the initiation of the code, it received two to three reports of sexual harassment per week. This was a large increase over 1998, during which the Ministry of Human Resources received only 6 reports of sexual harassment cases in the first 6 months of that year, and only a total of about 30 since 1996. However, there are still many cultural obstacles to women who try to pursue sexual harassment charges.

Despite increased public awareness of the problem of sexual harassment in the workplace, the Government acknowledged in August that the reluctance of employers to adopt the code may force it to enact additional legislation regarding sexual harassment. A year after it was enacted, only 99 companies in the country had adopted the code. A coalition of 64 women's rights groups compiled a memorandum with over 12,000 signatures proposing that the Government make the code legally binding. Upon receipt of the memorandum, the Human Resources Minister stated that his Ministry would form a committee to include women's rights activists, employers, union representatives, and ministry officials to study the request. The Government made no decision on whether to enact legislation against sexual harassment by year's end.

Women continue to be the victims of legal discrimination. The cultural and religious traditions of the major ethnic groups also heavily influence the condition of women in society. In family and religious matters, Muslim women are subject to Shari'a. Polygyny is allowed and practiced to a limited degree. Islamic inheritance law varies by state, but it generally favors male offspring and relatives. However, one state, Negeri Sembilan, provides for matrilineal inheritance. The number of women obtaining divorces under the provisions of Shari'a that allow for divorce without the husband's consent, while small, is increasing steadily.

In August the Deputy Prime Minister announced that mothers may now sign official documents on behalf of their minor children, a significant change from past government policy, under which only a father's signature legally was recognized on official documentation. The Government publicized the decision as an attempt to eliminate sexual discrimination in government policies. Women's rights activists pointed out that the decision recognized women's equality with men under the law. The policy change is likely to confer the largest benefit on single mothers who are estranged from their husbands. In announcing the change, the Deputy Prime Minister stated that existing legislation did not require amendment; only administrative procedure would change. This administrative change was implemented in December.

There were complaints about the treatment of women by Islamic courts. A 1998 report on women and the law published by a coalition of women's NGO's defined two basic problems: prejudicial interpretation of Islamic family law against women; and the lack of uniformity in the implementation of family laws among the various states. An April 1999 press report described complaints by NGO's and women's groups of rude and insensitive treatment by staff and officers of Islamic courts. In May 1999, the women's wing of UMNO stated that it would act to help accelerate and improve the handling of women's problems by Islamic courts.

Muslim couples are required to take premarital courses. In previous years, women's activists claimed that in some instances the courses, as implemented, perpetuated gender discrimination by misinforming women of their rights in marriage. There were no reports during the year of such misinformation regarding marriage rights.

State governments in Kelantan and Terrengganu, which are controlled by the Islamic opposition party, made efforts to restrict Muslim women's dress during the year. In March the Terrengganu state government introduced a dress code for government employees and workers on business premises. Terrengganu's executive counselor in charge of women's and non-Muslim's affairs claimed that the dress code was designed to protect the image of Muslim women and promote Islam as a way of life. Several women's NGO's criticized the state government's decision as depriving women of personal choice. One Muslim women's NGO criticized the new requirement, stating that forced compliance with a state-mandated dress code is not consistent with the values of the Koran.

On March 23, Muslim women working in food stalls and video rental stores in Kelantan were fined about $8 (30 ringgit) for not wearing a head covering. The maximum fine for individual offenders is about $66 (250 ringgit), and the state government warned that employers with repeat offenders may lose their operating licenses.

Non-Muslim women are subject to civil (secular) law. Changes in the Civil Marriage and Divorce Act in the early 1980's increased the protection of married women's rights, especially those married under customary rites. The Guardianship of Women's and Infants Act was amended in July 1999 to give mothers equal parental rights. Four states extended the provisions of the amended bill to Muslim mothers. Women's groups urged all states to do the same. In June 1999, the Land and Cooperative Development Ministry announced that it was considering amending the Group Settlement Act to give wives of settlers a stake in the land awarded to their husbands. The Group Settlement Act had not been amended by year's end.

Government policy supports women's rights and the Government has undertaken a number of initiatives to promote equality for women. Specifically the Government

promotes the full and equal participation of women in education and the work force. Women are represented in growing numbers in the professions, but women's groups argue that the level of participation is still disproportionately low. In the scientific and medical fields, women make up more than half of all university graduates and the total representation of women at universities increased from 29 percent in 1970 to one-half of the student population in recent years. According to statistics released in June in the Government's Economic Report 2000–2001, which is published by the Ministry of Finance, women constitute 44 percent of the labor force. The proportion of women in the civil service has risen from roughly 33 percent in 1990 to roughly 41 percent and women occupy some high-ranking civil service positions. In April 1999, Malaysian Trade Union Congress President Zainal Rampak urged trade unions to fulfill the ILO policy of filling 30 percent of leadership positions with women; however, current statistics were not disclosed.

Children.—The Government has demonstrated a commitment to children's rights and welfare; it spends roughly 20 percent of the national budget on education. The Government provides free education for children through the age of 15. Although primary education is deemed compulsory by the Government, there is no legal requirement or enforcement mechanism governing school attendance. Actual attendance at primary school is 96 percent. Secondary school attendance is 82 percent. A variety of programs provide low cost health care for most children. An office in the Ministry of National Unity and Social Development oversees children's issues.

In December Parliament passed the Child Act of 2000. The Act incorporates the 1989 principles of the U.N. Convention of the Rights of the Child, which the Government ratified in 1995. The act stipulates heavier punishments for child abuse, molestation, neglect, and abandonment. It also mandates the formation of a children's court, which, the Government stated, would better protect the interests of children. The bill allows caning, but this punishment is limited to male children, who may receive a maximum of 10 strokes with a "light cane." The new law repealed three other laws governing child prostitution, child abuse, and delinquency, including the Women and Girls Protection Act, the Juvenile Courts Act, and the Child Protection Act.

The Government recognizes that sexual exploitation of children and incest are problems. Incest in particular is a problem in rural areas. Child abuse receives wide coverage in the press. The Government sternly prosecutes cases of child abuse, and child molesters receive heavy jail sentences and caning. However, under the Evidence Act, the testimony of children is accepted only if there is corroborating evidence. This poses special problems for molestation cases in which the child victim is the only witness. Some judges and others have recommended that the Evidence Act be amended to accept the evidence of children and that courts implement special procedures to hear the testimony of children. The Ministry of National Unity and Social Development reported that in 1997 there were 1,117 reported cases of child abuse, while from January through August 1998 there were 600 cases. In August 1999, a physician who studies child abuse acknowledged publicly that sexual abuse of children occurred in the country.

Statutory rape occurs and is prosecuted. However, Islamic law provisions that consider a Muslim girl an adult after she has had her first menstruation sometimes complicate prosecution of statutory rape. Such a girl may be charged with "khalwat" or "close proximity" (the charge usually used to prosecute premarital or extramarital sexual relations), even if she is under the age of 18 and her partner is an adult. Thus, Shari'a sometimes punishes the victims of statutory rape. Moreover, Shari'a courts sometimes are more lenient with males who are charged with "close proximity." However, in many cases Muslim men are charged and punished for statutory rape under secular law.

Female genital mutilation (FGM) is condemned widely by international health experts as damaging to both physical and psychological health. According to a well known women's NGO activist, some girls in provincial areas are subject to varying forms of FGM. Some Malay girls receive a tiny ritual cut to the clitoris or participate in a ceremony where a blade is brought close to the clitoris. Almost all Malay women, including Muslim women's activists, do not believe that this constitutes mutilation or reduces a woman's future capacity for sexual pleasure.

Child prostitution exists. However, child prostitutes often are treated as delinquents rather than victims. In 1998 the Minister of National Unity and Social Development stated that 150 to 160 underage girls are detained each year for involvement in immoral activities and sent to rehabilitation centers. Authorities prosecute traffickers in child prostitution vigorously. Statistics for apprehension of traffickers are not available (see Section 6.f.).

Child labor occurs in certain areas of the country (see Section 6.d.).

People with Disabilities.—The Government does not discriminate against physically disabled persons in employment, education, and provision of other state services. However, few public facilities are adapted to the needs of the disabled, and the Government has not mandated accessibility to transportation or public buildings for the disabled. In August 1999, former Minister of National Unity and Social Development Zaleha said that only 10 percent of residential and commercial buildings were "disabled-friendly." In September 1999, Zaleha announced a cabinet decision to require that 10 percent of houses in all new housing projects be disabled friendly. In December 1999, Zaleha reportedly said that "all buildings" would be made accessible to the disabled within 2 years.

The Government increased efforts to address the needs of persons with disabilities during the year. In October the Ministry of Housing and Local Government announced that the uniform building by-laws of 1984 would be amended to ensure that all newly constructed buildings include a full range of facilities for the disabled, including special parking lots, elevators, and restrooms. In November the Human Resources Ministry announced plans to draft a code of ethics for employers by 2001 to address the needs of the disabled including additional employment opportunities, job discrimination, and disabled-friendly work environments. In addition the 2001 federal budget includes several provisions to ease financial burdens on disabled citizens and improve work, education, and training opportunities. In November the Human Rights Commission recommended amending the Constitution's antidiscrimination provision to include legal protection for people with disabilities.

Special education schools exist, but they are not sufficient to meet the needs of the disabled population. The Government and the general public are becoming more sensitive to the needs of the physically disabled. The Government has undertaken many initiatives to promote public acceptance of the disabled, to make public facilities more accessible to disabled persons, and to increase budgetary allotments for programs aimed at aiding them. Provisions for the disabled in the 2001 budget include several allowances for tax relief for working spouses of disabled persons, full exemption for all medical fees at government hospitals, and full exemption on fees for travel documents. All equipment designed specifically for use by disabled persons would also be exempt from all import duties and sales taxes. Recognizing that public transportation is not disabled-friendly, the Government is reducing the excise duty for disabled persons on locally made cars and motorcycles by 50 percent.

In August 1999, an NGO representing the disabled stated that the disabled make up 7 percent of the population. The NGO urged the Government to increase its support for the disabled. Disabled persons do not enjoy explicit legal protection against discrimination.

Indigenous People.—Indigenous groups and persons that is the descendants of the original inhabitants of peninsular Malaysia and the Borneo states) generally enjoy the same constitutional rights as the rest of the population. However, in practice federal laws pertaining to indigenous people vest almost total power in the minister responsible for indigenous people (the Minister of National Unity and Social Development during the year) to protect, control, and otherwise decide issues concerning them. As a result, indigenous people, particularly in peninsular Malaysia, have very little ability to participate in decisions.

Under the 1954 Aboriginal People's Act (amended in 1974), indigenous people in peninsular Malaysia (known as Orang Asli), who had been granted land on a group basis, had no right to own land on an individual basis or to receive titles to land. The Social Development Ministry announced in 1996 that state governments, which make decisions affecting land rights, had agreed to issue titles to Orang Asli. Amendments were drafted to enable Orang Asli to hold titles on an individual basis. Finance Minister Tun Daim Zainuddin announced in May 1999 that a total of 314,715 acres of land would be reserved for Orang Asli. The Government urged the states to follow up on Daim's announcement. The leader of a leading Orang Asli NGO welcomed the announcement, but urged the Government to proceed quickly. The NGO pointed out that the total area of land actually reserved for Orang Asli had declined, not increased, since 1990.

Surveying and transfer of title apparently has proceeded very slowly; however, during the year a number of Orang Asli received land titles, and several state governments announced that land was being set aside for Orang Asli. The 2001 federal budget provides for a $26 million (100 million ringgit) allotment to the Orang Asli community to eradicate poverty, improve education and social welfare, and improve infrastructure of resettlement villages. In addition National Unity and Social Development Minister Siti Zaharah Sulaiman announced in November a "stay in school" program to address the increasing number of school drop-outs in the Orang Asli community. The Government allocated $1.2 million (4.8 million ringgit) for the project.

The uncertainty surrounding Orang Asli land ownership makes them vulnerable to exploitation. There were many reports of Orang Asli who were cheated, misled, or otherwise exploited by land developers. In some cases, the Orang Asli have sued. In the state of Pahang, about 200 Orang Asli held a protest demonstration in September over land disputes. The state government said that it would give serious attention to their complaints.

Although state law recognizes the right of indigenous people to land under "native customary rights," in the eastern part of the country, the definition and extent of these lands are in dispute. Indigenous people in the state of Sarawak continued to protest the alleged encroachment by state and private logging and plantation companies onto land that they consider to be theirs because of customary rights. Laws allowing condemnation and purchase of land did not require more than perfunctory notifications in newspapers to which indigenous people may have no access. The result was that many indigenous people were deprived of their traditional lands with little or no legal recourse. In May the Sarawak state assembly passed amendments to the state land code that the state government said would increase the rights of indigenous people to exert control over their traditional lands. A group of NGO's disputed the government's characterization of the legislation and stated that it would in fact further diminish the ability of indigenous peoples to defend their rights on land issues. Indigenous people displaced by the Bakun Dam project in Sarawak continue to protest the lack of transparency in the resettlement process, inadequate compensation for their lands and homes, and destruction of their traditional way of life. However, the state government dismissed these complaints, claiming that only the older generation have reservations about the resettlement program.

In November the Human Rights Commission received complaints from three different groups representing the indigenous Iban and Penan peoples in Sarawak. The indigenous groups alleged that they were being victimized by logging companies illegally encroaching on their lands. One Penan group submitted a report of written testimonies entitled, "Not Development, but Theft," detailing how logging companies use police force and intimidation to appropriate land from indigenous communities. The Human Rights Commission pledged to investigate the matter with the state government of Sarawak and the indigenous communities. The commission also announced its intention to inquire about the use of police force by the logging companies (see Section 1.c.).

The Orang Asli, who number roughly 100,000, are the poorest group in the country; however, according to government officials, Orang Asli gradually are attaining comparable levels of standards of living as other citizens, and the percentage of Orang Asli who lead nomadic lifestyles has dropped to less than 40 percent. Government development projects for the Orang Asli are announced from time to time. However, according to press reports, the head of an NGO working with Orang Asli said in May that school dropout rates among Orang Asli had increased markedly over previous years, and the percentage of Orang Asli living below the poverty line was increasing as well. Several NGO's complained that Orang Asli were compensated inadequately after they were displaced by a dam project in the state of Selangor.

The trial of a group of Iban tribesmen charged with the 1999 murder in Sarawak of four Chinese workers who worked for a company that was encroaching on their land to establish a palm oil plantation continued. The case still was pending in court at year's end.

National/Racial/Ethnic Minorities.—The Government implements extensive preferential programs designed to boost the economic position of the Malay majority, which remains poorer on average than the Chinese minority. Such preferential programs and policies limit opportunities for nonMalays in higher education, government employment, business permits and licenses, and ownership of land. According to the Government, these programs have been instrumental in ensuring ethnic harmony and political stability. Ethnic Indian Malaysians continued to lag behind in the country's economic development. The Chinese minority does not benefit from the preferential policies that benefit ethnic Malays.

Public questioning of the preference rights of ethnic Malays is a sensitive issue. Senior UMNO officials have warned non-Malays against "playing with fire." In August a group of youth members of UMNO became unruly at a rally held outside a Chinese assembly hall in the wake of public comments by a Chinese association that allegedly questioned the granting of special rights and privileges for Malays. Some of the demonstrators threatened to burn down the hall. Chinese groups in the ruling coalition demanded action against the perpetrators. The Government had taken no action by year's end.

Section 6. Worker Rights

a. The Right of Association.—By law most workers have the right to engage in trade union activity, but less than 10 percent of the work force is represented by one of the country's 544 trade unions. Exceptions include certain limited categories of workers labeled "confidential" and "managerial and executive," as well as defense and police officials. Within certain limitations, unions may organize workplaces, bargain collectively with employers, and associate with national federations. No legal barrier prevents foreign workers from joining a trade union; however, the Immigration Department places conditions on foreign workers' permits that effectively bars them from joining a trade union (see Section 6.e.).

The Trade Unions Act prohibits interfering with, restraining, or coercing a worker in the exercise of the right to form trade unions or in participating in lawful trade union activities. However, the act restricts a union to representing workers in a "particular establishment, trade, occupation, or industry or within any similar trades, occupations, or industries," contrary to International Labor Organization (ILO) guidelines. The Director General of Trade Unions may refuse to register a trade union and, in some circumstances, may also withdraw the registration of a trade union. When registration has been refused, withdrawn, or canceled, a trade union is considered an unlawful association. The Government justifies its overall labor policies by positing that a "social compact" exists wherein the Government, employer, and worker are part of an overall effort to create jobs, train workers, boost productivity and profitability, and ultimately provide the resources necessary to fund human resource development and a national social safety net. Trade unions from different industries may join in national congresses, but the congresses must register as societies under the Societies Act (see Section 2.b.).

In January 1999, the Trade Unions Department reported that in 1998 it had issued notices to 206 trade unions threatening them with deregistration for failing to submit reports of their accounts. A leading trade union leader said that he was "puzzled" by the Trade Union's Department statement and would seek further clarification. Also in February 1999, the Human Resources Minister said publicly that union members' complaints against union leaders were increasing, and the Human Resources Minister said that the Government would amend the Trade Unions Act to make all principal officers of a union liable if the union commits any wrongdoing (now only the secretary general is liable). There were no reports that these amendments were adopted during the year. Some trade unionists claimed that unions that defy government policies face more intense scrutiny, potentially leading to deregistration. However, there were no reports that unions were deregistered.

In September 1999, Malaysian Trade Union Congress (MTUC) leader Zainal Rampak complained about delays in registering new unions, and said that new unions often faced delays of several years in registering. Zainal called on the Government to amend the Industrial Relations Act to allow automatic union recognition. In February Zainal said that approximately 100 unions had not been recognized by their employers, despite provisions under the Industrial Relations Act that require an employer to recognize a union within 21 days.

The MTUC continued to call on the Government to ratify ILO Convention 87, which provides for the freedom to join a union; at year's end, the Government still had not done so.

Government policy inhibits the formation of national unions in the electronics sector; the Government believes that enterpriselevel unions are more appropriate for this sector. In 1997 the MTUC dropped its longstanding objection to this practice, stating that it would be better for the workers to have the in-house unions "than none at all." In February the Minister for Human Resources said that employers should not obstruct the formation of in-house unions. In November MTUC secretary general G. Rajasekaran expressed disappointment that 150,000 electronics workers were still unable to organize. At that time, only eight in-house unions had been formed, according to the MTUC. Collective bargaining agreements are limited in those companies designated as "pioneer status." According to the ILO, the Government has been promising to repeal this statute since 1994.

Even in-house unions sometimes face difficulties. For example, in 1999 an electronics company was picketed by workers several times during the year. Workers called on the company to end litigation and conclude a collective bargaining agreement that has been pending for 10 years. Workers claimed that the company had refused to meet union officials, even though the Department of Trade Unions recognized the union.

Unions maintain independence both from the Government and from political parties, but individual union members may belong to political parties. Although union officers by law may not hold principal offices in political parties, individual trade union leaders have served in Parliament. Trade unions are free to associate with

national labor congresses, which exercise many of the responsibilities of national labor unions, although they cannot bargain for local unions. In l997 longtime labor leader Zainal Rampak joined the ruling party, and in 1998 he was appointed to the Senate. Some union leaders are concerned that the MTUC, under Zainal's leadership, is losing its independence.

Although strikes are legal, the right to strike is restricted severely. The law contains a list of "essential services" in which unions must give advance notice of any industrial action. The list includes sectors not normally deemed essential under ILO definitions.

The 1967 Industrial Relations Act requires the parties to notify the Ministry of Human Resources that a dispute exists before any industrial action (strike or lockout) may be taken. The Ministry's Industrial Relations Department then may become involved actively in conciliation efforts. If conciliation fails to achieve settlement, the Minister has the power to refer the dispute to the Industrial Court. Strikes or lockouts are prohibited while the dispute is before the Industrial Court. The Industrial Relations Act prohibits employers from taking retribution against a worker for participating in the lawful activities of a trade union. Where a strike is legal, these provisions would prohibit employer retribution against strikers and leaders. Although some trade unions questioned their effectiveness, it is not possible to assess fully whether these provisions are being enforced effectively, given the limited number of cases of alleged retribution.

Strikes were extremely rare. In January 1999, the Deputy Human Resources Minister said that the (1997 and 1998) economic downturn was "not affecting industrial harmony" and noted that the country still seldom had strikes.

In June 130 employees of a cooking oil refinery in Johor staged a peaceful picket line to protest a deadlock in negotiations over a new collective bargaining agreement. Also in June, after a wildcat strike in which employees accused a Tawainese textile firm of refusing to recognize the union and of mistreating workers, several thousand workers were fired. The employer reinstated the workers after further protests.

There are two national labor organizations. The MTUC is a federation of mainly private sector unions. The Congress of Unions of Employees in the Public and Civil Service (CUEPACS) is a federation of civil servant and teacher unions. Although the law grants public servants the right to organize at the level of ministries and departments, the Government has not responded to ILO requests for specific information on the numbers and categories of civil servant employees covered or details regarding the collective bargaining agreements reached. There are three national joint councils representing management and professional civil servants, technical employees, and nontechnical workers. In May 1999, various trade unions representing port workers announced plans to form a federation, potentially including 12,000 workers. There were no reports of further developments, and at year's end the federation was awaiting recognition by the federal Registrar of Trade Unions. In February the Government approved the establishment of a federation of airline unions that would represent about 20,000 employees in the aviation industry.

In February the Minister of Human Resources said that the Ministry was considering extending the Workmen's Compensation Act to include both local and foreign domestic workers. Foreign domestic workers presently have no protection under the act.

Enterprise unions can associate with international labor bodies and do so.

b. The Right to Organize and Bargain Collectively.—Workers have the legal right to organize and bargain collectively, and collective bargaining is widespread in those sectors where labor is organized. The law prohibits antiunion discrimination by employers against union members and organizers. Charges of discrimination may be filed with the Ministry of Human Resources or the Industrial Court. Critics say that the Industrial Court is slow in adjudicating worker complaints when conciliation efforts by the Ministry of Human Resources fail. However, others point out that the Industrial Court almost always sides with the workers in disputes. In August 1999, the press reported an MTUC survey that indicated that employers often ignore Industrial Court judgments with impunity. In January the Minister of Human Resources said that more Industrial Court chairmen would be appointed to deal with a backlog of more than 100 cases and noted that the courts were so congested that new cases could not be scheduled until January 2001. An opposition politician said in March that the backlog of cases approached 5,000.

The Government holds that issues of transfer, dismissal, and reinstatement are internal management prerogatives; therefore they are excluded from collective bargaining—against ILO standards. The Minister of Human Resources can suspend for up to 6 months any trade union that he deems is being used for purposes prejudicial to or incompatible with security or public order.

Companies in free trade zones (FTZ's) must observe labor standards identical to those in the rest of the country. Many workers in FTZ companies are organized, especially in the textile and electrical products sectors. The ILO continues to object to legal restrictions on collective bargaining in "pioneer industries."

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, and the Government generally enforces this prohibition; however, trafficking in women, and occasionally girls, for the purpose of forced prostitution is a problem (see Sections 6.d. and 6.f.). In theory certain laws allow the use of imprisonment with compulsory labor as a punishment for persons who express views opposed to the established order or who participate in strikes. The constitutional prohibition renders these laws without effect.

The constitutional prohibition also applies to forced and bonded labor by children. Forced and bonded child labor is rare, and there were no cases reported during the year.

d. Status of Child Labor Practices and Minimum Age for Employment.—The 1996 Children and Young Persons (Employment) Act prohibits the employment of children younger than the age of 14. The act permits some exceptions, such as light work in a family enterprise, work in public entertainment, work performed for the Government in a school or in training institutions, or work as an approved apprentice. In no case, may children work more than 6 hours per day, more than 6 days per week, or at night.

Child labor occurs in certain areas of the country. A 1993 joint report by the International Confederation of Free Trade Unions and the Asian and Pacific Regional Organization put the child work force at 75,000. However, government officials maintain that this figure is outdated, since it was based on a nationwide survey of child labor undertaken in 1980, which estimated that more than 73,400 children between the ages of 10 and 14 were employed full time. There is no reliable recent estimate of the number of child workers. Most child laborers work informally in the plantation sector, helping their parents in the field. However, only adult members of the family receive a wage. In urban areas, child labor can be found in family food businesses, night markets, and small-scale industries. Government officials do not deny the existence of child labor in family businesses, but maintain that foreign workers largely have replaced child labor and that the Government vigorously enforces child labor provisions. In September the Government ratified the International Labor Convention 182 on the prohibition and elimination of the worst forms of child labor. Forced and bonded labor by children is prohibited and generally is rare; however, occasional trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.c. and 6.f.).

e. Acceptable Conditions of Work.—There is no national minimum wage, but the Wage Councils Act provides for a minimum wage in those sectors or regions of the country where a need exists. Under the law, workers in an industry who believe that they need the protection of a minimum wage may request that a wage council be established. However, few workers are covered by minimum wages set by wage councils, and the Government prefers to let market forces determine wage rates. Minimum wages set by wage councils generally do not provide a decent standard of living for a worker and family. However, prevailing wages, even in the sectors covered by wage councils, are higher than the minimum wages set by the wage councils and often do provide a decent living. In May the Human Resources Minister said that nonunion labor would be brought under the wage council system. In May 1999, former Human Resources Minister Datuk Lim Ah Lek said that the Government was not against a minimum wage, but that it was not ready to set the amount at $316 (1,200 ringgit) per month (as proposed by some unions). In June Human Resources Minister Fong Chan Onn reiterated that the Government was not opposed to a minimum wage and said that his ministry wanted to discuss with the MTUC the manner in which the MTUC calculated its new proposal for a $237 (900 ringgit) per month minimum wage.

Plantation workers generally receive either piecework or daily wages. Many NGO's and union officials proposed a monthly wage for plantation workers. In September a support committee representing 80,000 rubber and palm oil workers from 300 plantations called on the Government to set up a special cabinet committee to expedite the implementation of a minimum monthly wage for plantation workers. A spokesperson for the group said such a wage should not be less than $197 (750 ringgit) per month. The Government had taken no action by year's end.

Under the 1955 Employment Act, working hours may not exceed 8 hours per day or 48 hours per workweek of 6 days. Each workweek must include a 24-hour rest period. The act also sets overtime rates and mandates public holidays, annual leave, sick leave, and maternity allowances. The Labor Department of the Ministry of Human Resources enforces these standards, but a shortage of inspectors precludes

strict enforcement. In May the Appeals Court ruled that a company must give proper notification to its workers when selling its business to another entity. The Appeals Court ruled that compelling an employee to work for a new employer without offering the option to terminate the labor contract amounted to a form of forced labor. The Appeals Court ordered the employers to compensate the workers for failing to give proper notification of sale as prescribed by the Employment Act.

Legal and illegal foreign workers from Indonesia, the Philippines, Burma, Thailand, India, Bangladesh, and other countries constitute about 20 percent of the work force. These workers, who occupy a wide range of menial jobs in the agricultural, industrial, and service sectors. Workers without labor permits have no legal protection under labor laws, and legal workers are prevented from joining trade unions by restrictions imposed by the Immigration Department on their work permits. The MTUC stated in December 1999 that foreign workers should be allowed to organize, but that one of the benefits of a minimum wage law would be to reduce the country's dependence on foreign workers. The Government states that it does not "encourage" foreign workers to join unions and that labor laws are adequate to protect foreign workers' interests.

Significant numbers of contract workers, including numerous illegal immigrants, work on plantations and in other sectors. According to statistics from the National Union of Plantation Workers (NUPW), 39 percent of plantation workers are foreigners, with the vast majority from Indonesia and Bangladesh. Working conditions for these laborers compare poorly with those of direct-hire plantation workers, many of whom belong to the NUPW. Moreover, immigrant workers in the construction and other sectors, particularly if they are illegal aliens, generally do not have access to the system of labor adjudication. Government investigations into this problem have resulted in a number of steps to eliminate the abuse of contract labor. For example, besides expanding programs to regularize the status of immigrant workers, the Government investigates complaints of abuses, attempts to inform workers of their rights, encourages workers to come forward with their complaints, and warns employers to end abuses. Like other employers, labor contractors may be prosecuted for violating the labor laws.

The local press reported several cases of abuse of foreign domestic workers. The majority of such cases involved Indonesian women. Foreign domestic workers have no protection under current labor laws. Some of the victims claimed that their employers subjected them to inhuman living conditions, withheld their salaries, and physically assaulted them. Two high-profile cases involved young Indonesian women who reportedly were raped multiple times by their employers. At year's end, no developments had been reported in these cases. Most cases of abuse of foreign workers are the subject of ongoing police investigations. In February the Government acknowledged the problem, and Minister of Human Resources Datuk Dr Fong Chan Onn announced that abused foreign domestic servants may be eligible for compensation under the 1952 Workmen's Compensation Act. The Cabinet commissioned a study of the issue to determine what measures for protection, compensation, and a legal course of action should be available to victims under the act. In October the local press reported four separate cases of physical abuse against foreign domestic workers that were settled when the accused offered compensation to the victim. Section 260 of the Criminal Procedure Code allows certain offenses to be "compounded" with the consent of the complainant, if the perpetrator compensates the victim. The Human Rights Committee of the Bar Council claimed that the settlement gave the public "the overall impression that justice can be bought." A human rights NGO activist called the settlement a "dangerous trend."

In 1993 Parliament adopted an Occupational Safety and Health Act (OSHA), which covers all sectors of the economy, except the maritime sector and the military. The act established a national Occupational Safety and Health Council, composed of workers, employers, and government representatives, to set policy and coordinate occupational safety and health measures. It requires employers to identify risks and take precautions, including providing safety training to workers, and compels companies that have more than 40 workers to establish joint management-employee safety committees. The act requires workers to use safety equipment and to cooperate with employers to create a safe, healthy workplace. Trade unions maintain that relatively few committees have been established and, even in cases where they exist, they meet infrequently and generally are ineffective. In September MTUC president Zainal Rampak called for a review of the three-shift system in the electronics industry, referring to a recent study that concluded that the system contributed to severe stress and workplace accidents among the industry's mainly female work force. During the year, government health and safety officials defended existing legislation, claiming that it provides adequate safeguards for conscientious employers and workers.

Work-related accidents are especially high in the plantation sector. According to the Human Resources Ministry, 14 percent of all reported industrial accidents occurred on plantations. The number of work-related accidents on plantations rose 6 percent in 1999, and statistics from the first half of the year indicated an accident rate comparable with the 1999 figures.

Employers or employees that violate the OSHA are subject to substantial fines or imprisonment for up to 5 years. There are no specific statutory or regulatory provisions that provide a right for workers to remove themselves from dangerous workplace conditions without arbitrary dismissal.

f. Trafficking in Persons.—The Constitution prohibits slavery; however, this provision has not been invoked in cases of trafficking in persons, and trafficking in women, and occasionally girls, for the purpose of forced prostitution is a problem. The Penal Code includes special provisions related to trafficking for purposes of prostitution. Sections specifically target minors, prohibiting the sale or hire of anyone under 21 for purposes of prostitution. Another section prohibits the importing of any woman for purposes of prostitution. Punishment for these offenses includes a maximum 10 year prison term or a fine, to be determined at the discretion of the sentencing judge. In November local press reported that implementation of the Child Act 2000, which automatically repeals the 1973 Women and Girls Protection, creates a legal loophole that decriminalizes procuring. The specific offense of procurement had only been covered by the Women and Girls Protection Act. The press reported that the Ministry of National Unity and Social Development was working with the Attorney General's drafting department to close the loophole, but no developments were reported at year's end.

Malaysia is a source, transit, and destination country for trafficking in women and girls for sexual exploitation. During the year, the Royal Malaysian Police arrested 3,607 foreign prostitutes, compared to 3,301 in 1999. Police believe that the increased number of arrests is a result of greater numbers of women being brought to the country from countries of the former Soviet Union. Most prostitutes in the country still come from neighboring Indonesia, the Philippines, Burma, Thailand, and China. These women often work as karaoke hostesses, "guest relations officers," and masseuses. Malaysian women are trafficked for sexual purposes mostly to Singapore, Macau, Hong Kong, and Taiwan, but also to Japan, Australia, Canada, and the United States. According to police and Chinese community leaders, Malaysian women who are victims of traffickers are almost exclusively ethnic Chinese, though ethnic Malay and ethnic Indian women work as prostitutes domestically. Police and NGO's believe that Chinese criminal syndicates are behind most of the trafficking (both incoming and outgoing) of women of all nationalities. The Deputy Home Minister stated in 1997 that 4,200 Malaysian girls and young women were reported missing in 1997. Political parties and NGO's estimate that a portion of these women and girls were victims of traffickers. Authorities prosecute traffickers in child prostitution vigorously.

A few government officials may provide counterfeit documents illicitly to traffickers (although no specific cases were reported), but the Government investigates and punishes those involved in such cases. The Government assists underage girls and has rescued some kidnaped women. Police often raid venues of prostitution. For example, Selangor state police stated that they raided 1,230 suspected "vice dens" during 1999. However, NGO's and women's rights activists complain that police have no coherent policy to protect victims of trafficking. Rather than prosecute traffickers, police generally arrest or deport individual women for prostitution. Statistics for apprehension of traffickers are not available. In 1998 the press quoted an anonymous police official as saying that the country had become a "safe haven" for traffickers. A police spokesman who was asked for official comment responded by questioning whether press reporting on trafficking in women was in the national interest.

A local women's NGO is working with the Malaysian Bar Council on draft legislation specifically aimed at prosecuting traffickers and protecting victims.

MARSHALL ISLANDS

The Republic of the Marshall Islands, a self-governing nation under the Compact of Free Association with the United States, is composed of 29 atolls and 5 islands in the central Pacific, with a total land area of about 70 square miles. The approximately 51,000 inhabitants are of Micronesian origin and concentrated primarily on Majuro and Kwajalein atolls. The Constitution provides for free and fair elections and executive and legislative branches. The legislature consists of a 33-member Par-

liament (Nitijela), and a Council of Chiefs (Iroij), which serves a largely consultative function dealing with custom and traditional practice. The President is elected by majority Nitijela vote, and he appoints his Cabinet from its membership. The Constitution provides for an independent judiciary; however, past governments have attempted to influence the judiciary.

Under the Compact of Free Association, the United States is responsible for defense and national security, and the Marshall Islands has no external security force of its own. The national and local police forces have responsibility for internal security. These agencies honor constitutional and legal civil rights protections in executing their responsibilities.

The economy depends mainly on transfer payments from the United States. Coconut oil and copra exports, a small amount of tourism, import and income taxes, and fishing licensing fees generate limited revenues.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. There were occasional instances of denial of due process for detainees. Violence against women and child abuse are problems.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly forbids such practices, and there were no reports that officials employed them. Security forces generally respect this prohibition.

Prison conditions, while Spartan, meet minimum international standards.

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, detention, or exile, and the Government generally observes these prohibitions. Nonetheless, there were several reported cases of arbitrary detention lasting over 24 hours in which persons were denied their rights to be charged or released within the specified time, or to be informed of the charges against them.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in the past, the Government has attempted to influence judicial matters through legislative or administrative means. A foreign national former high court judge who had had disagreements with the previous government was terminated prematurely by it in June 1999 but was appointed to the Supreme Court in May. In January, in his inaugural address, President Note pledged to protect the independence of the judiciary, following the past 4 years during which three chief justices resigned or were terminated by the Government. During the year, there have been no known incidents of executive pressure on the judiciary.

The judiciary consists of a Supreme Court with appellate jurisdiction, a High Court with general jurisdiction in civil and criminal matters and appellate jurisdiction over subordinate courts at the district and community levels, and a Traditional Rights Court with jurisdiction in cases involving matters of customary law and traditional practice.

The Constitution provides for the right to a fair trial, and the Government generally respects this right.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Constitution provides for freedom from such practices, government authorities respect these prohibitions, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally honors these rights in practice. Unlike past years, when government influence led to occasional self-censorship by the media in areas of political or cultural sensitivity, there were no known instances of self-censorship during the year.

There is a privately owned weekly newspaper with articles and opinions in both English and the Marshallese language.

There is one radio station, which is government owned. In the past, live broadcasts of the legislative session were cut when remarks were critical of the Government; however, this did not occur under the Note Government. A cable television company broadcasts a variety of foreign news and entertainment programs and occasional videotaped local events.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for these rights, and the Government respects them in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice.

During the year, seeking to halt an alleged spate of illegal entries by Chinese and other foreign nationals, the Government launched an alien registration drive. In addition the Government is considering regulations that would reserve certain types of businesses for citizens.

There are no recent reports of refugees. The Government has not formulated a policy regarding refugees, asylees, or first asylum.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right through periodic elections. The Nitijela (Parliament) and mayors are elected by secret ballot every 4 years with universal suffrage for citizens 18 years of age and older. The most recent Nitijela election was held on November 15, 1999, and, in a record turnout, voters signaled dissatisfaction with the incumbent government by defeating five of the eight incumbent ministers seeking reelection. On January 3, President Kessai Note was selected unopposed by the Nitijela from among its 33 members. The President subsequently selected 10 cabinet ministers from among the Nitijela members. Executive power is centralized in the President and his Cabinet. This group dominates the legislature as well. There are no restrictions on the formation of political parties. Political activity by foreigners is prohibited.

There are no legal impediments to women's participation in government and politics. One woman was elected to the Nitijela in the 1999 elections. Society is matrilineal, and those men and women who exercise traditional leadership and land ownership powers derive their rights either from their own positions in the family, or from relationships deriving from their mother's and sister's lineage. However, urbanization and the movement of the population away from the lands that they control is leading to a decline in the traditional authority exercised by women. Women's cultural responsibilities and traditionally passive roles are not seen to be managerial or executive in nature, and women remain underrepresented in Parliament and in senior government positions.

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

While there are no official restrictions, no local nongovernmental human rights organizations have been formed. No international human rights organization has expressed interest or concern or visited the country.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of sex, race, color, language, religion, political or other opinion, national or social origin, place of birth, family status or descent, and the Government generally respects these provisions.

Women.—The Government identifies spousal abuse as common. Wife beating is not condoned in society, and most assaults occur while the assailant is under the influence of alcohol. The Government's health office provides counseling for reported spouse and child abuse cases, but advises that many cases go unreported. Assault is a criminal offense, but women involved in domestic violence are reluctant to prosecute spouses in the court system. Women's groups publicize women's issues and attempt to create a greater awareness of the rights of women. Violence against women outside the family occurs, and women in the urban centers would assume a risk by going out alone after dark.

The inheritance of property and of traditional rank is matrilineal, with women occupying positions of importance within the traditional system. No instances of unequal pay for equal work or of sex-related job discrimination were reported. However, while women workers are very prevalent in the private sector, many of them are in low paying jobs with little hope of advancement.

Children.—The Government is committed to children's welfare through its programs of health care and free education, but these have not been adequate to meet the needs of the country's sharply increasing population.

It is estimated that up to 20 percent of elementary school age children do not attend school on a regular basis. The Government does not enforce the compulsory education law due to a lack of classrooms and teachers. The Government's enrollment report indicates that only two-thirds of those completing eighth grade attend high school. Of that number, 50 percent eventually graduate.

Child abuse and neglect are criminal offenses; however, awareness of children's rights remains low among the general population. The law requires teachers, caregivers, and other persons to report instances of child abuse and exempts them from civil or criminal liability as a consequence of making such a report. However, there are few reports and few prosecutions. Child abuse and neglect are considered to be on the increase. Apparently contributing to the problem are the influences on family life and traditional values arising from increased urbanization, unemployment, population pressures, two-earner households, and the availability of alcohol and illegal gambling.

People with Disabilities.—There is no apparent discrimination against disabled persons in employment, education, or in the provision of other state services. There are no building codes, and there is no legislation mandating access for the disabled.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of free association in general, and the Government interprets this right as allowing the existence of labor unions, although none has been formed to date. The Constitution does not provide for the right to strike, and the Government has not addressed this issue.

In mid-October, there was a weeklong strike against the government-owned Air Marshall Islands. Although the Attorney General's Office has indicated that some of the strikers apparently were in violation of national labor laws, there has been no retaliation against any of the strikers. In December the airline managers were relieved of their duties.

b. The Right to Organize and Bargain Collectively.—There is no legislation concerning collective bargaining or trade union organization. However, there are no impediments to the organization of trade unions or to collective bargaining. Wages in the cash economy are determined by market factors in accordance with the minimum wage and other laws.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits involuntary servitude, and there is no evidence of its practice. The law does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law does not prohibit the employment of children. Children typically are not employed in the wage economy, but some assist their families in fishing, agriculture, and other small-scale domestic enterprises. The law requires compulsory education for children from 6 to 14 years of age, but the Government does not enforce this law due to a lack of classrooms and teachers. There is no law or regulation setting a minimum age for employment of children.

The law does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—A government-specified minimum wage is established by law, and it is adequate to maintain a decent standard of living in this subsistence economy where extended families are expected to help less fortunate members. The minimum wage for all government and private sector employees is $2.00 per hour. (The U.S. dollar is the national currency.) The Ministry of Resources and Development oversees minimum wage regulations, and its oversight has been deemed adequate. Foreign employees and Marshallese trainees of private employers who have invested in or established a business in the country are exempt from minimum wage requirements. This exemption does not affect a significant segment of the work force.

There is no legislation concerning maximum hours of work or occupational safety and health. Most businesses are closed, and people generally refrain from work on Sunday.

A government labor office makes recommendations to the Nitijela on working conditions, such as the minimum wage, legal working hours and overtime payments, and occupational health and safety standards in accordance with International Labor Organization conventions. The office periodically convenes board meetings that are open to the public. No legislation specifically gives workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment, and no legislation protects workers who file complaints about such conditions.

f. Trafficking in Persons.—There are no specific laws concerning trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

FEDERATED STATES OF MICRONESIA

The Federated States of Micronesia (FSM) is composed of 607 small islands extending over a large area of the central Pacific. Four states—Chuuk (formerly Truk), Kosrae, Pohnpei, and Yap—make up the federation. The population is estimated at 130,000, mostly of Micronesian origin. The four states were part of the Trust Territory of the Pacific Islands and were administered by the United States from 1947 to 1986 pursuant to an agreement with the United Nations. Political legitimacy rests on the popular will expressed by a majority vote through elections in accordance with the Constitution. There are three branches of government: An executive branch led by a president who also serves as head of state; a unicameral legislature elected from the four constituent states; and an independent judicial system that applies criminal and civil laws and procedures that closely paralleling those of the United States. Traditional leaders retain considerable influence.

Under the Compact of Free Association, the United States is responsible for the islands' defense. The FSM has no security forces apart from national police, who operate under the office of the Secretary of Justice, and public safety officers, who operate under the authority of the attorney generals of the individual state governments.

The economy depends heavily on transfer payments from the United States, fishing, tourism, and subsistence agriculture.

The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Traditional customs distinguish between persons on the basis of social status and sex. There is growing evidence of increased spousal abuse and child neglect, and government agencies often ignore such problems due to the constraints imposed by traditional society. Neither the Government nor other organizations successfully have filled the role of the traditional extended family in protecting and supporting its members.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings. There was a suspicious death of a prisoner in custody early in the year, and a March 1999 prisoner suicide (see Section 1.c.). Both cases remain open but are not known to be under active investigation.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—There was no pattern of torture or other cruel, inhuman, or degrading treatment or punishment. In August two off-duty policemen reportedly beat a foreign national at a bar in Pohnpei. Both officers were dismissed from the police force, and the case was referred to the Attorney General for prosecution.

Prison conditions meet minimum international standards. There was a suspicious death of a prisoner in custody early in the year, and a March 1999 suicide of a prisoner (see Section 1.a.). Both cases remain open but are not known to be under active investigation.

No local organizations concern themselves solely with human rights, and the question of prison visits by human rights monitors did not arise during the year.

d. Arbitrary Arrest, Detention, or Exile.—Legal procedures, for the most part patterned after U.S. law, provide for due process, which is carefully observed.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and it is independent in practice.

The Chief Justice of the Supreme Court is appointed by the President, with the advice and consent of the legislature.

Public trial is provided for in the Bill of Rights, and trials are conducted fairly. Juveniles may have closed hearings. Despite these provisions, cultural resistance to litigation and incarceration as methods of maintaining public order has allowed some persons to act with impunity. Serious cases of sexual and other assault and even murder have not gone to trial, and suspects routinely are released indefinitely. Bail, even for major crimes, usually is set low.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such arbitrary interference, and in practice privacy rights are respected.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for these rights, and the Government generally respects them in practice. A new biweekly newspaper, Rohng En Pohnpei, published its first issue on November 30 in Pohnpei State.

The national Government and the four states publish newsletters. Each of the four state governments controls a radio station that broadcasts primarily in the local language. One religious group operates a private radio station. The population of Pohnpei has increasing access to live satellite-televised information from around the world and tape-delayed broadcasts of programming by the major U.S. networks. However, none of the other three states has a television receiver station, and few residents have individual satellite dishes.

There is an increasing level of open public discussion of social and governmental issues on various Internet sites. The Internet plays an important role in allowing citizens in the four states, as well as those residing outside the country, an opportunity to share views and opinions.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Bill of Rights provides for freedom of peaceful assembly, and the Government respects this right in practice. During political campaigns, citizens often question candidates at public meetings and social gatherings.

The Bill of Rights provides for freedom of association, and the Government respects this right in practice. Formal associations are uncommon, but organizations for students and women exist.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. The Bill of Rights forbids the establishment of a state religion and governmental restrictions on freedom of religion. Missionaries of many faiths work in the country without hindrance.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement within the country. It is silent on foreign travel, emigration, and repatriation, but in practice none of these are restricted.

The three Vietnamese who fled a U.N. High Commissioner for Refugees camp in Indonesia and sailed to Yap state in 1998 remain there. The Government has not found another country willing to accept them.

The Government has not formulated a policy regarding refugees, asylees, or first asylum. To date there has never been a request for asylum in the country.

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

Citizens have the right to change their government. The Congress is elected by popular vote from each state; the Congress then chooses the President and Vice President from among its four at large senators by majority vote. State governors, state legislators, and municipal governments are elected by direct popular vote. Political campaigning is unrestricted. There are no established political parties, and political support generally is sought from family and allied clan groupings, as well as religious groups.

There are no restrictions on the formation of political groups, but there have been no significant efforts to form political parties.

Cultural factors in the male-dominated society have limited women's representation in government and politics. Although women hold midlevel positions at both the federal and state level, women are severely underrepresented in leadership roles at the highest government levels. The first woman to hold a national government cabinet position was appointed in 1999; she continues to serve as Public Defender.

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

There were no known requests for investigations of alleged human rights violations. While there are no official restrictions, no local groups concern themselves exclusively with human rights. However, there are groups that address problems concerning the rights of women and children.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Although the Constitution provides explicit protection against discrimination based on race, sex, language, or religion, there is extensive societal discrimination,

notably discrimination and violence against women. Government enforcement of these constitutional protections is weak.

Women.—Most violence against women occurs in the family context. In the traditional Micronesian extended family unit, spouses and children were accorded strong protections from violence, abuse, and neglect. Such actions were deemed offenses against the family, not just the individuals within them, and were addressed by a complex system of familial sanctions. However, with increasing urbanization and monetarization of the economy, greater emphasis has been placed on the nuclear family, and the traditional methods of coping with family discord are breaking down. No government agency, including the police, has succeeded in replacing the extended family system or in addressing the problem of family violence directly.

Incidents of spousal abuse, often of increasing severity, continue to rise. There are no laws against domestic abuse, and there are no governmental or private facilities to shelter and support women in abusive situations. Effective prosecution of such offenses is rare. In many cases, the victim decides against initiating legal charges because she is pressured by family, is fearful of further assault, or is convinced that the police will not involve themselves actively in what is seen as a private family problem. The number of cases of physical and sexual assaults against women outside the family context also is growing. Such assaults are perpetrated against both citizens and foreigners. Unmarried women sometimes are considered to have invited such violence by living or traveling alone.

Women have equal rights under the law, and there are no cultural or institutional barriers to education and employment. Women receive equal pay for equal work and are well represented in the lower and middle ranks of government. Women are active and increasingly successful in private business and enterprises. A National Women's Advisory Council has existed since 1992, and several small nongovernmental groups are interested in women's issues, particularly those associated with spousal and family violence and abuse.

Children.—The Government is committed to children's welfare through its programs of health care and education; however, these programs have been inadequate to meet the needs of the country's rapidly growing population, in an environment in which the extended family is breaking down. In November there were at least five suicides of youths in Pohnpei. Health officials and religious leaders have proposed starting peer support and family care groups to address the factors that may be leading to this increase in suicides.

A compulsory education law requires that all children begin school at the age of 6. Children may leave school when they reach the age of 14 or after completing the 8th grade, whichever comes first (see Section 6.d.).

People with Disabilities.—Neither laws nor regulations mandate accessibility to public buildings and services for the disabled. The school system has established special education classes to address problems encountered by those who exhibit learning disabilities, although such classes are completely dependent on nongovernment funding. Some private businesses provide handicap parking spaces and ramps for wheelchair access.

National/Racial/Ethnic Minorities.—The law prohibits noncitizens from purchasing land, and the national Congress grants citizenship to non-Micronesians only in rare individual cases (an authority that was exercised during 1998, following a lapse of almost 20 years). However, for the most part, noncitizens share fully in the social and cultural life of the country.

Section 6. Worker Rights

a. The Right of Association.—Under the Bill of Rights, citizens have the right to form or join associations, and national government employees by law may form associations to "present their views" to the Government. However, for a variety of reasons, including the fact that most private sector employment is in small-scale family-owned business and that Micronesians are not accustomed to collective action. There are neither associations nor trade unions. The country is not a member of the International Labor Organization.

b. The Right to Organize and Bargain Collectively.—No law deals specifically with trade unions or with the right to collective bargaining. Individual employers, the largest of which are the national and state governments, set wages. There were no reports of strikes, labor disputes, or collective bargaining agreements in the country's history.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution specifically prohibits involuntary servitude, and there is no evidence of its practice. Children are not cited specifically in this prohibition, but forced and bonded labor by children is not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—There is no law establishing a minimum age for employment of children. While in practice there is no employment of children for wages, they often assist their families in subsistence farming activities. A compulsory education law requires all children to begin school at the age of 6. Children may leave school when they reach the age of 14 or after completing the 8th grade, whichever comes first. Neither the Constitution nor the law specifically prohibits forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—The four state governments have established minimum wage rates for government workers. Pohnpei has a minimum hourly wage rate of $2.00 for government and $1.35 for private workers. The other three states have established minimum hourly rates only for government workers: $1.25 for Chuuk; $1.49 for Kosrae; and $0.80 for Yap. The minimum hourly wage for employment with the national Government is $1.68. These minimum wage structures and the wages customarily paid to skilled workers are sufficient to provide a decent standard of living for a worker and family. The minimum wage is enforced through the tax system, and this mechanism is believed to be effective.

There are no laws regulating hours of work (although a 40-hour workweek is standard practice) or prescribing standards of occupational safety and health. A federal regulation requires that employers provide a safe workplace. The Department of Health has no enforcement capability; working conditions vary in practice.

Two states permit foreign laborers to work in garment manufacturing enterprises. The foreign laborers are paid at a lower rate than citizens who work at the factories, work longer hours per day, and work a 6-day week in contrast to the 5-day week for citizens.

There is no law for either the public or private sector that would permit workers to remove themselves from dangerous work situations without jeopardy to their continued employment.

f. Trafficking in Persons.—The law does not specifically address the subject of trafficking in persons; however, there were no reports that persons were trafficked to, from, within or through the country.

MONGOLIA

Mongolia continued its transition from a highly centralized, Communist-led state to a full-fledged, multiparty, parliamentary democracy, although these gains still must be consolidated. The Prime Minister is nominated by the majority party and, with the agreement of the President, is approved by the State Great Hural (Parliament), the national legislature. In July the Mongolian People's Revolutionary Party (MPRP), which held power from 1921 to 1996, won a sweeping victory in the parliamentary elections, leaving only 4 of 76 seats to opposition members. The transition to the new Government occurred in accordance with constitutional procedures, and international observers characterized the elections as free and fair. There are 20 political parties, 3 of which hold seats in the Parliament. The judiciary is independent.

Security forces are under civilian control, and, although he is a retired general, the Minister of Defense is a civilian. The national police have primary responsibility for law enforcement. The military forces are responsible for external security, although border security is the responsibility of the Ministry of Justice and Home Affairs in peacetime. Reduced government spending continued to force downsizing of the military forces. The General Intelligence Agency (GIA), formerly the State Security Agency, is responsible for internal security; its head has ministerial status and reports directly to the Prime Minister. A parliamentary committee oversees the military forces, the police, and the GIA. Some members of the police on occasion committed human rights abuses.

Despite reforms in the 1990's, the major economic entities remain under state control; however, the private sector produces over 70 percent of the gross domestic product. The economy continued to expand and strengthen, and inflation stayed below 10 percent. Mongolia remains a poor country with a per capita income of approximately $450 per year. It relies heavily on foreign economic assistance. The mainstays of the economy continue to be copper production and other mining, livestock raising (which is done by a majority of the rural population), and related food-, wool-, and hide-processing industries, which meet both local needs and produce goods for export. A growing trade and small entrepreneurial sector in the cities provides basic consumer goods. Garment manufacture and minerals, especially copper, constitute the bulk of export earnings. Lack of transportation and other infrastruc-

ture, legal and regulatory deficiencies, petty corruption, and a small domestic market discourage foreign investment.

The Government generally respected the human rights of its citizens; however, problems remain in some areas. Members of the police at times beat prisoners and detainees. Pretrial detention and prison conditions are poor, and resulted in the deaths of prisoners in custody. Arbitrary arrest and detention are problems, as is corruption. There are restrictions on due process for persons arrested or suspected of crimes. Government attempts to enforce compliance by newspapers, magazines, television, and radio with moral strictures and tax laws were seen as an attempt to intimidate the media and have resulted in a degree of self-censorship by the press. During the year, lacking a legal framework to deal with refugees and responding to a bilateral agreement to return illegal immigrants to the country of origin, the authorities denied entry to some persons claiming refugee status. Official harassment of some religious groups seeking registration persisted. Domestic violence against women is a serious problem; however, efforts to assist victims increased during the year. Child abuse and child labor also are problems. There were some instances of forced labor, and some women seeking work overseas may have become victims of trafficking schemes. In December the Government passed legislation to establish a National Commission on Human Rights.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings; however, it is suspected that the murder of the Minister of Infrastructure in October 1998 was politically motivated. Although the investigation is ongoing, the inability to solve this case is a major problem for the Government.

Approximately 100 prisoners died in custody during the year, largely due to disease and inadequate prison management (see Section 1.c.).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the Constitution forbids torture and other abuse, and reports of such actions diminished, members of the police in rural areas occasionally beat prisoners and detainees, and unnecessary force in the arrest process is not uncommon. Reforms undertaken by the Ministry of Justice and Home Affairs upon Parliament's recommendation, following reports by international human rights observers, have changed significantly the way that accused persons and prisoners are treated. The Ministry's Department for the Enforcement of Court Decisions now monitors conditions; however, the new laws and procedures have not been publicized widely, especially in the countryside, and citizens are not aware always of their rights with respect to detention and arrest.

Pretrial detention and prison facilities are poor—including insufficient food, heat, and medical care—and threaten the health and life of inmates. Different authorities administer the pretrial detention system and the prison system, which creates tensions between the two and limits management improvements. Many inmates entered prison already infected with tuberculosis or contracted it in prison. With the help of foreign donors, the prisons continued a 1997 program for surveying and treating tuberculosis among inmates, bringing the number of cases down to 890; the percentage of inmates who die of the disease has decreased by 50 percent. Approximately 100 prisoners died in custody, largely due to disease and mismanagement by the authorities; this also is a 50 percent decrease from 1999. Pretrial detention facilities, where suspects can be held for up to 36 months, often are worse than the prisons and contribute significantly to the tuberculosis problem. Although the number of inmates has remained fairly constant, the seriousness of crimes has increased. Overcrowding in both prisons and pretrial detention facilities is common; the detention center population exceeds capacity by approximately 25 percent, aggravating management, health, and funding problems. To address these problems under the continuing reform process, prison inmates in the capital were divided into smaller groups managed by trained personnel and provided health and hygiene instructions. During the year, families were given greater access to inmates, alleviating some of the hardship in obtaining food and clothing. In the capital foreign donor assistance improved women's and juvenile facilities. Improvements in detention and prison conditions outside of the capital are significantly less or nonexistent due to lack of funding.

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides that no person shall be searched, arrested, detained, or deprived of liberty except by law, but these protections still have not been codified fully, and arbitrary arrest and detention are

problems. Under the Criminal Procedures Code, police may arrest those caught committing or suspected of a crime and hold them for up to 72 hours before the decision is made to prosecute or release. A prosecutor must issue a warrant for incarceration of longer duration or when the actual crime was not witnessed. A detainee has the right to a defense attorney during this period and during any subsequent stage of the legal process. If a defendant cannot afford a private attorney, the State appoints an attorney. Detainees may be released on bail with the agreement of the prosecutor.

Citizens are not always aware of their rights in regard to arrest and detention procedures (see Section 1.c.). In June a new amnesty law affected 1,000 inmates and detainees by reducing the sentences of inmates and releasing detainees held on insufficient evidence. The police may detain a suspect for up to 10 months, and the prosecutor can authorize up to an additional 26 months of pretrial detention. However, over the year, the number of suspects detained for more than 6 months has decreased. According to administrative regulation, if a person was wrongly charged with a crime, the State will restore the person's rights and reputation and compensate him.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the courts are independent in practice, although corruption is a concern.

The court system consists of local courts, provincial courts, and the Supreme Court. The 17-member Supreme Court is at the apex of the judicial system, hearing appeals from lower courts and cases involving alleged misconduct by high-level officials. Local courts hear mostly routine criminal and civil cases; provincial courts hear more serious cases such as rape, murder, and grand larceny and also serve as the appeals court for lower court decisions. The Constitutional Court, separate from the criminal court system, has sole jurisdiction over constitutional questions. The General Council of Courts, an administrative body within the Ministry of Justice and Home Affairs, nominates candidates for vacancies on both the Supreme and lower courts; the President has the power to approve or refuse such nominations. The Council also is charged with ensuring the rights of judges and providing for the independence of the judiciary. During the year, a human rights course became compulsory for the university law curriculum.

All accused persons are provided due process, legal defense, and a public trial, although closed proceedings are permitted in cases involving state secrets, rape cases involving minors, and other cases provided by law. Defendants do not enjoy a presumption of innocence. Defendants may question witnesses and appeal decisions. There were few complaints about the legal system to the local office of the U.N. High Commissioner for Human Rights (UNHCHR), because most citizens still do not know about the organization. Complaints were usually about corruption in connection with civil and property cases that allegedly resulted in unfair court decisions. The UNHCHR staff referred these complaints to nongovernmental organizations (NGO's) and the Ministry of Justice and Home Affairs.

There were no reports of political prisoners. In a program that began in 1998, the State Rehabilitation Commission makes a one time payment to the families of those individuals who were persecuted from 1922 through the 1960's. During the year, 1,901 persons received payments of from $500 to $1,000 (500,000 to 1 million tugrik) each under this program. More than 11,000 citizens were compensated in 1999.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides that the State shall not interfere with the private beliefs and actions of citizens, and the Government generally respected these provisions in practice. The head of the GIA may, with the knowledge and consent of the Prime Minister, direct the monitoring and recording of telephone conversations. The extent of such monitoring is unknown. Police wiretaps must be approved by the Prosecutor's Office and are authorized for only 2 weeks at a time.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech, press, and expression, and the Government generally respects these rights in practice. An increasing variety of newspapers and other publications represent major political party viewpoints as well as independent views. The media law that went into effect in 1999 bans censorship of public information and future legislation that would limit the freedom to publish and broadcast. This law also bars state ownership or financing of the media or media organizations. Nonetheless radio and television remain state-owned. The law took effect without agreement on regulations and procedures for the privatization of assets, and its implementation was difficult and controversial. Lack of access to information and of transparency in government continue to inhibit political dialog in the media, and led to media complaints.

The new Government monitored all media for compliance with antiviolence, antipornography, antialcohol, and tax laws. While only two newspapers were closed as a result of the inspections, journalists saw it as an attempt at intimidation and control. The media practices self-censorship.

All newspapers buy newsprint directly from private suppliers, and neither party-affiliated nor independent news media report difficulty securing an adequate supply. Due to transportation difficulties, uneven postal service, and fluctuations in the amount of newsprint available, access to a full range of publications is restricted in outlying regions.

The court system places the burden of proof on the defendants in libel and slander cases, which stifles the free media.

There are several television stations including a government-financed television station with countrywide broadcasting capability, a limited-operation international joint venture private television channel, a private television station, which does not broadcast nationwide, a local television station controlled by the Ulaanbaatar mayor's office, and several radio stations in Ulaanbaatar. State-owned radio is particularly important as the major source of news in the countryside, but the one independent radio station broadcasts widely and there are an increasing number of small local FM stations. The media presents opposition and government news. Many residents of the country have access to television, and Ulaanbaatar residents receive broadcasts from China, Russia, Japan, the United Kingdom, France, Germany, the United States, and other countries by commercial satellite and cable television systems. An estimated 70 percent of households have television. The Internet is available, and there have been no government attempts to interfere with its use.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for these rights, and the Government respected them in practice.

c. Freedom of Religion.—The Constitution provides for freedom of conscience and religion, and the Government generally respected these provisions in practice; however, the law limits proselytizing, and some groups that sought to register have faced bureaucratic harassment. The Constitution explicitly recognizes the separation of church and state. The law regulating the relationship between church and state was passed in 1993 and amended in 1995. While the Ministry of Justice and Home Affairs is responsible for registrations, local assemblies have the authority to approve applications at the local level.

Although there is no official state religion, traditionalists believe that Buddhism is the "natural religion" of the country. The Government has contributed to the restoration of several Buddhist sites. These are important religious, historical, and cultural centers. The Government does not subsidize the Buddhist religion otherwise.

Under the provisions of the law, the Government may supervise and limit the numbers of both places of worship and clergy for organized religions, but there were no reports that it has done so. However, religious groups must register with the Ministry of Justice and Home Affairs. Some groups encountered harassment during the registration process, including random demands by midlevel city officials for financial contributions in return for securing legal status. Even when registration was completed, the same authorities threatened some religious groups with withdrawal of approval. The registration process is decentralized with several layers of bureaucracy, in which officials sometimes demand financial benefits in exchange for authorization. In addition registration in the capital may not be sufficient if a group intends to work in the countryside where local registration also is necessary. In general it appears that difficulties in registering primarily are the consequence of bureaucratic action by local officials and attempts to extort financial assistance for projects not funded by the city. Of the 260 temples and churches founded in the past 10 years, about 150 are registered, including 90 Buddhist, 40 Christian, and 4 Baha'i, in addition to 1 Muslim mosque and other organizations.

The law does not prohibit proselytizing, but limits it by forbidding use of incentives, pressure, or deceptive methods to introduce religion. With the opening of the country following the 1990 democratic changes, religious groups began to arrive to provide humanitarian assistance and open new churches. Some friction between missionary groups and citizens developed because this assistance was mixed with proselytizing activities. Proselytizing by registered religious groups is allowed, although a Ministry of Education directive bans mixing foreign language or other training with religious teaching or instruction. The edict is enforced, particularly in the capital area. Contacts with coreligionists outside the country are allowed.

There were no reports of religious detainees or prisoners. A report that in April a Christian in Bayan-Olgiy (a predominantly Muslim province) was imprisoned for distributing religious material was determined to be false.

When draft amendments to the law that would have limited religious freedom were circulated by the Ministry of Justice and Home Affairs in 1999, religious organizations, human rights groups, and foreign diplomatic mission protested, and the Government did not pursue the amendments.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement within the country as well as the right to travel and return without restriction, and the Government generally respected these rights in practice. Due to unusually harsh winter weather and drought conditions, an increased number of persons sought shelter in the capital. The authorities responded by raising bureaucratic obstacles to qualify for residency and social benefits in the capital.

The country is not a party to the 1951 U.N. Convention Regarding the Status of Refugees and its 1967 Protocol and it has no laws for granting refugee status. The Constitution contains a provision that addresses political asylum, but there are no implementing regulations. The issue of granting of first asylum did not arise during the year.

The Government cooperates with the U.N. High Commissioner for refugees and other humanitarian organizations in assisting refugees. During the year, persons with a valid claim to refugee status were given safe passage to a third country. However, border control is governed by bilateral agreements, and some persons who were suspected of being illegal immigrants were denied entry.

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

The Constitution provides citizens with the right to change their government through periodic, free elections by secret ballot and universal suffrage. Presidential, parliamentary, and local elections are held separately. In July parliamentary elections brought the MPRP back into power. International observers deemed the elections generally free and fair, although there were some irregularities, and made recommendations to improve elections practices and procedures. The formation of the new Government highlighted constitutional questions concerning the President's relationship to Parliament and the Government, and the right of Members of Parliament to serve in the Government. Constitutional amendments meant to address these questions went into effect on July 15.

There are 20 registered political parties; 3 are represented in the Parliament.

Although there are no legal impediments to the participation of women or minorities in government and politics, women are underrepresented in government and politics. There are only 8 female members in the 76-member Parliament. There are no female ministers. Women and women's organizations are vocal in local and national politics and actively seek greater representation by women in government policymaking.

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

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views. A human rights course is a requirement in the university law curriculum.

In December Parliament passed legislation establishing a National Commission on Human Rights to receive complaints from both citizens and foreign residents. The Commission will consist of three senior civil servants nominated by the President, the Supreme Court, and the Parliament for terms of 6 years.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution states that "no person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin, or status," and that "men and women shall be equal in political, economic, social, cultural fields, and family." The Government generally enforced these provisions in practice.

Women.—Rape and domestic abuse are illegal, and offenders can be prosecuted and corrected under assault laws after formal charges have been filed. There is no law specifically prohibiting spousal rape. Domestic violence against women is a serious problem. There are no reliable or exact statistics regarding the extent of such abuse but a wide range of qualified observers believe that it is common. After many years of government and societal denial, there is increasing public and media discussion of domestic violence, including spousal and child abuse. The large economic and societal changes underway have created new stresses on families, including loss of jobs, inflation, and lowered spending on social and educational programs. Some statistics show that over 70 percent of the cases of family abuse are related to alco-

hol abuse. The high rate of alcohol abuse has contributed to increased instances of family abuse and abandonment, and has added to the number of single-parent families, most of which are headed by women. Although women's groups advocate new statutes to cope with domestic violence, there is no known police or government intervention in cases involving violence against women beyond prosecution under existing assault laws after formal charges have been filed.

The family law which went into effect in 1999 details rights and responsibilities regarding alimony and parents' rights, and is intended to bring about timely dispute settlement and avoid the causes of some domestic violence. The National Center Against Violence made progress in providing hot line services, shelters, and conducting training for police on how to deal with domestic violence cases and began to expand its work outside the capital.

There are reports that some women and teens work in the sex trade in Asia and eastern Europe; an unknown number of them may have been trafficked (see Sections 6.c. and 6.f.).

The Constitution provides men and women with equal rights in all areas and, both by law and in practice, women receive equal pay for equal work and have equal access to education. Women represent about half of the work force, and a significant number are the primary earners for their families. The law prohibits women from working in certain occupations that require heavy labor or exposure to chemicals that could affect infant and maternal health. The Government enforces these provisions. Many women occupy midlevel positions in government and the professions, and many are involved in the creation and management of new trading and manufacturing businesses.

There is no separate government agency that oversees women's rights; however, there is a National Council to coordinate policy and women's interests among ministries and NGO's, and the Ministry of Social Welfare and Labor has added a Department for Women and Youth Issues. There are approximately 36 women's rights groups that concern themselves with such issues as maternal and child health, domestic violence and equal opportunity.

Children.—Increased stress on the family structure and throughout society has had adverse effects on many children, and the Government has been unable to keep pace with the educational, health, and social needs of the most rapidly growing segment of its population, although it is committed to children's rights and welfare in principle. The Government provides children of both sexes with free, compulsory public education through the age of 16, although family economic needs and state budgetary difficulties make it difficult for some children to attend school. In addition there continues to be a severe shortage of teachers and teaching materials at all educational levels.

The society has a long tradition of support for communal raising of children. The Government is more willing to admit the extent of the problem of orphaned children, but it lacks the resources to improve the welfare of children who have become the victims of larger societal and familial changes. NGO's continued to assist orphaned and abandoned children. Groups working in this field disagree on the number of street children; some report that the figure was 700 to 800, while others count all poor children who may or may not be homeless and estimate that it was as high as 3,000. Although evidence is limited, there are reports that female street children sometimes faced sexual abuse (see Section 6.d.). The Government provides only minimal support for the few shelters and orphanages that exist; those facilities must turn to private sources to sustain their activities.

The family law, which took effect in 1999, stipulates the obligations regarding divorce, custody, and alimony to the benefit of the parent caring for children. It provides for more speedy resolution of divorce cases where the relevant agencies have determined that domestic violence is involved.

There is growing awareness that child abuse, often associated with parental alcoholism, is a problem. In conjunction with efforts to counter violence against women, NGO's have begun to address the issue. The Ministry of Social Welfare and Labor has added a Department for Women and Youth Issues. Awareness of child labor as a problem is growing (see Sections 6.c. and 6.d.). The Government declared the year the Year of Supporting Child Development and established a National Committee for Children.

People with Disabilities.—There is no discrimination against disabled persons in employment and education, and the Government provides benefits to the disabled according to the nature and severity of disability. Those who have been injured in industrial accidents have the right to be reemployed when ready to resume work. The Government also provides tax benefits to enterprises that hire the disabled, and some firms hire the disabled exclusively. There is no legislation mandating access for the disabled and, therefore, it is difficult for the disabled to participate fully in

public life. Disabled citizens groups have demonstrated for higher government subsidies. Approximately 30 NGO's participate in activities assisting the disabled.

Section 6. Worker Rights

a. The Right of Association.—The Constitution entitles all workers to form or join unions and professional organizations of their choosing. Union officials estimate that union membership dropped from 450,000 persons in 1998 to 400,000 during the year, and was less than half of the workforce. Union membership decreased due to restructuring and privatization of former state enterprises and as increasing numbers of workers either became self-employed or began working at small, nonunionized firms. No arbitrary restrictions exist on who may be a union official; officers are elected by secret ballot.

Union members have the right to strike. Those employed in essential services, which the Government defines as occupations critical for national defense and safety, including police, utility, and transportation workers, do not have the right to strike. During the year, there were approximately 50 strikes involving 4,500 workers.

Most union members are affiliated with the Mongolian Trade Unions Confederation, but some are affiliated with the newer Association of Free Trades Unions. Both organizations have ties with international labor organizations and confederations in other countries.

b. The Right to Organize and Bargain Collectively.—The labor law, which went into effect in 1999, defines conditions and regulates relations between employers, employees, the trade unions, and the Government, making adjustments for the changes in the structure of the economy. The Government's role is limited to ensuring that the contract meets legal requirements as to hours and conditions of work. Wages and other employment issues are to be set between the employer, whether state or private, and the employee, with trade union input, if appropriate. The new labor law also streamlines the process for dealing with labor conflicts. The Labor Dispute Settlement Commission resolves disputes involving an individual; disputes involving groups are referred to intermediaries and arbitrators for reconciliation. If an employer fails to comply with a recommendation, employees may exercise their right to strike. The law protects the workers' right to participate in trade union activities without discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law specifically prohibits forced or compulsory labor, including forced labor by children; however, enforcement is intermittent. In November a foreign-owned garment factory was discovered to be requiring employees to work 14-hour shifts 7 days a week, deducting unreasonable sums from paychecks for miscellaneous expenses, and requiring 16- to 18-year-old workers to work excessive hours (see Section 6.d.). Some members of the military forces in rural areas are required to help with the fall harvest. In many cases, prisoners work to support the detention facility in which they are held, and detained alcohol abusers and petty criminals sometimes are required, as part of their sentences, to perform menial tasks such as street sweeping.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law in general prohibits children under the age of 16 from working, although those who are 14 or 15 years of age may work up to 30 hours per week with parental consent. Those under 18 years of age may not work at night, engage in arduous work, or work in hazardous occupations such as mining and construction. Enforcement of these prohibitions, as well as all other labor regulations, is the responsibility of state labor inspectors assigned to regional and local offices. These inspectors have the authority to compel immediate compliance with labor legislation, but enforcement is limited due to the small number of labor inspectors and the growing number of independent enterprises. In November a foreign-owned garment factory was found to be employing 16- to 18-year-old workers for periods in excess of the legal limits (see Section 6.c.). Due to increasing economic pressures, there are indications that fewer children are staying in school until age 18, especially in the countryside. These children most often herd family animals, but reports of children working in factories or mining coal have increased. The Government prohibits forced and bonded labor by children, and generally attempts to enforce this prohibition (see Section 6.c.). Although evidence is limited, there are reports that female street children sometimes face sexual abuse (see Section 5). The Government is aware of this development and established a National Committee for Children to address this and other child welfare issues.

In January the International Labor Organization (ILO) established a national office for the International Program on the Elimination of Child Labor. In October

Parliament approved accession to the ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

e. Acceptable Conditions of Work.—The legal minimum wage established for the year is under $18 (18,000 tugrik) per month. The minimum wage alone is insufficient to provide a decent standard of living for a worker and family. This level applies to both public and private sector workers and is enforced by the Ministry of Social Welfare and Labor. Virtually all civil servants earn more than this amount, and many in private businesses earn considerably more. Some employees receive housing benefits.

The standard legal workweek is 40 hours, and there is a minimum rest period of 48 hours between workweeks. For those under 18 years of age, the workweek is 36 hours, and overtime work is not allowed. Overtime work is compensated at either double the standard hourly rate or by giving time off equal to the number of hours of overtime worked. Pregnant women and nursing mothers are prohibited by law from working overtime.

Laws on labor, cooperatives, and enterprises set occupational health and safety standards, and the Ministry of Social Welfare and Labor provides enforcement. The near-total reliance on outmoded machinery and problems with maintenance and management lead to frequent industrial accidents, particularly in the mining, power, and construction sectors. Effective enforcement of occupational health and safety standards is inadequate; the labor monitoring unit's 86 inspectors must inspect a growing number of enterprises throughout the country. According to the labor law, workers have the right to remove themselves from dangerous work situations and still retain their jobs.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and there is evidence that Mongolian women and teenagers are working in the sex trade in Asia and Eastern Europe and may have been the victims of trafficking rings. The country is both a source and transit point for trafficking. The problem has attracted increased attention, and debate on its legal and social aspects is underway.

NAURU

The Republic of Nauru, a small Pacific island with approximately 10,500 inhabitants, gained independence in 1968, at which time it adopted a modified form of parliamentary democracy. Nauru has two levels of government, the unicameral Parliament and the Nauru Island Council (NIC). Parliamentary elections must be held at least triennially. The Parliament, consisting of 18 members from 14 constituencies, is responsible for national and international matters. It elects the President, who is both Chief of State and Head of Government, from among its members. The NIC acts as the local government and is responsible for public services. The judiciary is independent.

Nauru has no armed forces, although it does maintain a small police force (less than 100 members) under civilian control.

The economy depends almost entirely on the country's declining phosphate deposits. Secondary reserves and residual mining may extend the productivity of its mines. The government-owned Nauru Phosphate Corporation (NPC) controls the mining industry. The Government places a large percentage of the NPC's earnings in long-term investments meant to support the citizenry after the phosphate reserves have been exhausted. The Governments of Nauru and Australia reached a $70.4 million out-of-court settlement in 1993 for rehabilitation of the Nauruan lands damaged by Australian phosphate mining. Two new banks opened during the year. Media reports indicate that significant offshore deposits are associated with these new banking facilities. The Government is working with the Pacific Finance Technical Assistance Center (an International Monetary Fund facility based in Fiji) to update its banking regulations.

The Government generally respected the human rights of its citizens; however, police reportedly raided a televison station and confiscated a videotape in May. In the traditional culture, women occupy a subordinate role, with limits on their job opportunities.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits these practices, and the Government respects these prohibitions in practice.

The Government attempts to provide internationally accepted minimum prison conditions within its limited financial means and in accordance with local living standards. However, prison conditions are basic, and food and sanitation are limited.

There are no local human rights groups, and the question of visits to prisons by human rights monitors has not been raised. Visits by church groups and family members are permitted.

d. Arbitrary Arrest, Detention, or Exile.—The constitutional prohibition against arbitrary arrest and detention is honored. The police may hold a person for no more than 24 hours without a hearing before a magistrate.

The Government does not practice forced exile.

e. Denial of Fair Public Trial.—The judiciary is independent, and constitutional provisions for both a fair hearing and a public trial are respected. Defendants may have legal counsel, and a representative will be appointed when required "in the interest of justice." However, many cases never reach the formal legal process, since traditional reconciliation is used—usually by choice but sometimes under communal (not government) pressure. Contract workers from Kiribati and Tuvalu are employed predominantly in the mining sector and do not have recourse to effective communal assistance; they are particularly at a disadvantage in complaints against citizens. There are only two trained lawyers, and many persons are represented in court by "pleaders," trained paralegals certified by the Government.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution generally prohibits these abuses. Searches not sanctioned by court order are prohibited, and there is no surveillance of individuals or of private communications. Citizenship and inheritance rights are traced through the female line. Marriage between women and foreign males may still draw social censure. The law extends the right of citizenship—subject to approval by the NIC—to both male and female spouses, provided that marital and residency requirements are met.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression. News and opinion circulate freely, rapidly, and widely by the press and word of mouth. The country has no regular print media. Occasional publications include the government bulletin. The sole radio station is owned and operated by the Government; it broadcasts Radio Australia and British Broadcasting Corporation news reports. Local television includes Nauru TV, which is government owned, as well as a privately owned sports network. Police raided Nauru TV in May and confiscated a videotape of the vote in Parliament in which the President was elected. The country's Director of Media, an Australian national, departed the country soon afterward.

There are no prohibitions or restrictions on academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for these rights, and the Government respects them in practice. No permits are required for public meetings, and there are no limitations on private associations.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights for citizens, and the Government respects them in practice.

Foreign workers must apply to their employers for permission to leave during the period of their contracts. They may break the contract and leave without permission but would lose their positions and often a sizable bond as a result. In most cases, foreign employees whose contracts are terminated by their employers must leave Nauru within 60 days.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. No person in recent memory has applied for refugee status, and the Government has not formulated a formal policy regarding refugees, asylees, or first asylum.

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

Citizens have, and exercise, the right to change their government. Although there are no organized political parties, persons with diverse points of view run for and are elected to Parliament and to the NIC.

Parliament elects the President. There was a change in government in April, the eighth change in government in the past 4 years. All the changeovers were peaceful and in accordance with the Constitution. Voting by secret ballot is compulsory for all citizens over the age of 20 for parliamentary elections. There have been multiple candidates for all parliamentary seats during recent elections. The approximately 3,000 guest workers have no voice in political decisions.

There are no legal impediments to participation in politics by women; however women are underrepresented in government and politics. There are no female Members of Parliament.

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

There are no restrictions on establishing local groups that concern themselves specifically with human rights, but to date none has been formed. No allegations have been made by outside organizations of human rights violations in the country, nor have there been any requests for investigations.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Government policy prohibits discrimination on the basis of race, sex, religion, disability, language, or social status.

Women.—The Government does not keep track of incidents of physical abuse against women. However, credible reports indicate that sporadic abuse, often aggravated by alcohol use, occurs. Families normally seek to reconcile such problems informally, and, if necessary, communally. The judiciary and the Government treat major incidents and unresolved family disputes seriously.

Nauru law assures women the same freedoms and protections as men. The Government officially provides equal opportunities in education and employment, and women are free to own property and pursue private interests. However, in practice, societal pressures limit opportunities for women to exercise these rights fully. The Government has appointed a women's development officer to assist with the development of professional opportunities for women.

Children.—The Government devotes considerable attention to the welfare of children, with particular stress on their health and educational needs. Education is compulsory until age 16. Child abuse statistics do not exist, but alcohol abuse sometimes leads to child neglect or abuse. The NIC treats child abuse as a serious communal matter. There were no reported cases of child abuse during the year.

People with Disabilities.—There is no reported discrimination in employment, education, and the provision of state services to persons with disabilities. However, no legislation mandates access to public buildings and services for the disabled. The Government has assisted persons with disabilities by building access ramps to homes and workplaces and by purchasing office equipment adapted for persons with disabilities.

National/Racial/Ethnic Minorities.—Non-Nauruan Pacific island workers experience some discrimination. While guest workers are provided free housing, the shelters they are given often are maintained poorly and overcrowded. In the past, some guest workers alleged that the police rarely act on complaints they made against citizens.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of citizens to form and belong to trade unions or other associations. However, the country has virtually no labor laws, and there are no trade unions. Past efforts to form unions were discouraged officially. The transient nature of the mostly foreign work force and the relative prosperity of the citizenry also have served to hamper efforts to organize the labor force. The right to strike is neither protected, prohibited, nor limited by law. No strikes took place during the year. Nauru is not a member of the International Labor Organization. There are no prohibitions or limits on the right of unions to affiliate with international bodies.

b. The Right to Organize and Bargain Collectively.—While there are no legal impediments, collective bargaining does not take place. The private sector employs only about 1 percent of salaried workers. For government workers, public service

regulations determine salaries, working hours, vacation periods, and other employment matters.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution forbids forced or compulsory labor, including forced and bonded labor by children, and the Government effectively enforces these prohibitions.

d. Status of Child Labor Practices and Minimum Age for Employment.—Education is compulsory until age 16; the law sets 17 as the minimum age of employment. The only two large employers, the Government and the NPC, honor this. Some children under the age of 17 years work in the few, small, family-owned businesses. The Constitution prohibits forced and bonded labor by children and the Government enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—Minimum wages exist for office workers and manual laborers and provide an adequate, if modest, standard of living. Most families live in simple but adequate housing, and almost every family owns some sort of motor vehicle. The Government sets the minimum yearly wage administratively for the public sector. Since November 1992, that rate has been $6,562 ($A9,056) for those 21 years of age or older. The rate is progressively lower for those under 21 years of age. Employers determine wages for foreign contract workers based on market conditions and the consumer price index. Usually foreign workers and their families receive free housing, utilities, medical treatment, and often a food allowance. Some noncitizen contract workers have complained about conditions in company living compounds. By regulation the workweek for office workers is 36 hours and for manual laborers 40 hours in both the public and private sectors. Neither law nor regulations stipulate a weekly rest period; however, most workers observe Saturdays and Sundays as holidays.

The Government sets health and safety standards. The NPC has an active safety program that includes an emphasis on worker education and the use of safety equipment such as helmets, safety shoes, and dust respirators. The NPC has a safety officer who is specifically responsible for improving safety standards and compliance throughout the company.

f. Trafficking in Persons.—The law does not specifically address trafficking; however, there were reports that Asian nationals were trafficked through the country en route to other destinations. The Government is investigating.

NEW ZEALAND

New Zealand is a parliamentary democracy, with executive authority vested in a 20-member cabinet led by the Prime Minister. The Governor-General is Head of State. The 120member Parliament is elected in a mixed member proportional representation system, with 6 seats reserved for members of the native Maori population. The judiciary is independent.

The police and defense forces are responsible to civilian officials and are firmly controlled by them.

New Zealand is an efficient producer of agricultural products and an exporter of wool, meat, and dairy products. Tourism, forestry, fishing, and manufacturing recently have become significant economic sectors. Disparities in wealth are small but increasing. Government social programs offer substantial benefits to disadvantaged persons.

The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. The Government has taken steps to address the problems of police abuse, overcrowded prisons, violence against women, and societal discrimination against the disabled, indigenous people, and Pacific islanders and Asians. Child abuse is a problem, and trafficking in persons is a small but growing problem.

The Government generally respects the human rights of citizens living in its territories of Tokelau, Niue, and Cook Islands.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other forms of mistreatment, and the Government generally respects these prohibitions in practice.

Police abuse declined slightly from 1999; however, there were instances of police abuse. During the year, 4.2 percent fewer complainants alleged misconduct by officers than during 199899. There were 11 cases of police misconduct that involved deaths, down from 21 in 199798. In one such case, police in May fatally shot a Maori youth, leading public officials, including the Prime Minister, to urge better policeMaori relations. The officer, also of Maori descent, was found by an internal police investigation to have acted in selfdefense and was exonerated, which resulted in protest from the Maori community in the Taranaki region.

Maori inmates constitute more than half the prison population, even though Maori are only 15 percent of the general population (see Section 5). The Government sought to reduce the problem of Maori recidivism through Maori focus units, which integrate Maori values into the rehabilitation program.

Prison conditions generally meet minimum international standards; however, prison overcrowding is a significant and growing problem to which the Government is responding by building new prisons. As of September, the inmate population totaled 5,940, with prison bed capacity of about 6,000. The inmate population is projected to increase to about 6,040 by 2002. In September the female inmate population rose to over 320, exceeding the number of available beds in women's prisons. As a result, women were housed in men's prisons, and advocates for prison reform asserted that facilities for female inmates in those situations were inadequate. In 1999 the Government added 22 new beds for women at the main women's prison in Wellington. In July the new Auckland Central Remand Prison opened, with beds for 360 male inmates. Two other new prisons are scheduled to open in 2002 and 2003. Construction also began during the year to improve older prisons in Dunedin and Invercargill that would result in toilets replacing buckets at those prisons by mid2001.

A highly publicized case of prisoner abuse was resolved in September when four inmates received substantial monetary compensation and an apology from the Government for an apparently isolated incident in 1993 in which they claimed that they were stripped and beaten in retaliation for attacking prison officers. A U.N. committee that considered the case stated that the prisoners were not tortured but that their treatment was cruel and degrading. Overall, assaults in prisons (mostly inmate on inmate) rose from 97 to 120 in 1999-2000; however, suicides declined from 8 to 6. Over 98 percent of prison officers are trained in suicide awareness.

Special problems also exist concerning the treatment of youth offenders. As of 1998, 18 percent of the total inmate population was under the age of 20. Two special units for inmates under the age of 17 and vulnerable 17 to 19-year-olds opened during the year. They offer a peer-based approach to transform behavior. In July the Government announced that it planned to build two new youth units and expand a third, increasing capacity for youth offenders by 142 beds by March 2001.

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest, detention, or exile, and the Government observes these prohibitions.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

There is an impartial judiciary, with the right of appeal to the Privy Council in London, UK, although this option rarely is invoked. Within the country, the Court of Appeal is the highest appellate court, and it determines appeals from the High Court, which has original jurisdiction for major crimes and important civil claims. The High Court also handles appeals from lower courts and reviews administrative actions. Remaining original jurisdiction rests with 110 judges of the district courts. Special courts include: The Employment Court; family courts; youth courts; Maori Land Court; Maori Appellate Court; and the Environment Court.

The law provides for the right to a fair trial, and the judiciary implements this provision.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such practices, government authorities respect these prohibitions, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine

to ensure freedom of speech and of the press, and of academic freedom. There were no reported instances of restrictions of free speech as in 1999.

b. Freedom of Peaceful Assembly and Association.—The law provides for these rights, and the Government respects them in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government respects them in practice.

The Government provides first asylum and is a signatory to the 1951 U.N. Convention relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Under its own refugee quota, the Government accepts up to 750 UNHCR-approved refugees per year.

There were no reports of the forced expulsion of persons with a valid claim to refugee status.

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

The law provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Parliamentarians are elected under a mixed-member proportional representation system, and general elections were held in November 1999.

Women and minorities are accorded full opportunity to participate in political life, but are underrepresented in government. In the 120-member Parliament, 36 seats are held by women; 16 by Maori; 3 by members of Pacific Island origin; and 1 by a member of Asian heritage. The Executive Council has 26 ministers (20 within the Cabinet and 6 outside the Cabinet) including 11 women (1 of whom is the Prime Minister), 4 Maori, and 1 Pacific Islander. The Cabinet has seven women, two Maori, and one Pacific Islander. The Prime Minister, the opposition leader, and the Chief Justice are women. In August Queen Elizabeth II of England, in her capacity as leader of the Commonwealth, appointed a new Governor General, also a woman, who is to take office in April 2001.

Women are underrepresented in government in the dependent territories of the Cook Islands, Tokelau, and Niue. Of the 25 members of the Cook Islands Parliament, 2 are women. In Niue, 2 of 20 are women.

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

A number of domestic and international nongovernmental organizations (NGO's) operate without government restriction, investigating allegations and publishing their findings on human rights cases. Government officials are cooperative and responsive to the views of these human rights groups. The Human Rights Commission, a U.N.-accredited national human rights institution, investigates complaints of human rights violations and unlawful discrimination and acts as a conciliator. The Government also funds an independent race relations conciliator, who received complaints and acted as an ombudsman during the year.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The 1993 Human Rights Act prohibits discrimination on the basis of race, sex, religion, disability, and language, and the Government effectively enforces it.

Women.—Violence against women is a problem that affects all socioeconomic groups. A 1997 government-sponsored academic survey indicated that 1 woman in 7 living with a male partner was abused physically or sexually by the partner in the previous 12 months, and 1 in 16 women were likely to be sexually assaulted each year. Publicity about domestic violence increased significantly after government ministers pressured a women's refuge coordinator in August not to publicize statistics about Maori spousal and child abuse rates. According to a 1994 Public Health Commission study, Maori women between the ages of 15 and 24 were 7 times more likely than non-Maori women to be hospitalized as a result of domestic assault. According to government statistics, in 1998 5,056 men were prosecuted for domestic assault, and about 1,000 more faced less serious family violence charges. Maori men constituted 41 percent of men convicted of assaulting a woman and 43 percent of men convicted of assaulting a child. Disproportionately high rates of domestic abuse also were documented among Pacific Islander families.

The law penalizes spousal rape. The Government convicted persons on this charge during the year. The National Collective of Rape Crisis groups, a private, nonprofit

organization, claimed in 1998 that the majority of cases go unreported each year and that, of the cases that are reported to the police, only 10 to 15 percent result in convictions. The group reported that husbands and boyfriends committed about 25 percent of all sexual assaults.

The 1996 Domestic Violence Act broadened the definition of violence to include psychological abuse, threats, intimidation, harassment, and allowing children to witness psychological abuse. It expanded intervention measures, such as the use of protection orders; education programs for men, women, and children; stronger police powers to arrest and detain offenders; improved access to legal services for women eligible for legal aid; and tougher penalties for breach of a protection order. The family court received 22,174 applications for protection orders under the act from 1996 through 1997.

The Government's strategy to prevent family violence included a range of objectives, such as providing victim support, incorporating successful innovations and proven methods from family violence centers into the national family violence programs (that is, the promotion of "best practice"), ensuring safety from violence, and implementing Maori-designed and delivered programs. The Government partially funded women's refuges, rape crisis centers, sexual abuse counseling, family violence networks, and violence prevention services.

Prostitution is legal; however, organizing and recruiting women into prostitution is not. There were reports of abuse and the involuntary detention of women involved in prostitution during the year (see Section 6.f.). There were several credible reports that women were trafficked into the country and forced into prostitution (see Sections 6.c. and 6.f.).

While the law prohibits discrimination in employment and in rates of pay for equal or similar work, the Government acknowledged that in practice a gender earnings gap persists. Statistics for the second quarter of the year showed that women earned 86 percent of men's average ordinary hourly wage, up from 84.8 percent in 1999.

Children.—The law provides specific safeguards for children's rights and protection. The Government demonstrates its commitment to children's rights and welfare through its well-funded systems of public education and medical care.

Child abuse gained significant attention during the year, especially after the deaths of three toddlers were linked to physical abuse. Publicity rose after a report by the Children's Commissioner blamed the 1999 death of a 4-year-old child on state agencies that had returned him to an abusive home. In July a toddler was killed and a second child suffered brain damage as a result of abuse by family members. In August caretakers were tried and convicted for the May 1999 and January 2000 beating deaths of a 6-year-old and a 3-year-old child. During 1998 and 1999, Child, Youth, and Family Services confirmed 1,660 cases of physical abuse, 1,375 cases of sexual abuse, and 1,414 cases of severe emotional abuse of children. Preliminary statistics for 1999 and 2000 showed little change in the prevalence of abuse. In 1997, the most recent year for which statistics are available, 12 children under age 15 died in assaults, including 7 who died from child battering. The Government reported that Maori children are four times as likely as non-Maori children to require hospital care for injuries resulting from deliberate harm. In August the Government instituted an expanded program of information sharing between court and health and child protection agencies to identify children at risk of abuse. Under the program, notifications to childprotection agencies of at-risk children increased by 30 percent in the first month. Applications to Family Court under the Domestic Violence Act included protection of more than 33,000 children.

There are a small number of documented cases of female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health. FGM traditionally is not practiced in the country, but cases have been documented in the Somali, Sudanese, and Ethiopian immigrant communities. The influx of persons from countries where FGM is prevalent has slowed. It is illegal to perform FGM or to remove a child from the country to carry out the procedure. To address FGM, the Government sponsored public awareness campaigns, a child protection network, and a special clinic at the country's largest women's hospital.

Incidents of trafficking in children for sexual purposes also were documented during the year. The Government works with the NGO, ECPAT NZ, to combat trafficking in children and to develop legislation that would criminalize trafficking (see Section 6.f.).

People with Disabilities.—The law prohibits discrimination against people with disabilities in employment, education, access to places and facilities and the provision of goods, services, and accommodation. Compliance with access laws, mandated by the Human Rights Act and the Disabled Persons Community Welfare Act, varies

as business owners and others strive to make necessary adaptations. The Government has not complied fully with equal access laws prohibiting discrimination on the basis of disability in areas such as public transportation and public accommodation. In 1999 the Government granted itself a partial exemption from sections of the Human Rights Act that concern physical disability. The Government must comply by December 31, 2001 with laws and regulations relating to discrimination based on physical disability. The Human Rights Commission reported during the year that it received more complaints of discrimination based on disability than any other type of discrimination. The International Labor Organization (ILO) criticized the Government for not collecting adequate data on the employment of the disabled.

Indigenous People.—Approximately 15 percent of the population claim at least one ancestor from the country's indigenous Maori or Moriori minorities. While the law prohibits discrimination against the indigenous population, the Government's Closing the Gaps report, released in May, noted the continuing disproportionate number of Maori included on the unemployment and welfare rolls, among the prison population, among school dropouts, in infant mortality statistics, and among single-parent households. For example, the official Maori unemployment rate (19 percent) is over three times that for nonMaori. Maori officials expressed concern over the Government's announcement in November that it would shift its Closing the Gaps strategy to address socio-economic disparities rather than race-based disparities. Maori inmates constitute more than half the prison population, even though Maori are only 15 percent of the general population. The Government addressed this problem through Maori focus units, which integrate Maori values into the rehabilitation program. A special program for Maori sex offenders, Kia Marama, halved the rate of recidivism among those who participated.

Government policy recognizes a special role for indigenous people and their traditional values and customs, including cultural and environmental issues that have an effect on commercial development. The Ministry of Maori Development, in cooperation with several Maori NGO's, seeks to improve the status of indigenous people. A special tribunal continues to hear Maori tribal claims to land and other natural resources stemming from the 1840 Treaty of Waitangi.

National/Racial/Ethnic Minorities.—Pacific Islanders, who make up 5 percent of the population, are not an indigenous people, but they experience difficulties similar to Maori. Asians, who make up under 5 percent of the population, also experience discrimination. In August a citizen of Western ancestry was convicted of manslaughter for stabbing her Cambodian neighbor over 150 times. The judge ordered the lengthiest permissible sentence because of evidence that the killing was racially motivated. Pacific Islanders also are overrepresented in the prison system. They comprise only 5 percent of the general population but account for 10 percent of inmates.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to establish and join organizations of their own choosing. The principal labor organization is the New Zealand Council of Trade Unions, a federation that includes unions representing various trades and locations. During the year, the Council of Trade Unions merged with the second-largest labor federation, the New Zealand Trade Union Federation. As a result, nearly all unionized workers are members of the Council of Trade Unions. A few small, independent labor unions also exist.

Labor organization is rudimentary in the territory of Tokelau (population 1,500) and in the Freely Associated State of Niue (population 1,700). In the more developed Associated State of the Cook Islands (population 19,000), most workers in the public sector, the major employer, belong to the Cook Islands Workers' Association, an independent local union inspired by New Zealand models. Industrial relations in the Cook Islands are governed by a simplified version of older national legislation.

The law protects unions from governmental interference, suspension, and dissolution. Unions do influence legislation and government policy. Some unions are affiliated with the Labor Party; others operate independently of political parties; all are free to support parties whose policies they favor. Unions often exercise the right to strike. Significant limitations on the right to strike were eliminated when the Employment Relations Act (ERA) replaced the Employment Contracts Act in October; unions are not limited to strikes related to the negotiation of a collective contract and can strike in pursuit of multiemployer contracts across an entire economic sector.

In the 12 months that ended in June there were 31 work stoppages, involving approximately 10,400 workers and the loss of approximately $1.9 million ($NZ 4.6 million) in wages and salaries.

Under the Police Act of 1958 and amendments, "sworn police officers," that is, all uniformed and plainclothes police but excluding clerical and support staff, are barred from striking or taking any form of industrial action. However, police have freedom of association and the right to organize and to bargain collectively. Disputes that cannot be settled by negotiation between the Police Association and management are subject to compulsory, final-offer arbitration.

The Freedom of Association Committee of the International Labor Organization (ILO) ruled in 1994 that the Employment Contracts Act of 1991 does not promote collective bargaining and limits the right of freedom of association and the right to strike in a manner inconsistent with ILO conventions. The Government contends that the ERA, which replaced the Employment Contracts Act in October, is consistent with ILO conventions. Discussions with the ILO to confirm this understanding were in progress at year's end. Sympathy strikes, secondary strikes, and strikes over social or political causes are illegal. In June a brief strike was staged by the Council on Trade Unions that expressed political solidarity with Fijian unionists in reaction to the overthrow of the government of Fiji. The Minister of Labor, who also is the Attorney General, did not take any enforcement action against the strikers or the Council.

Unions may affiliate internationally. The New Zealand Council of Trade Unions is affiliated with the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law provides for the right of workers to organize and contract collectively, and this right is observed in practice. During the year, the Government changed the law governing industrial relations significantly. It repealed the Employment Contracts Act of 1991 and replaced it with the Employment Relations Act (ERA) on October 2. The ERA promotes collective bargaining, strengthens unions, and requires that parties to an employment agreement bargain in good faith to achieve either a collective or individual employment agreement. The act also promotes mediation and attempts to reduce the need for judicial intervention. The law prohibits uniformed members of the armed forces from organizing unions and bargaining collectively.

Unions represent fewer than 20 percent of all wage earners. Under the ERA, employment relationships are based on contracts. Individual employees and employers may choose to conduct negotiations for employment contracts on their own behalf, or they may authorize any other person or organization to do so on their behalf. Although choosing a union is entirely voluntary, unions have remained the most common agents used by workers to negotiate with employers. Employers must recognize a representative authorized by an employee or employees.

The Government does not control mediation and arbitration procedures. The ERA strongly encourages mediation, and requires that the majority of employment disputes first proceed through mediation. It also establishes a Employment Relations Authority as an investigative body to establish the facts of an employment relationship dispute and to make a determination according to the merits of the case. The Authority replaces the previous Employment Tribunal. An employment court remains, with exclusive jurisdiction over employment matters. Appeals from the employment court to the court of appeal are possible. Firing an employee for union activities is grounds for a finding of unjustified dismissal and may result in reinstatement and financial compensation.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including forced and bonded labor by children; however, trafficking in women and children is a problem. Inspection and legal penalties ensure respect for the provisions. There were reports of the involuntary detention of women involved in prostitution, and the trafficking of women for prostitution (see Section 6.f.). In April the Government convicted and fined the operators of a factory in Auckland in which workers had been exploited; seven Thai women escaped slave labor conditions in October 1999 (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government prohibits forced and bonded child labor and enforces this prohibition effectively; however, trafficking in children is a problem (see Sections 6.c. and 6.f.). Department of Labor inspectors effectively enforce a ban on the employment of children under the age of 15 years in manufacturing, mining, and forestry. Children under the age of 16 may not work between the hours of 10 p.m. and 6 a.m. In addition to explicit restrictions on the employment of children, compulsory education ensures that children under the minimum age for leaving school (16 years) are not employed during school hours. By law children enrolled in school may not be employed, even outside school hours, if such employment would interfere with their education.

The Government announced that it would ratify ILO Convention 182 but did not define the worst forms of child labor.

e. Acceptable Conditions of Work.—The law provides for a minimum 3-week annual paid vacation and 11 paid public holidays. A 40-hour workweek is traditional. While the law does not provide specifically for a 24-hour rest period weekly, management and labor accept the practice, and it is the norm. The government-mandated hourly minimum wage of approximately $3.20 ($NZ 7.55) applies to workers 20 years of age and older. Combined with other regularly provided entitlements and welfare benefits for low-income earners, this wage generally is adequate to provide a decent standard of living for a worker and family. The minimum wage for younger workers is 60 percent of the adult minimum. A majority of the work force earns more than the minimum wage. The current youth minimum wage of approximately $1.90 ($NZ 4.55) applies to workers of ages 16 to 19. In December the Government announced minimum wage increases that would take effect in March 2001.

An extensive body of law and regulations govern health and safety issues, notably the 1992 Health and Safety in Employment Act. Under this legislation, employers are obliged to provide a safe and healthy work environment, and employees are responsible for their own safety and health as well as ensuring that their actions do not harm others. As a result of union criticism, the act is under review by Parliament. Workers have the legal right to strike over health and safety issues. Unions, and members of the general public may file safety complaints on behalf of workers. Department of Labor inspectors enforce safety and health rules, and they have the power to shut down equipment if necessary. The Department of Labor standard is to investigate reports of unsafe or unhealthy working conditions within 24 hours of notification. Workers have the right to withdraw from a dangerous work situation without jeopardy to continued employment.

f. Trafficking in Persons.—The law does not address trafficking in persons specifically, and the applicable related crime, aiding and abetting the breach of immigration regulations carries relatively light penalties; however, prostitution is legal. Laws against child sexual exploitation and slavery carry penalties of up to 14 years in prison and recently have been used to prosecute citizens employing foreign prostitutes.

Incidents of trafficking in children for sexual purposes also were documented during the year. The Government is working to develop legislation to criminalize trafficking and works with an NGO, ECPAT NZ, to combat trafficking in children, and a coalition in Auckland was established to provide information to persons at risk of being trafficked into the country. (see Section 5).

Trafficking in women and children (particularly from Thailand) to work in the sex industry is a small but growing problem. There were several credible reports that women were trafficked into the country during the year. Domestic NGO's and the Human Rights Commission assisted six Thai women in repatriating to Thailand after they escaped forced work in the sex industry. One of the women sued in New Zealand to recover money that she had paid to traffickers; she claimed that the defendants had advertised the work as catering or agriculture. In October 1999, seven Thai women were freed from slave labor conditions in an Auckland factory (see Section 6.c.).

PALAU

Palau, an archipelago of more than 300 islands in the Western Pacific with a population of approximately 18,500 that formerly was a U.N. trusteeship administered by the United States, became an independent nation in free association with the United States on October 1, 1994. The democratically elected government is modeled after that of the United States. The Constitution provides for free and fair elections, and executive and legislative branches. The legislature, the Olbiil Era Kelulau, is composed of two equal houses, the 9-member Senate and the 16-member House of Delegates. The country is organized politically into 16 states. The judiciary is independent.

Palau has no security forces other than local police and civilian law enforcement personnel, all are under the firm control of civil authorities. Palau also has a Marine Law Enforcement Division that patrols its borders with assistance from the Australian Government. Under the Compact of Free Association, the United States is responsible for the Republic of Palau's defense.

With per capita gross domestic product of $7,510, Palau is a medium income country with a small, market-based economy largely sustained by transfer payments from the United States. The Government employs nearly half of the work force.

Tourism and other service sectors account for most other paid employment. Tuna, harvested by foreign-operated fleets, is the dominant export. Several small-scale operations, employing foreign workers, assemble clothing from imported materials for export. Traditional subsistence agriculture and fishing is diminishing as people move to the city in search of employment. Also an increasing number of Chinese farmers operate vegetable farms that compete with indigenous farmers; most indigenous farmers work and sell what they produce from their own land.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. Traditional customs sustain a value system that discriminates between persons on the basis of social status and sex. The loosening ties of the extended family and the increasing abuse of alcohol and other drugs are major contributing factors that lead to instances of domestic violence and child neglect. Societal discrimination against certain foreign workers, who account for nearly 30 percent of the population and 46 percent of the paid work force, is also a serious problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that officials employed them.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, detention, or exile, and the Government observes these prohibitions.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice.

The judiciary comprises the Supreme Court, the National Court, and the Court of Common Pleas. The President appoints judges to the Supreme Court and National Court from a list recommended by the Judicial Nominating Commission. Appointments are for life.

The Government has an independent special prosecutor and an independent public defender system. The Constitution provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for these rights, and the Government respects them in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice.

The Government has not formulated a policy regarding refugees, asylees, or first asylum, and government practice remains undefined. However, there were no reports of the forced expulsion of anyone having a valid claim to refugee status.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

There are no legal impediments to women participating in government and politics; however, women are severely underrepresented in government. As a result of the 1996 general elections, a woman gained a Senate seat for the first time. Women hold office in 10 of the 16 state legislatures, where they constitute 7 percent of the membership.

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

The Government has a history of openness to a variety of human rights groups without restriction. Government officials have met with representatives of these groups and foreign officials regarding the civil rights of foreign minority workers. Government officials generally are cooperative and responsive to their views. The Palau Red Cross Society opened its office in 1996; having satisfied all requirements, the Society has applications pending for full membership in the International Federation of Red Cross and Red Crescent Societies.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of sex, race, place of origin, language, religion or belief, social status, or clan affiliation, and the Government generally respects these provisions.

Women.—There are occasional incidents of violence against women, mainly domestic abuse. Alcohol and other drug abuse increasingly contribute to this problem. According to the Attorney General's office, the Government's Public Health Office, and women's groups, only a few such cases are reported to the authorities every year, but many more are believed to be unreported. Although assault is a criminal offense, women are reluctant to prosecute their spouses.

The inheritance of property and of traditional rank is matrilineal, with women occupying positions of importance within the traditional system. Women serve by presidential appointment as bureau directors for women's interests, human resources, and clinical services. There were no reported instances of unequal pay for equal work or sex-related job discrimination.

In 1993 local women's groups organized an annual women's conference that focuses on women's and children's issues including health, education, drug abuse, prostitution, and traditional customs and values. Each year government officials including the President, Vice President, ministers, and traditional chiefs have participated in the conference to discuss these issues. Women's group leaders and government officials agree that changes are needed to improve the country's educational system and to reduce drug use among youth.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. There is no societal pattern of abuse directed against children. Child prostitution is neither accepted within the culture nor practiced. There is no difference in the treatment of girls and boys in educational opportunities, or in the availability of scholarships to attend postsecondary education abroad. Girls and boys receive equal treatment in health care services.

Child abuse is thought to be uncommon, and there have been few child abuse prosecutions. While children's rights generally are respected, there were reports of several instances of child neglect, which is a byproduct of the breakdown of the extended family.

Government officials and representatives from nongovernmental organizations agree that changes are needed to improve the educational system and to reduce drug abuse among youth.

People with Disabilities.—The National Code includes a Disabled Persons Antidiscrimination Act and a Handicapped Children Act. No instances of discrimination against the disabled were reported. In 1998 a law requiring building access for the disabled was passed. The public schools have established special education programs to address problems encountered by those with disabilities.

National/Racial/Ethnic Minorities.—Non-Palauans are prohibited from purchasing land or obtaining citizenship. The rapid increase in the number of foreign workers, who now constitute nearly 30 percent of the population and 46 percent of the work force, is viewed negatively by a majority of citizens. Foreign residents are subject to some forms of discrimination and are targets of petty, and sometimes violent, crimes, as well as other random acts against person and property. Credible complaints are made by foreign residents that crimes against non-Palauans are not pursued or persecuted by authorities with the same vigor as crimes against citizens. Certain foreign nationals experience generalized discrimination in employment, pay, housing, education, and access to social services, although such discrimination is prohibited by law. While precise data is lacking, there continue to be anecdotal reports about abuse of workers' civil rights perpetrated against domestic helpers, bar girls, construction laborers, and other semiskilled workers, the majority of whom are from the Philippines, China, and Bangladesh. The most common abuses identified are misrepresentation of contract terms and conditions of employment, withholding of pay or benefits, and, sometimes, physical abuse. In a number of instances, local

authorities have taken corrective action when alerted by social service and religious organizations to which foreign workers have turned for assistance. Nonetheless, foreign workers often are reluctant to seek legal redress for fear of losing their employment and, thus, permission to remain in the country.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of all persons to assemble peacefully or to associate with others for any lawful purpose, including the right to organize and to bargain collectively. There are no active employee organizations.

b. The Right to Organize and Bargain Collectively.—The Constitution does not provide for the right to strike, and the Government has not addressed this issue. There is no legislation concerning collective bargaining or trade union organizations, although there are no legal impediments to either. Wages in the cash economy are determined by market factors.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits slavery or involuntary servitude except to punish crime. The law does not prohibit specifically forced and bonded labor by children, but such practices are not known to occur. Instances were reported of foreign workers, especially domestic helpers and unskilled laborers, who were forced to do jobs different from those for which they were recruited. The freedom of foreign workers to leave employment situations not to their liking may be hindered by physical barriers or the withholding of passports and return tickets to their country of recruitment.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution states that the Government shall protect children from exploitation, and children are protected by the general constitutional prohibition against forced and bonded labor (see Section 6.c.). There is no minimum age for employment. Children typically are not employed in the wage economy, but some assist their families with fishing, agriculture, and other small-scale family enterprises. The law requires compulsory education for children between 6 and 17 years of age, and the Government generally enforces this law. By regulation no foreigner under the age of 21 may be admitted into the country for employment purposes.

e. Acceptable Conditions of Work.—In July 1998, Palau passed its first minimum wage law. The law sets the minimum wage at $2.50 per hour, effective January 1; foreign workers are exempt from the minimum wage law. This amount appears to be sufficient, given the level of economic development, to provide a worker and his family with a decent standard of living. Anecdotal evidence indicates that unskilled workers for commercial firms are paid only $1.50 to $2.00 per hour. However, foreign workers usually are provided, in addition to their wages, with basic accommodations and food at no or nominal cost. Although these wages are low, the country continues to attract large numbers of foreign workers from the Philippines, China, and Bangladesh. There are more than 6,000 foreign nationals with work permits in the country, two-thirds from the Philippines. Philippine-based illegal recruiters who falsified the workers' documents recruited a majority of the workers from the Philippines. These falsified documents eventually lead to problems between employers and employees. In 1998 the Philippines opened an embassy in Koror and informed the Government and the public about the Philippine Government recruiting office with responsibility for overseeing Philippine workers overseas and issuing overseas working permits. The Embassy has been working closely with the Government's Labor Division to resolve the problems created by the falsified documents, and has interceded in several cases involving allegations of worker abuse during the year, and also has assisted in the repatriation of several workers.

As the number of foreign workers increases, there continue to be increasing numbers of reports of mistreatment of such workers by their employers. These incidents of alleged mistreatment are common knowledge among the general public but rarely are reported to law enforcement authorities by the foreign workers themselves due to fear of their employers. Some types of mistreatment that foreign workers consistently complain about are: Physical and verbal abuse; working overtime and on days off without pay; withholding monthly salary; deductions from salary for the amount of airfare; and substandard housing. Some workers also complained that they are not given enough food. The foreign workers most likely to be abused are those who work under contracts and earn between $100 and $300 a month as domestic helpers, construction workers, farmers, waitresses, beauticians, and hostesses in karaoke bars and massage parlors. Under the terms of their contracts, they also are to be provided room and board and air travel from their home country to Palau and back after the termination of their contracts. It generally is assumed that legislators

specifically exempted contract workers in the 1998 minimum wage bill to ensure a continued supply of low cost labor in industries that the legislators often control.

There is no legislation concerning maximum hours of work, although most businesses are closed on either Saturday or Sunday. The Division of Labor has established some regulations regarding conditions of employment for nonresident workers. The Division may inspect the conditions of the workplace and employer-provided housing on specific complaint of the employees, but actual enforcement is sporadic; working conditions vary in practice. No legislation specifically gives workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment, and no legislation protects workers who file complaints about such conditions.

f. Trafficking in Persons.—The Constitution prohibits trafficking in persons, and there are no reports that persons were trafficked to, from, within, or through the country.

PAPUA NEW GUINEA

Papua New Guinea (PNG), which comprises some 1,000 tribes and over 800 distinct languages in a population of about 4 million, has a federal parliamentary system, based on universal adult suffrage with periodic free and fair elections. The judiciary is independent.

The Government has constitutional authority over the Defense Force (PNGDF), the Royal Papua New Guinea Constabulary (RPNGC), and intelligence organizations. Members of the police force committed serious human rights abuses.

The economy relies heavily on the export of minerals, hydrocarbons, tropical timber, and tree crops such as coffee, cocoa, and copra, and is sensitive to changes in world commodity prices. During the year, the national currency, the PNG kina, strengthened due in part to the Government's economic reforms. Later in the year, slack commodity prices and rising fuel costs undermined the kina's external value and slowed economic growth. Poor performance by the public health and education systems are among the country's most important challenges. Crime, especially in urban areas, is a growing problem. Approximately 85 percent of the population resides in isolated villages and engages in subsistence and smallholder agriculture. For a majority of citizens, income and educational levels are low and infant and maternal mortality rates are high.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Police committed extrajudicial killings, beat suspects, and engaged in excessively punitive and violent raids. The Government on occasion investigated allegations of abuse and prosecuted those believed responsible. Prison conditions in several areas continued to be poor. Court understaffing reduced court sittings and increased pretrial detention periods for many persons. Police infringed on citizens' privacy rights. The Government continued to limit freedom of assembly in the form of marches or demonstrations, and imposed some restrictions on freedom of movement. Extensive violence and discrimination against women are problems, and abuse of children appears to be growing. Discrimination against the disabled persists, and violence between tribes remains a serious problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Several instances of killing by police were reported during the year. According to police reports, most occurred during gunfights with criminal suspects who were resisting arrest. However, in at least one case in Port Moresby, police beat a youth to death in front of bystanders. In another Port Moresby case, police apprehended an intoxicated man, and his corpse subsequently was discovered in an isolated area.

All police shootings are investigated by the police department's internal affairs office and reviewed by a coroner's court. If the court finds that the shooting was unjustifiable or due to negligence, the police officers involved are tried. Families of persons killed or injured by police in such circumstances also may challenge the coroner's finding in the National Court, with the assistance of the Public Solicitor's Office. Cases of accidental shootings of bystanders by police during police operations also are investigated and reviewed by a coroner's court.

No human right violations were reported in connection with military operations during the year. However, although four soldiers suspected of complicity in the kill-

ing of Bougainville Transitional Government Premier Theodore Miriung in 1996 were questioned by police in 1999, no arrests were made and no further progress has been reported.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution forbids torture and other cruel or degrading treatment or punishment; however, police often beat suspects during arrests and allowed members of the public to beat suspects as well. During the year, policemen in various localities were charged with raping female detainees.

Prison conditions are poor. The prison system suffers from serious underfunding, which results in the deterioration of infrastructure and poor delivery of services. Three prisons in which conditions previously were described as "life threatening" remained closed because of unsanitary conditions; prisoners in some of those areas are confined in crowded conditions in police stations. Some prisons, particularly those in urban areas, are seriously overcrowded. Prison guards' living conditions are as poor as those of the prisoners. During the year, there were several prison escapes. Overcrowding is exacerbated in rural areas by infrequent court sessions and bail restrictions for certain crimes (see Section 1.d.).

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The courts generally enforce constitutional protections against arbitrary arrest and detention. In 1994 the Supreme Court found unconstitutional portions of the 1993 Internal Security Act which were inconsistent with due process provisions of the Constitution. Under 1993 amendments to the Bail Act and the Criminal Code, only National or Supreme Court judges may grant bail to persons charged with willful murder or aggravated robbery. In all other cases, the police or magistrates may grant bail. Suspects who are arrested have the right to legal counsel, to be informed of the charges against them, and to have their arrests subjected to judicial review.

Due to limited police and judicial resources and a high crime rate, suspects often are held in pretrial detention for a long time, particularly in rural areas. Pretrial remand is subject to strict judicial review through continuing pretrial consultations, especially at the National Court level. However, cases frequently are delayed for months awaiting results of police investigations. Additionally circuit court sittings were infrequent because of a shortage of judges and budget difficulties, delaying both the trial process and the rendering of decisions. Some detainees have been held in jail for as long as 2 years because of the shortage of judges. An increase in the number of full-time judges, which was granted in September, is expected to improve the situation.

After Parliament named Sir Mekere Morauta Prime Minister in July 1999, government departments issued orders preventing foreign advisers to the former government from leaving the country. To date the authorities have shown no legal basis for these actions, and they were dropped after court reviews.

Exile is prohibited by the Constitution and is not practiced.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the courts are independent of executive, legislative, and military authorities.

The Supreme Court is the final court of appeal and has original jurisdiction on constitutional matters. The National Court hears most cases and appeals from the lower district courts established at the provincial level. There are also village courts headed by lay persons, who judge minor offenses under both customary and statutory law.

The legal system is based on English common law. The Constitution provides for due process, including a public trial, and the court system generally enforces these provisions. Defendants have the right to an attorney. Legal counsel is provided by the Public Solicitor's office for those accused of "serious offenses" who are unable to afford counsel. Serious offenses are defined as charges for which a sentence of 2 years or more is the norm. Defendants and their attorneys may confront witnesses, present evidence, plead cases, and appeal convictions. The shortage of judges creates delays both in the process of trials and in the rendering of decisions (see Section 1.d.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The authorities generally respect citizens' privacy rights, although there were instances of abuse, such as police destruction of property in May (see Section 1.c.). In January a large force of heavily armed police searched the home of a man accused of a nonviolent offense. He protested to the court that the search procedures were politically inspired. The court agreed and found police methods excessive and contrary to constitutional protections of privacy.

Although provisions in the Constitution require warrants, the police continued to conduct warrantless searches and raids.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for free speech, including freedom of the media, and the Government generally respects these freedoms in practice.

The media provided independent coverage and analysis of major issues, including accusations of corruption and immoral behavior directed at leading political figures.

The combined circulation of 2 daily English-language newspapers is less than 60,000. Two weekly newspapers, one in English and one in Pidgin (the national lingua franca), also are published. All freely express a variety of editorial viewpoints and report on controversial issues such as alleged abuses by police and security forces, cases of alleged corruption by government officials, and political opposition views. A Malaysian firm, which has invested heavily in the country's timber industry, owns one of the dailies; the newspaper publishes little on the controversial subjects of logging and forestry, but it is generally independent and unbiased on other issues.

The television broadcasting company, EM-TV, is independent. Television reception is limited mostly to the capital and provincial centers. The government-owned National Broadcasting Corporation owns two radio networks whose effectiveness is limited by inadequate funding and deteriorating equipment. A privately owned radio network, NAU-FM, is popular in Port Moresby and is expanding to other areas of the country.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government limits this right in practice. Public demonstrations require police approval and 14-days' notice. Police assert that they fear violence from unruly spectators and rarely give approval.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. Associations that wish to open a bank account and conduct financial transactions are required to register for this purpose. The process of registration may be slowed by bureaucratic inefficiency, but there is no policy of denying registration. International affiliation of church and civic groups is permitted freely.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government usually does not restrict freedom of movement within and outside the country. However, after taking office in 1999, the present Government, with no legal basis, prevented foreigners engaged as advisers by the previous government from leaving the country (see Section 1.d.). A reservation to the 1951 U.N. Convention Relating to the Status of Refugees regarding the issuance of travel documents restricted the travel of some Irian Jayans residing in a refugee camp in the western part of the country.

Movement within Bougainville is free for all groups. Internally displaced persons are free to return to their homes, and virtually all have done so. According to the U.N. High Commissioner for Refugees (UNHCR), there are very few persons who meet the criteria for refugee status. The Solomon Islands Red Cross reports that other Bougainvillians who sheltered there have been returning home and none remained under its care. Those remaining are employed professionals. The Government negotiated agreements with the Government of the Solomon Islands to establish the means for traditional border crossers in southern Bougainville and the northern Solomon Islands to pass easily between the two countries.

Although a party to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, the Government has not enacted enabling legislation. The Government cooperates with the UNHCR, and has not forced any persons to return to countries where they feared persecution. The Government provides first asylum for approximately 3,500 persons who fled from the neighboring Indonesian province of Irian Jaya (also known as Papua or West Papua). An equal number reside in informal, unrecognized camps adjacent to the border with Indonesia. The Government cooperates with the UNHCR in assisting the Irian Jayans who live in the East Awin refugee camp in Western Province and has administered the camp since 1996, when the UNHCR office closed. The UNHCR began to reduce the scale of its operations in Western Province in 1999 and coordinates the voluntary return of refugees to their homes in Irian Jaya. However, late in the year there was an upsurge in the number of border crossers coming from Irian Jaya. The Government has a policy of limited integration for Irian Jayans with certain skills or other qualifications,

who are accorded limited residency status and are permitted to leave the refugee settlement. During 1999 the Government distributed over 1,500 permissive residency certificates to Irian Jaya refugees. Irian Jayans who chose not to apply for permissive residency returned to Indonesia on a voluntary basis under the supervision of the Government and the UNHCR. Those who violate conditions of their residency can be repatriated. There were no known forced repatriations of Irian Jayans to Indonesia. Several thousand traditional border crossers live in the border area and move freely between the two countries. According to the UNHCR, 171 Irian Jayans from the East Awin refugee camp were repatriated to Indonesia's Irian Jaya Province under UNHCR auspices.

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

Citizens freely exercise their right to change the government through direct elections with a secret ballot and universal adult suffrage. Voters elect a unicameral parliament with 109 members from all 19 provinces and the National Capital District. Any citizen can stand for election. Because of the high number of candidates for Parliament, some members have won election with less than 10 percent of the total votes cast.

The most recent general election was held in June 1997. Of the 109 seats in Parliament, 55 seats changed hands. A coalition government, led by Prime Minister Bill Skate, was formed following the election. In July 1999, faced with a threatened vote of no confidence, Prime Minister Skate resigned, and the Parliament subsequently elected Sir Mekere Morauta as Prime Minister.

The law provides that a losing candidate may dispute the election of the winning candidate by filing a petition with the National Court. Such petitions may question actions of the candidate and his supporters or allege malfeasance by the election officials. The procedure is fair, but is time consuming and expensive both to initiate and to defend. Following the 1997 election, 88 such petitions were filed. The majority of complaints were made against winning candidates or their supporters. The court accepted 40 of the petitions for trial. Some of these cases still are undecided.

Although there are no legal barriers to the participation of women in political life, they are underrepresented in government and politics. Two women were elected to the 109-member Parliament in the 1997 elections.

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

There are no official barriers to the formation of human rights groups. The Government cooperates with human rights nongovernmental organizations (NGO's), but sometimes is slow in responding to their requests for information. The International and Community Rights Advocacy Forum, formed in 1993, concentrated on human rights and the environment.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal protection under the law irrespective of race, tribe, place of origin, political opinion, color, creed, religion, or sex. Despite these constitutional and other legal provisions, women often face discrimination.

Extreme geographic diversity prevents any one tribe or clan from dominating the country. The democratically elected government, based on loose coalitions, consistently has avoided favoring any group. Skirmishes and conflicts tend to be based on disputes between clans over issues such as boundaries, land ownership, injuries, and insults suffered by one clan at the hands of another; they are not ethnically based. In the past, clan and tribal warfare was ritualized and fought with traditional weapons; the availability of firearms has made such conflicts deadlier.

Women.—Violence against women, including domestic violence and gang rape, is a serious and prevalent problem. Traditional village mores, which served as deterrents, are weakening and are largely absent when youths move from their village to a larger town or to the capital. Although rape is punishable by imprisonment, and sentences are imposed when assailants are found guilty, few assailants are apprehended. The willingness of some communities to settle incidents of rape through material compensation rather than criminal prosecutions makes the crime difficult to combat. Domestic violence, such as wife beating, also is common and is a crime. However, since most communities view domestic violence as a private matter, and few victims press charges, prosecutions are rare.

Violence committed against women by other women frequently stems from domestic disputes. In areas where polygyny is still customary, an increasing number of women have been charged with the murder of another of their husband's wives. Ac-

cording to one report, 65 percent of women in prison are there for attacking or killing another woman.

The Constitution and laws have provisions for extensive rights for women dealing with family, marriage, and property issues. Some women have achieved senior positions in business, the professions, and civil service. However, traditional patterns of discrimination against women persist. Many women, even in urban areas, are considered second-class citizens. Village courts tend to impose jail terms on women found guilty of adultery, while penalizing men lightly or not at all. Circuit-riding National Court justices frequently annulled such village court sentences. In 1996 the Government approved amendments to the Village Courts Act requiring that orders for imprisonment be endorsed by a district court before they take effect. Polygyny and the custom of paying a bride price tend to reinforce the view that women are property.

In addition to the purchase of women as brides, women also are sometimes given as compensation to settle disputes between clans. The courts have ruled that such settlements are a denial of the women's constitutional rights.

According to statistics published in the U.N. Development Program's 1999 report on human development, women are gaining rapidly on men in literacy and education. Adult literacy has risen to 73 percent of the population. Sixty-five percent of women are literate, trailing men by 21 percent. There are 15 percent fewer girls in primary schools than boys. Maternal mortality levels remain relatively high at 930 deaths per 100,000 live births.

There is an Office of Women's Affairs in the Office of Church and Family Services of the Ministry of Provincial Affairs.

Children.—The Government did not dedicate significant resources to protecting the rights and welfare of children. Most programs to protect and develop youth and children are operated by NGO's and religious organizations. Many government programs are underfunded. In the past, children have been well cared for within the family and under traditional clan and village controls. However, preliminary, small-scale studies indicate that this situation has changed over the last decade, especially in areas where households have become isolated from the extended family support system and depend on the cash economy for a livelihood. According to a report prepared by the Government and UNICEF, the sexual abuse of children is believed to be prevalent. Because of the geographic isolation and remoteness of many villages, malnutrition and infant mortality rates are very high. More than 60 of every 1,000 children born do not survive their first year.

People with Disabilities.—Through the National Board for the Disabled, the Government provides funds to a number of NGO's that provide services to the disabled. The Government does not provide programs or services directly. Services and health care for the disabled, except for those provided by the traditional clan and family system, do not exist in several of the country's provinces. There is no legislation mandating accessibility for the disabled. Disabled persons face discrimination in education, training, and employment. Most disabled persons do not find training or work outside the family structure.

Section 6. Worker Rights

a. The Right of Association.—The right to form and join labor unions is provided by law, subject to registration by the Department of Industrial Relations. The Government does not use registration to control unions. However, an unregistered union has no legal standing with the Department of Labor and Employment or before the courts and thus cannot operate effectively. About half of the 250,000 wage earners in the formal economy are organized and are members of approximately 50 trade unions. Most of the unions representing private-sector workers are associated with the Trade Unions Congress. The Public Employees Association represents an estimated 23,000 persons employed by national, provincial, and municipal governments, or one-third of the public sector work force. Unions are independent of the Government and of political parties.

There were no government efforts to hinder either public or private sector unions from exercising their right to strike. However, there were no noteworthy strikes during the year. In 1999 the courts ruled that both the union and the national airline had acted illegally during a strike that year. The airline complied with a court order to rehire mechanics who had been dismissed during the strike.

Unions may affiliate freely with international organizations.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to engage in collective bargaining and to join industrial organizations. These rights are exercised freely. Under the law, the Government has discretionary power to cancel arbitration awards or declare wage agreements void when they are contrary to government policy. This law was criticized by the International Labor

Organization in 1994. The law prohibits antiunion discrimination by employers against union leaders, members, and organizers. The Department of Industrial Relations and the courts are involved in dispute settlement. Wages above the minimum wage are set through negotiations between employers and employees or their respective industrial organizations.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution forbids slavery and all forms of forced, compulsory, or bonded labor, including that performed by children, and there were no reports of such practices.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Employment Act establishes the minimum working age as 18. However, children between the ages of 11 and 18 may be employed in a family-related business or enterprise provided they have parental permission, a medical clearance, and a work permit from a labor office. This type of employment is rare, except in subsistence agriculture. Forced and bonded labor by children is prohibited and is not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—Minimum wages for the private sector are set by the Minimum Wage Board, a quasi-governmental body with labor and employer representatives. The Board made a determination in 1992, which is still valid, that reduced the minimum wage for newly hired urban workers to the level of the minimum wage for rural workers. Also in 1992, the national youth wage, for new entrants into the labor force between 16 and 21 years of age, was set at 75 percent of the adult minimum wage. The adult minimum wage of $9.87 (22.96 kina) per week does not provide a decent standard of living for a worker and family who live solely on the cash economy. The Minimum Wage Board reconvened in mid-year to review the current minimum wage and made no change. Although the Department of Labor and Employment and the courts attempt to enforce the minimum wage law, enforcement is not effective due to a lack of resources. Minimum wage levels, allowances, rest periods, holiday leave, and overtime are regulated by law. The law limits the workweek to 42 hours per week in urban areas and 44 hours per week in rural areas. The law provides for at least one rest period of 24 consecutive hours every week. Enforcement is lax.

Enforcement of the Industrial Health and Safety Law and related regulations is the responsibility of the Department of Labor and Employment. The law requires that work sites be inspected on a regular basis. However, due to a shortage of inspectors, inspections take place only when requested by workers or unions. Workers' ability to remove themselves from hazardous working conditions varies by workplace. Unionized workers have some measure of protection in such situations.

f. Trafficking in Persons.—The Constitution does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

PHILIPPINES

The Philippines is a democratic republic with an elected President, an elected bicameral legislature, and a functioning political party system. The President is Commander-in-Chief of the armed forces. The President from 1998 through year's end was Joseph Estrada. In November the House of Representatives sent to the Senate articles of impeachment of President Estrada, citing bribery and corruption and other violations of the Constitution. His trial in the Senate began on December 7 and continued at year's end. An organized Communist insurgent group operates in many regions of the country. A large Muslim separatist group operates mainly in parts of the south. Many armed clashes took place during the year; several involved serious human rights abuses by both sides. Negotiations between the Government and both insurgent groups were stalemated at year's end. The judiciary is independent, but suffers from inefficiency and corruption.

The Department of National Defense (DND) directs the Armed Forces of the Philippines (AFP), and the Department of Interior and Local Government (DILG) has authority over the civilian Philippine National Police (PNP). The AFP, which has primary responsibility for counterinsurgency operations, also is involved in traditional law enforcement efforts, including the pursuit of kidnapers, whose actions are a chronic criminal problem. Some members of the security forces, including police, soldiers, and local civilian militias, committed human rights abuses, often during counterinsurgency operations.

The Philippines has a market-based, mixed economy. Agriculture contributes about 20 percent of gross domestic product (GDP), but accounts for more than 40

percent of employment. Principal crops include corn, sugar, and rice, most of which are consumed domestically. Export crops include coconut products and fruits. Manufacturing, particularly electronics and electronic components, accounts for nearly twothirds of export receipts, although the rate of growth in electronics exports slowed considerably during the year. Annual per capita GDP was approximately $999. Income distribution is highly skewed: The richest 30 percent of families earned nearly two-thirds of national income, while the poorest 30 percent received only 9.3 percent of national income, according to the most recent (1997) Family Income and Expenditure Survey. Urban incomes averaged 2.43 times rural incomes. Overseas worker remittances, estimated at $6 billion per year, are a major source of foreign exchange.

The Government generally respected the human rights of citizens; however, there were serious problems in some areas. Members of the security services were responsible for extrajudicial killings, disappearances, torture, and arbitrary arrest and detention. Other physical abuse of suspects and detainees and police corruption remain problems. The Government's Commission on Human Rights (CHR), established under the 1987 Constitution, again described the PNP as the worst abuser of human rights. Police leaders at times appeared to sanction extrajudicial killings and brutality as expedient means of fighting crime. The Government took some steps to stop military and police abuses; however, such actions were not sufficiently effective. Government forces were responsible for disappearances. Prison conditions are harsh. The Government was ineffective in reforming law enforcement and legal institutions. The court system, with its poorly paid, overburdened judges and prosecutors, remained susceptible to corruption and to the influence of the wealthy and powerful and often failed to provide due process and equal justice for others. The courts were hindered by backlogs, limited resources, and a lack of judges. Long delays in trials were common. The authorities failed to prosecute many persons who broke the law, and some persons committed abuses with impunity. The Government at times infringed on citizens' privacy rights. The Government in some cases supported the forcible displacement of squatters from their illegal urban dwellings to make way for industrial and real estate development projects, often leading to disputes and human rights complaints.

An estimated 5 to 6 million citizens living abroad effectively are disenfranchised because the Government has not enacted a system of absentee voting, as required by the Constitution. Some local military and police forces harassed human rights activists. The CHR, whose primary mission is to investigate complaints of human rights violations, expanded the local monitoring system; at mid-year there were more than 14,000 local human rights officers nationwide, up by more than 1,000 from 1999. Although this is an improvement, CHR monitoring and investigation remain inadequate.

Violence and discrimination against women and abuse of children continued to be serious problems. Discrimination against indigenous people and Muslims persists. The law places restrictions on worker rights. Rural poverty is the major cause of the continuing child labor problem, which the Government has addressed only partially. Forced labor in the informal sector, the practice of using forced underage workers in domestic servitude, and forced child prostitution were problems. Trafficking in women and children was a serious problem.

The New People's Army (NPA), the main Communist insurgent group, and the Moro Islamic Liberation Front (MILF), the main Muslim insurgent group, both committed serious human rights abuses, including extrajudicial killings, kidnapings, torture, and detentions. The NPA's use of children as armed combatants and noncombatants continued to increase significantly. Fighting between the AFP and the MILF resulted in the large-scale displacement of noncombatants. Various factions of the terrorist Abu Sayyaf Group (ASG) committed numerous kidnapings, prompting government rescue efforts and the consequent displacement of civilians.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Police and military forces committed numerous extrajudicial killings. The CHR investigated 115 extrajudicial killings during the first half of the year, compared with 283 in all of 1999. The CHR includes killings by antigovernment insurgents in its investigations. The nongovernmental organization (NGO) Task Force Detainees of the Philippines (TFDP) claimed that as of November 15, 91 civilians were killed for political reasons; 28 of these persons reportedly were victims of extrajudicial executions carried out by government forces.

In combating criminal organizations, police personnel sometimes resorted to summary execution of suspects, or "salvaging." Police spokesmen later reportedly claimed that these killings were an unavoidable result of the exchange of gunfire with suspects or of escape attempts. The CHR reported that members of the PNP were the alleged perpetrators of 27.5 percent of the human rights violations involving deaths that it investigated during the first 6 months of the year.

To curtail police and military abuses, the Government, working with the International Committee of the Red Cross (ICRC) and other international organizations, expanded human rights training programs during the year. The AFP requires human rights and humanitarian law training for all officers and enlisted personnel, including former Moro National Liberation Front (MNLF) combatants and for the more than 30,000 members of the Citizens Armed Forces Geographical Units (CAFGU's). CAFGU's were implicated in many past human rights abuses. The CHR also reviews and certifies the human rights records of AFP members being considered for promotion.

In May a police cadet at the National Policy Academy died as a result of cadet hazing permitted by instructors. Six instructors were reprimanded and given 6-month suspensions (see Section 1.c.).

Four police officers were charged with the June 7 killing of a motorcycle rider in Gapan, Nueva Ecjia. Reportedly the death was connected with illegal drug protection.

On June 8 in Manila, police killed a Muslim scholar during an exchange of gunfire. Police stated that the victim was an MILF commander trained in the use of explosives and had fired first.

On July 9, police arrested two Manila police officers who were in possession of the body of a pedicab driver who reportedly had resisted their extortion demands. Three witnesses to the forcible abduction by police later were reported missing.

On July 17, Police officers shot and killed a murder suspect in Tupi, South Cotabato, after he had surrendered. Following an investigation, eight officers were charged with the killing.

On October 4, a PNP officer shot and killed a handcuffed suspect who had been arrested for attempted homicide. Police stated that the suspect was carrying a concealed weapon.

On November 17, a radio journalist in Pagadian, Zamboanga del Sur was killed by gunmen. The journalist's radio broadcasts reportedly had angered the police, the military forces, the MILF, and other citizens, who had sued him for libel.

On November 30, residents of Bagabag, Nueva Vizcaya, found two headless bodies, one of which was wearing handcuffs traced to the PNP.

On December 4, the mayor of Dona Remedios Trindad, Bulacan, was killed, together with two assistants. Four police officers were detained, but were not charged by year's end. Police have exonerated the NPA. Earlier in the year, the previous mayor was killed in another ambush; that case also remained unsolved at year's end.

Reported killings by Communist insurgents during the year were numerous.

In April the NPA claimed responsibility for the killing of a former AFP officer in Tarlac City. It stated that the killing was an "execution" for the killing of an NPA officer in 1980.

In May the NPA admitted responsibility for the February 6 killing of the mayor of San Teodoro, Mindoro Oriental, a former intelligence officer in the AFP.

No NPA killings from 1999 or earlier years were closed during the year. Like many extrajudicial killings, killings attributed to the NPA often remain unsolved, or are dismissed for lack of evidence.

On June 5, MILF soldiers attempted to kill the mayor of Cabacan, North Cotabato. The mayor escaped but two of his bodyguards were killed.

On June 15, the NPA attacked and killed seven AFP soldiers and one CAFGU in Maslong, Eastern Samar. The soldiers were investigating the killing of a farmer by suspected NPA rebels. A CHR investigation found that the bodies of some of the AFP soldiers had been mutilated.

On June 21, NPA rebels attacked a police patrol in Tagbilaran, Bohol; they killed one police officer.

An NPA attack on June 27 in Jones, Isabela, resulted in the killing of 13 AFP members on a medical mission. A female NPA member reportedly admitted responsibility during interrogation.

On July 2, one AFP soldier and 7 NPA members, including 1 boy estimated to be 10 years of age, were killed in an encounter in Danao, Bohol.

On July 5 in Antipolo, Rizal, the NPA killed a woman, calling their action an execution. The local NPA command stated that the victim was a police informant and was involved in trafficking in persons for the purpose of prostitution.

On July 21 in Bulusan, Sorsogon, NPA members shot and killed a police officer in his home.

On August 21, 17 AFP soldiers were killed in an attack in Himamaylan, Negros Occidental. On September 5, the Government filed murder charges against a former priest who was an NPA member.

The AFP reported that three soldiers had been tortured and killed by the MILF in October in Maguindanao.

In February the AFP discovered mass graves in Cagayan de Oro City. Officials believe that the more than 100 victims were killed by the NPA during the mid-1980's.

b. Disappearance.—Government forces were responsible for disappearances. The CHR investigated 12 disappearances in the first half of the year, compared with 11 in all of 1999; the TFDP reported 12 disappearances through November. The domestic NGO, Families of Victims of Involuntary Disappearance (FIND), reported the disappearance of five suspected members of the MILF and six suspected members of the NPA. FIND reported that as of October, 1,678 cases of disappearance remained unsolved; some date back to the Marcos period that ended in 1986.

The courts and the police have failed to address complaints of victims' families concerning numerous past disappearances. FIND and Amnesty International's Manila office continued to support the efforts of the victims' families' to press charges, but in most cases evidence and documentation are unavailable. Court inaction on these cases contributes to a climate of impunity that undermines confidence in the justice system.

Three witnesses to a reported forcible abduction by police disappeared in July (see Section 1.a.).

In November a public relations agent and his driver disappeared. The agent allegedly possessed information damaging to the President in connection with his impeachment by the House of Representatives.

The ASG is a kidnap-for-ransom terrorist group that purports to seek an independent Islamic state in the southern Philippines. On March 20, an ASG faction attacked an AFP detachment on Basilan Island, kidnaped a Catholic priest, a school principal, and 50 teachers and students. In April the captors killed six hostages, including the priest. After the eventual release of some hostages and the turnover of others to the MILF, investigations revealed that some of the victims had been tortured and mutilated (see Section 1.c.). Two of the teachers had been beheaded, and the priest had been shot in the back (see Section 1.g.).

In April another ASG faction kidnaped 21 foreign tourists, foreign workers, and some citizens in Sabah, Malaysia, then transported them to Jolo Island in Sulu province. Unsuccessful rescue efforts by the military forces in May resulted in injuries to the hostages. According to one male hostage, a female hostage was raped by her captors. In July 13 Filipino Christian evangelists who visited the site to pray for the hostages themselves were taken captive. Several journalists reporting on the situation also were captured and released. In September an unsuccessful AFP attack to free the hostages reportedly involved indiscriminate bombing of civilian areas and numerous deaths and injuries to civilians (see Section 1.g.). All but one of the hostages were rescued or released, or had escaped from June through October. Several reportedly were released after payment of ransom. One hostage remained in custody at year's end. Another foreign hostage, kidnaped in August by a different ASG faction, also remained in custody at year's end.

In November in Sumisip, Basilan, an ASG faction kidnaped a teacher and her four children. The captors abandoned two of the children, then released the others later in November following intervention by local officials.

In February the NPA abducted a police officer in Tagbilaran, Bohol. He was released in December in Negros Oriental, suffering from a skin disease.

In August the NPA reportedly abducted a man in San Fernando, Camarines Sur. A former NPA commander stated that the abduction may have involved the victim's past involvement with the NPA and that the victim may have been "tried" in an NPA "people's court."

An AFP officer and a PNP inspector kidnaped by the NPA in July and October 1999 respectively still were being held in southern Luzon at year's end. There were reports that the NPA had ordered the killing of the AFP officer for "crimes against the people."

Various factions of the ASG committed kidnapings for ransom. In September 3 ASG members were sentenced to life imprisonment for a 1992 kidnaping.

The MILF was responsible for disappearances.

In February the AFP discovered mass graves in Cagayan de Oro province. Officials believe that they are the bodies of more than 100 persons killed by the NPA during the mid-1980's.

c. Torture and Other Cruel, Inhuman, or Degrading.—Treatment or Punishment
The Constitution prohibits torture, and evidence obtained through its use is legally inadmissible in court; however, members of the security forces and police continued to use torture and otherwise abuse suspects and detainees. The CHR provides the police with human rights training, including primers on the rights of suspects. Such training became mandatory in 1995. However, police awareness of the rights of those in custody remains poor. Common forms of abuse during arrest and interrogation included striking detainees with clubs and threatening them with guns.

In June the CHR issued an advisory concerning the treatment of suspects in police custody. It described the torture of suspects held in connection with bombings in Manila in May. Relatives of the suspects had complained that suspects were beaten and that one suspect had had his hands bound and his face covered with a plastic bag during interrogation. The PNP denied these allegations.

Amnesty International reported that torture was widespread in the country.

In July the Secretary of the Department of Interior and Local Government dismissed 136 cadets at the National Policy Academy for complicity in the fatal hazing of a fellow cadet in May (see Section 1.a.). An investigation by the National Police Commission led to reports that instructors forced police recruits to engage in sex acts with each other and to perform other hazing rituals. Six instructors were reprimanded and given 6-month suspensions. The PNP investigated 215 officers for human rights abuses during the year. Of these, 57 led to prosecutions. The PNP has dismissed 70 officers for human rights abuses since 1993.

In July according to the CHR, PNP officers brutally beat members of a group that had assembled to protest the President's State of the Nation address (see Section 2.b.).

Prison conditions are harsh. Provincial jails and prisons are overcrowded, have limited exercise and sanitary facilities, and provide prisoners with an inadequate diet. Administrators budget a daily subsistence allowance of about $0.60 (30 pesos). Prison inmates often depend on their families for food because of the insufficient subsistence allowance. Male and female inmates are held in separate facilities, overseen by guards of the same sex. The exception is the Bureau of Immigration and Deportation detention facility, which segregates male and female inmates; however, both are overseen by male guards. Children sometimes are held in facilities not fully segregated from adult male inmates. There were reports that guards abused prisoners. Female prisoners in particular are at risk of sexual assault.

The CHR conducted a nationwide investigation of prison facilities early in the year. In July it issued an advisory opinion that cited inhuman conditions in jails and prisons in many parts of the country. It stated that the Manila city jail was unfit for human habitation, housing 3,400 inmates in facilities designed to hold 1,000 inmates. Such conditions, according to the CHR, contributed to violence among inmates. It also stated that 27 inmates at the Manila jail should have been confined at a psychiatric facility and that convicted prisoners are commingled with inmates awaiting trial.

Official corruption is a serious problem in the prison system. Jail administrators reportedly delegate authority to maintain order to senior inmates. Some prominent prisoners and jailed celebrities receive preferential treatment. Favored inmates reportedly enjoy access to outside contacts, enabling them to trade in prostitution and drugs. In April the DILG Secretary ordered disciplinary action against prison personnel for having provided special treatment to 31 incarcerated former police officers. These prisoners, in exchange for cash payments to guards, reportedly were able to leave the facility almost at will.

According to the penal authorities, there were 23,621 persons held in national and regional prisons. Many others were detained in local jails at the discretion of local law enforcement authorities without benefit of a trial.

International monitoring groups and the ICRC are allowed free access to jails and prisons. There were no reports that prisoners died due to prison conditions or mistreatment during the year.

The AFP reported that three soldiers had been tortured and killed by the MILF in October in Maguindanao (see Section 1.a.).

In November NPA members shot and injured a sugar plantation union leader and a policeman in Tarlac City. Prior to the attack, the union leader had led a rally at the regional office of the Department of Agrarian Reform to protest the plantation owners' stock distribution plans (see Section 6.a.).

d. Arbitrary Arrest, Detention, or Exile.—The Constitution requires a judicial determination of probable cause before issuance of an arrest warrant and prohibits holding prisoners incommunicado or in secret places of detention; however, police in some cases arrested and detained citizens arbitrarily. The CHR investigated 87

cases of illegal arrest and detention during the first half of the year, compared with 124 in 1999. The TFDP documented 669 politically motivated arrests by the Government. The Government denies that there are any political detainees.

Detainees have the right to a judicial review of the legality of their detention and, except for offenses punishable by a life sentence or death (when evidence of guilt is strong), the right to bail. Authorities are required to file charges within 12 to 36 hours of arrests made without warrants, depending on the seriousness of the crime for which the arrest was made.

In May a series of bomb detonations in Metro Manila killed one person and injured approximately 30 others (see Section 1.g). No person or group claimed responsibility. The PNP arrested 26 Muslim suspects, including one police officer, for one of the bombings. Only one person of those arrested was named in the search warrant. CHR investigators and private attorneys were refused immediate access to the detainees. In June police charged them with the illegal possession of firearms; their attorneys claimed that police had planted the evidence. They continued to be held without pretrial hearing 6 months following their arrests.

Suspects in a shopping mall bombing in May were charged with illegal possession of firearms; their attorneys claimed that police had planted the evidence. They awaited trial at year's end. There were reported attempts by authorities to deny attorneys immediate access to their clients (see Section 1.g.).

The NPA and MILF were responsible for a significant number of arbitrary arrests and detentions, often in connection with informal courts set up to try military personnel, police, local politicians, and civilians for "crimes against the people" (see Section 1.e.).

Forced exile is illegal and is not practiced.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judicial system suffers from corruption and inefficiency. Personal ties undermine the commitment of some government employees to ensuring due process and equal justice, resulting in impunity for those who commit offenses but are rich and influential.

The national court system consists of four levels: Local and regional trial courts; a national Court of Appeals divided into 17 divisions; a 15-member Supreme Court; and an informal local system for arbitrating or mediating certain problems outside the formal court system. The Sandiganbayan, the Government's anticorruption court, hears criminal cases of misconduct brought against senior officials. A Shari'a court system, with jurisdiction over domestic and contractual relations among Muslim citizens, operates in some Mindanao provinces.

The Constitution provides that those accused of crimes be informed of the charges against them, have the right to counsel, and be provided a speedy and public trial. Defendants are presumed innocent and have the right to confront witnesses against them, to present evidence, and to appeal convictions. The authorities respect the right of defendants to be represented by a lawyer, although poverty often inhibits a defendant's access to effective legal representation. The public attorney's office is staffed by highly skilled and motivated defense lawyers, but the workload is great and resources are scarce.

Legal experts inside and outside the justice system also criticize personal and professional relationships between some judges and individual or corporate litigants. Some lawyers act as "case fixers," gaining the favor of judges and other court officials and allegedly bribing some witnesses. It is illegal to settle criminal cases out of court, but the practice of reaching an "amicable settlement" is routine. Such settlements may result in impunity for wealthy or influential defendants.

The pace of justice is slow. The court system is unable to assure detained persons expeditious trials. There is a widelyrecognized need for more prosecutors, judges, and courtrooms. Of 1,445 trial court judgeships nationwide, 685 remained vacant at year's end due to a lack of qualified applicants. Vacancies in provincial capitals are unattractive to many jurists. In addition judges' salaries often are considered too low in comparison with salaries in other opportunities. Low pay also renders some prosecutors susceptible to corruption.

According to the Constitution, cases are to be resolved within set time limits once submitted for decision: 24 months for the Supreme Court; 12 months for the court of appeals; and 3 months for lower courts. There are no time limits for trials. Because of numerous technical delays and the frequent failure of judges and prosecutors to appear, trials can last many months.

Officials in the Labor and Social Welfare Departments claim that prosecutors often fail to follow up on cases involving child labor violations (see Section 6.d.).

Amnesty International criticized many of the court proceedings that resulted in death sentences, stating that the judicial system does not ensure the rights of defendants to due process and legal representation. At times defendants in such cases

lacked attorneys to assist them when they were arrested, indicted, and brought to trial. By law the Supreme Court reviews all death sentences. During the year, the Court overturned several convictions and commuted several death sentences to life imprisonment. In December the President announced that he intended to commute the death sentences of more than 1,300 prisoners; later in the month, the Government reverted to the policy of granting commutations on a casebycase basis.

Indemnification claims for alleged human rights abuses during the Ferdinand Marcos era, which ended in 1986, remain unresolved.

Although Shari'a courts do not have criminal jurisdiction, the MILF asserts that its Islamic law courts do. There were no reports of executions resulting from MILF court decisions during the year.

The NPA continued to try military personnel, police, local politicians, and civilians in its informal courts for "crimes against the people" and to execute some of those whom it "convicted."

The TFDP reported that the Government held at least 277 political prisoners at the end of October, compared with 160 held at the end of 1999. The Government contends that prisoners whom NGO's claim were jailed for political reasons were in fact convicted of common crimes. Frequently political prisoners counted by the TFDP were convicted of the illegal possession of firearms. In fact the TFDP includes on its list of political prisoners two Communist rebels convicted of the 1989 terrorist killing of a foreign military assistance officer. The TFDP asserts that the authorities deliberately "criminalize" cases involving political offenders in order to detract from public sympathy for political prisoners. There are differences of opinion even within the CHR; some members of the commission believe that certain persons are incarcerated for political reasons, but other members believe that the same persons are guilty of common crimes.

The Government permits access to political prisoners by international humanitarian organizations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides that a judge may issue search warrants on a finding of probable cause; however, while restrictions on search and seizure within private homes generally are respected, searches without warrants do occur. Judges have declared evidence obtained illegally to be inadmissible.

In August the CHR stated that the PNP conducted random searches of persons for illegal firearms at checkpoints in Metro Manila in violations of citizens' privacy rights.

The PNP conducted covert monitoring of persons who sought removal of the President. The PNP stated that it was monitoring for possible seditious acts. Persons critical of the President asserted that the Government conducted illegal wiretaps of the telephones of the political opposition.

The forcible displacement of urban "squatters" to make room for infrastructure and commercial developments continued during the year. Squatters make up at least 30 percent of the country's urban population. The law provides certain protections for squatters; eviction is often difficult, especially because politicians generally recognize squatters' voting power. In many instances, the Government did not offer relocation sites to displaced families, as required by law. The NGO Ecumenical Commission for Displaced Families and Communities (ECDFC) reported 2 mass displacements due to government demolition of houses for economic purposes. Some 85 families were displaced in January in Saragani, Mindanao, and 200 families were displaced in September in Pasig City, Metro Manila. On July 10, a garbage landslide in heavy rain at the Payatas dumpsite in Quezon City resulted in the deaths of more than 230 persons.

Armed clashes between the AFP and the MILF displaced an estimated 750 thousand to 1 million persons in 203,000 families in 578 communities in Mindanao (see Section 1.g.).

The TFDP documented 50 community demolitions involving 15,662 houses through November 15. Some involved military clashes in Mindanao.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Intensified AFP clashes with the main remaining Islamic insurgent group, the MILF, continued to inflict hardships on civilians. Most of the fighting took place in central Mindanao provinces and was related to the control of territory, a key issue in peace negotiations between the Government and the MILF. Displaced civilians feared being caught in the crossfire or becoming casualties of artillery exchanges or bombings near their areas of residence.

In May a CHR investigation reported that both government troops and rebel groups were responsible for numerous violations of the rights of noncombatants, including women and children, during the intense fighting between the AFP and MILF that escalated sharply in March. The abuses included the killing of civilians

due to indiscriminate bombing, torture and inhuman treatment of prisoners, and restrictions on the movement of civilians.

In May gunfire from AFP helicopters used in counterinsurgency operations injured several civilians.

In intense fighting in central Mindanao during April and May, government forces reportedly shot and killed 16 Muslims whom they suspected were MILF sympathizers. They also reportedly killed four noncombatants at a village in Isulan, Sultan Kudarat. In August there were additional reports of unwarranted force, killings, and injuries to civilians.

According to Amnesty International, indiscriminate bombing of the civilian population on Jolo Island during the Government's efforts in September and October to free foreign and Filipino hostages held by the terrorist ASG resulted in hundreds of civilian deaths (see Section 1.b.). The Government initially refused to allow the CHR to investigate, citing security concerns. Three days after the rescue operation bagan, the Government reported that 4 noncombatants had been accidentally killed. There also were persistent but uncorroborated reports of summary executions and arbitrary arrests by the AFP. The CHR's investigators were neither able to confirm nor disprove these reports. The Government ordered a news blackout and cut communications and transportation links to Jolo in order to isolate the ASG terrorists. There has been no independent confirmation of government figures or AI claims; however, humanitarian workers who visited Jolo found no evidence of significant civilian casualities from the bombing.

Hundreds of thousands of civilians were displaced in the fighting between the AFP and the MILF. TFDP, acting of behalf of victims of the fighting, filed charges of human rights abuses with the CHR involving destruction of property and the treatment of refugees against both the AFP and the MILF.

In October the AFP reported that in armed conflict with the MILF from May through July in central Mindanao, there were 477 deaths of noncombatants and a total of 922 casualties. Some of these persons were killed in crossfire between the forces or died fleeing the fighting. At least 242 persons, most of them children, died due to poor health conditions resulting from the military operations. Most died in 1 of the 436 evacuation centers, which were able to accommodate only slightly more than half the noncombatant refugees. Poor sanitation led to disease, and lack of food led to malnutrition. Water was insufficient and unsafe to drink. Many children developed diarrhea, dysentery, and respiratory ailments. Most of the children who died in the evacuation camps were under 2 years of age. Nearly 100,000 noncombatants, mostly Muslims, remained in evacuation centers as of mid-October. In May the centers had held an estimated 700,000 persons.

In October the Government reported that nearly 750,000 persons had been displaced in 14 provinces as a result of the AFP-MILF fighting. International and domestic NGO's estimated that the total number of displaced civilians was closer to 1 million. The ECDFC estimated that 203,000 families in 578 communities in Mindanao were displaced during the year as a result of 42 separate incidents. Both the AFP and the MILF accused each other of targeting civilian populations and restricting civilian food supplies.

In May a series of bomb detonations in Metro Manila killed 1 person and injured approximately 30 others. No person or group claimed responsibility. The PNP arrested 26 Muslim suspects, including one police officer, for one of the bombings.

On July 22, 13 noncombatants were killed in 16 others were injured in an attack in Balabagan, Lanao del Sur. Police and CHR investigators assigned responsibility to CAGFU members recently fired from their jobs at a plantation where the killings took place; a group of 20 armed persons had fired on the victims.

Nearly 6,700 houses and 3 municipal halls were destroyed, as were 31 places of worship and 42 schools in ASG operations. Late in the year, the military forces began to rebuild houses, schools, and mosques.

On February 10, one civilian was killed and 19 others were injured in a bombing of a department store in Carmen, North Cotabato. Police blamed the MILF.

On February 25, 41 civilians were killed and scores were injured in two bomb detonations in Ozamis City. Police blamed the MILF and CPP/NDF.

On March 17, an MILF attack on the town of Kauswagan, Lanao del Norte, killed at least 29 noncombatants.

On May 3, five bombs were detonated in General Santos City; the explosions killed 3 noncombatants and injured 10. The Government blamed the MILF.

On May 6, 6 persons were killed and 37 wounded from the detonation of bombs in buses in Surigao City and Butuan, Agusan del Norte. The Government blamed the MILF.

On May 23, three persons died in a bombing in General Santos City. A second bomb in the same city on June 24 killed two persons. Police arrested two MILF members for these actions in July.

The Government placed responsibility on the MILF for mass killings on July 16 in Bumbaran, Lanao del Sur Province. Approximately 33 civilians, all Christians, were forced by armed men into a Muslim prayer house in the early morning. After a nearby battle during the day, armed persons fired on the civilians in custody, killing 21 and injuring 9. The casualties included a pregnant woman and five children. After a subsequent investigation, the CHR stated that the perpetrators could have been non-MILF separatists posing as MILF members, and may have been renegade former members of the Moro National Liberation Front (MNLF) (see Section 5).

An NPA attack on September 30 in Davao City killed six civilians, as well as an AFP soldier and three CAFGU's. On the same day on the border of Davao City and Daval del Norte, the NPA killed nine civilians. The National Democratic Front (NDF) claimed responsibility but blamed the government military forces for using the civilians as "human shields." The NDF is the political arm of the Communist Party of the Philippines, while the NPA is the armed wing. In December two NPA members were charged with murder; charges against two others were dropped for lack of evidence.

On September 23, 10 suspected MILF guerrillas killed 7 members of a family in Tangkal, Lanao del Norte.

On September 25, 3 students were killed and 10 injured in a bomb blast in Kabacan, North Cotabato. The Government blamed the MILF.

On November 7, MILF guerrillas who reportedly were assisting a kidnaping group attacked the prison in General Santos City. They killed 1 inmate and injured 1 guard in the process of freeing 68 inmates.

On November 9, a bomb detonated in a market in General Santos City, killing one person. The Government blamed the MILF.

On December 6, according to an AFP report, MILF rebels killed three farmers by firing squad in Carmen, North Cotabato. The killing occurred as the AFP was attacking an MILF position elsewhere in Carmen.

The PNP alleges that the MILF is responsible for five bomb detonations in a 2-hour period on December 30 in Metro Manila. The explosions killed 20 civilians, and 2 police officers were killed while attempting to defuse one of the bombs that exploded.

In fighting between government forces and the Abu Sayyaf Group (ASG) medical and relief workers were denied access to affected areas because their safety could not be assured. AI reported that approximately 80,000 civilians were forced to flee their homes in September as the Government waged an all-out effort to free the hostages on Jolo (see Section 1.b.). In November the Government reported that more than 107,000 persons from 19,000 families had been displaced in Sulu.

Conditions in the 21 evacuation centers were poor, leading to disease and deaths among those displaced in the fighting. In November the AFP reported that 6 civilians had died in the course of the armed conflict with the ASG on Jolo, and that 65 homes had been destroyed. Domestic NGO's believe that the figures are much higher.

The ASG reportedly was responsible for detonating three grenades on May 18 in a market in Jolo. Seven persons were killed and three were injured.

In a December attack in Lamitan, Basilan, suspected members of the ASG killed three persons and injured five others.

On December 28 in Jolo, Sulu, armed persons believed to be ASG members killed a Catholic priest, his driver, and two other persons.

Communist insurgencies such as the NPA intensified attacks on government forces, government offices, and private business facilities in Bukidnon province, Metro Manila, and other locations during the year. The NPA makes regular use of minors in its operations (see Section 5).

In January an AFP chaplain was abducted by NPA guerrillas, some as young as 14, and held captive for nearly 2 weeks before being released.

On March 2, a member of the Communist Revolutionary Proletarian Army (RPA) reportedly threw a hand grenade into a government office in Makati, Metro Manila.

In March a 12-year old NPA rebel was captured by the AFP in Bontoc, Southern Leyte, during a raid in which the boy's parents (both NPA leaders) and 13-year-old sister were killed. The boy told authorities he had become an NPA fighter at age 9 and had since become a recruiter himself. He said that there were 20 minors15 boys and 5 girlsin his unit. The boy, who stated that he had taken part in at least 12 ambushes, demonstrated adult proficiency as a soldier.

In March a 12-year old boy escaped from the NPA and surrendered to the AFP in Kiamba, Sarangani. The boy reportedly told authorities that while in first grade,

an NPA recruiter threatened to kill him if he did not join. He stated that he did not receive payments that the recruiter had promised, and was not given sufficient food while working as an errand boy in the mountains.

On July 2, a 14-year old suspected NPA fighter was killed along with 7 NPA members in a clash with the AFP in Trinidad, Bohol. In December the AFP rescued a 10-year-old NPA member after a skirmish in Motiong, Western Samar.

The PNP identified the Alex Boncayo Brigade, a Communist assassin group, as being responsible for the killing of a business executive on November 24 in Bacoor, Cavite.

On December 2, the Communist insurgent group Rebolusyonaryong hukbo ng Bayan (RHB) accused the insurgent NPA of the execution of a high-ranking cadre in Mexico, Pampanga. The killing reportedly took place in the presence of the victim's wife, children, and neighbors. In a written statement, the RHB, which has broken away from the Communist Party of the Philippines (CPP), stated that the NPA wanted to "exterminate genuine revolutionaries." Two days later, the NPA claimed responsibility for the killing and in a written statement stated that the RHB cadre had been executed for grave crimes against the revolutionary movement.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice. In November a radio journalist in Pagadian, Zamboanga del Sur was killed by gunmen. The journalist's radio broadcasts reportedly had angered the police, the military forces, the MILF, and other citizens, who had sued him for libel (see Section 1.a.).

In April the mayor of Bacolod City ordered the closure of a local radio station for operating without a business permit. Radio journalists charged that the mayor's actual motive was to silence criticism of his administration. The station resumed operations several days later, and the city government filed libel charges against the journalists.

The Philippine Press Institute is active in helping to investigate cases of harassment of journalists.

In February a bomb exploded outside the gates of a Catholic-run radio station in Cotabato City, injuring seven persons. Police believe that the target was a Muslim broadcaster who had been "sentenced to death" by an MILF revolutionary court for blasphemy of Islam. One month later, the journalist survived an attack in which two of his bodyguards were killed. The MILF, which criticized the broadcaster, denied involvement but stated that individual MILF members could have been responsible for unauthorized actions. In December the radio station again was bombed by unknown persons; one person was injured.

On December 25, a bomb exploded in the home of a radio broadcaster in General Santos City, injuring five persons. The broadcaster, a Muslim scholar, had received death threats for criticism of MILF guerrilla activities.

ASG terrorists captured 16 journalists on Jolo during June and July. All were released after payment of ransom (see Sections 1.b. and 1.g.).

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly and association, and the Government generally respects these rights in practice. In July the PNP dispersed a peaceful assembly of persons protesting the President's State of the Nation address. The CHR stated that law enforcement agents had violently deprived activists of their right to conduct a public protest. PNP officers, according to the CHR, brutally beat protesters, including some who had been taken into custody or who posed no threat to officers. At least 10 persons were injured, and 36 persons were arbitrarily arrested and later released without charge.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. However, in June the insurgent MILF accused the AFP of desecrating two mosques in Davao Oriental by using them as sleeping quarters.

In July many Muslims complained of the Government's disrespect for Muslim religious practices when the President celebrated an AFP military victory by holding a pork and beer feast at the MILF's former headquarters at Camp Abubakar.

In a September assault on the terrorist ASG to rescue foreign and Filipino hostages held on Jolo Island, military forces reportedly raided a mosque, tore pages from the Koran, and arrested eight Muslims for the illegal possession of firearms. The Catholic Bishops Conference of the Philippines strongly criticized the raid. The mayor of Jolo strenuously denied that the AFP had desecrated the mosque.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens enjoy the freedom to change their places of residence and em-

ployment. Travel abroad is limited only in rare circumstances, such as when a citizen's court case is pending. Government authorities discourage travel by vulnerable workers such as young women to areas where they face personal risk (see Section 6.f.). The Philippine Overseas Employment Administration (POEA) seeks to limit departures for work abroad to only those persons whom the POEA certifies as qualified for the jobs. An estimated 5 to 6 million citizens work overseas and remit money home. Such remittances amount to nearly 10 percent of the gross national product.

There is no comprehensive legislation that provides for granting refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Refugee Unit in the Department of Justice determines which asylum seekers qualify as refugees; such determinations in practice serve to implement many of the basic provisions of the 1951 U.N. Convention.

The Government provides first asylum.

The Government continued to allow approximately 1,800 asylum seekers from Vietnam to remain in the country. All had been "screened out" from refugee status. Most live on Palawan Island or in major urban areas. There is significant popular support, particularly from the Roman Catholic Church, for allowing permanent residency for those asylum seekers who do not wish to repatriate and are ineligible for resettlement in other countries. The Government continued to encourage voluntary repatriation of such asylum seekers. The Government has not ruled out forcible repatriation.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens

to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right through periodic elections that largely are free and fair and held on the basis of universal suffrage. However, Congress has yet to enact a system for absentee voting, which is required by the Constitution. This affects an estimated 5 to 6 million eligible voters, or about 10 percent of the electorate, most of whom are expatriates. The party of President Estrada continued to hold majorities in both the House of Representatives and the Senate.

In October a group of citizens filed an impeachment complaint against the President. In November the House of Representatives sent articles of impeachment to the Senate, charging the President with bribery, graft and corruption, betrayal of public trust, and culpable violation of the Constitution. His trial began in December and continued through year's end.

There are no restrictions in law or practice on participation by women and members of minorities in politics; however, women are underrepresented in government and politics. The Vice President is a woman. At year's end, there were two female cabinet-level officials. There are 4 women in the 22-member Senate, and 26 women in the 222-member House of Representatives. Three of the 15 members of the Supreme Court are women.

Along with many other citizens, Muslims argue that the method of election of senators from a nationwide list favors the established political figures from the Manila area, to the disadvantage of Muslims. Election of senators by region would require a constitutional amendment; such an amendment is favored by many Muslims and members of other disadvantaged groups who are underrepresented in the national legislature. There are no Muslim senators or cabinet members. However, the House of Representatives has nine Muslim Members, including some elected from Christian majority districts. Muslims hold few senior government positions, and there is little or no effort to institute corrective measures.

Section 4. Governmental Attitude Regarding International and

Nongovernmental Investigation of Alleged Violations

of Human Rights

A large, diverse group of human rights NGO's operated without government restriction, investigating and publishing their findings on human rights cases. Many government officials, including those of the CHR, are responsive to NGO views. Many domestic NGO's were critical of the Estrada administration's human rights record; these NGO's also had criticized previous presidents' human rights records.

The Philippine Alliance of Human Rights Advocates, a leading NGO network, effectively monitors human rights problems and seeks redress through its contacts with government agencies, the Congress, and the CHR. Human rights activists con-

tinued to encounter minor harassment, mainly from police or military units or detachments based in the locality in which incidents took place.

The CHR further augmented the system of barangay (neighborhood) human rights officers who process and coordinate human rights complaints, reporting to regional CHR offices. There were more than 14,000 local human rights officers at mid-year, compared with approximately 13,000 at the end of 1999. The CHR expanded its regional operations during the year. At year's end, there were 14 regional and 6 subregional offices, with more than 400 CHR officers in the field. Despite this increase, CHR monitoring and investigation remain inadequate.

Section 5. Discrimination based on Race, Sex, Religion,

Disability, Language, or Social Status

The Constitution prohibits discrimination against women, children, and members of minorities; however, implementation of constitutional protections at times is hindered by the lack of specific regulations and by budgetary constraints.

Women.—Violence against women, particularly domestic violence, remains a serious societal problem. Rape is illegal and in certain cases punishable by death. Spousal rape and abuse also are illegal, but enforcement is ineffective. Women's advocates cite the lack of laws on domestic violence, double standards of morality, and a traditional societal reluctance to discuss private family affairs as some of the reasons for domestic violence. The absence of divorce under the law and limited job opportunities combine to limit the ability of both poor and wealthy women to escape destructive relationships.

The PNP and Department of Social Welfare and Development (DSWD) both maintain women's help desks to assist victims of violence against women and to encourage the reporting of crimes. Their role was strengthened further by Vice President Gloria Macapagal-Arroyo, who until October 12 served concurrently as the secretary of the DSWD and continued to give women's issues a high public profile during the year. Many PNP stations included female officers. With the assistance of NGO's, additional male officers received gender sensitivity training to deal with victims of sexual crimes and domestic violence.

In October a regional trial court in Davao City handed down the country's first conviction for marital rape. Rape continued to be a major problem; the number of rape cases reported to the police has risen by about 16 percent annually since 1992. The PNP reported that it investigated 3,145 cases of rape during the year; most of the alleged perpetrators were arrested. However, some women's groups stated that courts' imposition of death sentences for rape convictions might inhibit some victims from pressing charges. The number of prisoners awaiting execution for rape exceeds the number awaiting execution for murder.

Many women suffer exposure to violence through their recruitment, often through deception, into prostitution (see Section 6.f.). Although illegal, prostitution remains widespread. A 1998 International Labor Organization (ILO) study estimated that 500,000 women are engaged in prostitution within the country. Most work independently or in small brothels rather than in prominent "entertainment clubs." Penalties for the offense are light, but detained prostitutes are subjected to administrative indignities. There were reports of forced prostitution of children (see Section 6.c.). The Antivagrancy Act often is used by police officers as a pretext to extort money from prostitutes; those unable to pay may be subjected to sexual abuse. Hotel and travel industry leaders continued to refuse to honor their pledges to cooperate with a code endorsed by international tourism groups to stop sex tourism.

Local officials condone a climate of impunity for those who exploit prostitutes—both the "entertainment club" owners and their patrons. Highly publicized official campaigns to close clubs and brothels fail to rescue young women from the abuse because the offending establishments usually are back in business a few days after such raids. The penalties for such actions are not considered sufficient to deter those who exploit prostitutes.

The DSWD continued to provide temporary shelter and counseling to women trapped in prostitution, but officials believe that this helped only a small number of victims of illicit recruitment (see Section 6.f.). DSWD officials noted that the number rescued failed to reflect the true extent of the prostitution problem since it reflected only those who obtained temporary shelter and counseling through the DSWD and local governments. NGO's argue that the Government first should address the abuses of dislocation and homelessness in order to address effectively the problem of women's exposure to the structural violence inherent in prostitution.

Trafficking in women and children for forced prostitution and forced labor are problems (see Sections 6.c. and 6.f.).

Sexual harassment in the workplace also continues to be a problem. It is thought to be widespread yet underreported due to victims' fear of losing their jobs. Harass-

ment by managers in "special economic zones" (SEZ's) is thought to be a common practice. Most of the female employees in SEZ's are economic migrants who are required to work long hours and have no independent workers organization to assist with filing complaints. Women also are hired as contractual employees without benefits in the pressing and sewing industry. Many are subjected to long hours in inadequately ventilated facilities.

In law but not always in practice, women have most of the rights and protections accorded to men. The Presidential Commission on the Role of Filipino Women seeks to coordinate programs for women, working closely with NGO's such as the 10 millionmember Presidential Council of Women in the Philippines. More women than men enter secondary and tertiary education. Unemployment rates for women are consistently higher than for men. Women's salaries averaged about 47 percent lower than their male counterparts'. Except for government service and jobs in government-owned or government-controlled corporations, women continued to face discrimination in employment.

In this predominantly Roman Catholic nation, Church opposition to divorce is strong. Nonetheless, changes in the legal code have made marriage annulment fairly easy and increasingly common. However, the legal cost precluded this option for many women. The practice of "unofficial divorce" (permanent separation) was common among lowerincome couples. In such cases, the wife usually is left with the children, and the husband provides little or no financial support.

Children.—Several government agencies have programs devoted to the education, welfare, and development of children. Nevertheless, children faced serious problems in their development. In April the NGO Helen Keller International reported that 30 to 40 percent of preschool children in the 4-province Autonomous Region of Muslim Mindanao (ARMM) suffered from malnutrition. Most of the children were in villages in Maguinidanao, Lanao del Sur, and Tawi-Tawi provinces, the scene of heavy insurgent combat.

Family poverty forces many children throughout the country to drop out of school; only about 65 percent of children complete the grade 6. This attrition rises with grade level. Public primary and secondary schools are free of tuition charges; however, poor families are unable to meet numerous peripheral costs for uniforms, school supplies, shoes, and transportation. The Asian Development Bank has expressed concern over an apparent growing inequity in educational opportunity as public spending per pupil declines. In the 1980's, public spending covered 80 percent of the cost of elementary education; however, this share declined to only 69 percent by the mid-1990's.

Widespread poverty forces many young children to work. The Department of Labor and Employment (DOLE) worked with the ILO and NGO's to address the problem of child labor. According to UNICEF and ILO studies, some 2 million children were exposed to hazardous working environments such as in quarries, mines, and at docksides in order to earn their living (see Section 6.d.). Forced prostitution and trafficking in children for the purpose of forced prostitution are problems (see Sections 6.c., 6.d., 6.f.).

Studies by the Government and international organizations indicate that there are at least 44,000 street children and possibly as many as 100,000 nationwide. Welfare officials believe that the number is increasing as a result of widespread unemployment in rural areas. Many street children apparently are abandoned children engaged in scavenging or begging.

The family court system that was instituted in 1998 has helped expedite juvenile and domestic relations cases and served to strengthen safeguards against the sale and trafficking of children abroad. Previously, less specialized courts had tended to regard children as extensions and property of the parents and to favor parental authority over the rights of a child.

Greater public awareness eroded traditional reticence to report abuses against children. DSWD offices cared for children who were the victims of rape. The problem of foreign pedophiles continued to be reported in the press. The Government continued to prosecute accused pedophiles.

In September the Government signed the Optional Protocol on the Convention on the Rights of the Child and on the Sale of Children, Child Prostitution, and Child Pornography. Despite government efforts at law enforcement and expanded children's programs, it is estimated that some 60,000 children are involved in the commercial sex industry. Most of these children were girls, and nearly all have dropped out of school. Children in the "entertainment industry" work long (10 to 12), odd hours from evening until early morning. Typically they come from families with unemployed or irregularly employed parents.

The NPA's use of children as armed combatants and noncombatants continued. According to UNICEF and AFP estimates, 3 percent of the more than 10,000 mem-

bers of the NPA are boys and girls under the age of 18. However, from 20 to 25 percent of NPA new recruits reportedly are children. The NPA admits that members from 15 to 18 years of age are assigned to self-defense and noncombat duties and that in the event of "enemy aggression or encroachment," weapons would be distributed to the oldest children first. In February the NPA announced that it would no longer accept recruits under the age of 18, based on instructions from the NDF (see Section 1.g.). The NDF instruction stated, however, that minors could still serve in noncombat positions.

According the international NGO, Coalition to Stop the Use of Child Soldiers, the MILF recruited children as young as 13 years of age to serve as reserve forces.

On March 21, several government agencies, including the AFP and PNP, signed a Memorandum of Agreement (MOA) on the handling and treatment of children involved in armed conflict. The MOA provides for the procedure to be followed from the time of rescue or surrender of the child until he or she is turned over to the DSWD for care and assistance. The MOA represents a shift in perspective, treating child insurgents as victims to be rescued and rehabilitated, rather than as enemies to be neutralized and prosecuted.

As of October, the Government reported that 86 minors serving in the NPA had surrendered or been captured during the year. In November the PNP warned parents that the NPA was using false promises to lure minors to join.

People with Disabilities.—The law provides for equal physical access for the disabled to all public buildings and establishments and for "the rehabilitation, self development, and self-reliance of disabled persons and their integration into the mainstream of society." Advocates for the rights of the disabled contend that the law has been ineffective because implementing regulations have not been published, and because government programs are palliative rather than focused on reintegration. Reportedly only about 2 percent of an estimated 3.5 million disabled citizens received access to services.

Indigenous People.—Indigenous people live throughout the country but primarily in the mountainous areas of northern and central Luzon and Mindanao. They account for about 18 percent of the national population. Although no specific laws discriminate against indigenous people, the remoteness of the areas that many inhabit and cultural bias prevent their full integration into society. Indigenous children suffer from lack of basic services, health, and education. Because they inhabit mountainous areas also favored by guerrillas, indigenous people suffer disproportionately from counterinsurgency operations.

The 1997 Indigenous Peoples' Rights Act, which was intended to implement constitutional provisions to protect indigenous people, established a National Commission on Indigenous People, which is staffed by tribal members empowered to award certificates of title to lands claimed by over 12 million indigenous people in the country. It awards such "ancestral domain lands" on the basis of communal rather than individual ownership, impeding sale of the lands by tribal leaders. The law requires a process of "informed" consultation and written consent by the indigenous group to allow mining on tribal lands. The law also assigns the indigenous groups the responsibility to preserve forest, watershed, and biodiversity areas in their domains from inappropriate development. However, the Government has been slow to implement the legislation, since it faces strong opposition from mining and agribusiness interests.

Other measures have affected indigenous communities in adverse ways. The 1995 Mining Act promoted mining operations, hydroelectric dams, and other large-scale projects that forced indigenous people to relocate and abandon farming and hunting land that they have used for generations.

Indigenous people continued to face legal threats to their claims to ancestral lands from developers, mining interests, and local political interests. The Higaonon people in Mindanao continue to be deprived of portions of their ancestral land by a powerful local landowning family that forced their removal through a violent demolition conducted by the PNP and private security forces in 1997. The Catholic Bishops Conference of the Philippines continues to express concern over the effects of existing and planned large-scale mining on the livelihood of the many indigenous people of Mindanao.

Religious Minorities.—About 5 million Muslims, who constitute 7 percent of the population, reside principally in Mindanao and nearby islands and are the largest single minority group in the country. Historically they have been alienated from the dominant Christian majority, and government efforts to integrate Muslims into the political and economic fabric of the country have met with only limited success. The national culture, with its emphasis on familial, tribal, and regional loyalties, creates informal barriers whereby access to jobs or resources is provided first to those of one's own family or group. Muslims continue to be underrepresented in senior civil-

ian and military positions. Provinces in Mindanao that are predominantly Muslim lag behind the rest of the region in almost all aspects of socioeconomic development.

Christian-Muslim relations were extremely strained during the year, due mainly to the intense fighting between the AFP and the insurgent MILF in Mindanao, hostage-taking by the terrorist ASG, and bombings in Mindanao and throughout the country. Brief, fruitless negotiations between the Government and the MILF were overshadowed by the military conflict. However, government efforts to reintegrate former Moro National Liberation Front (MNLF) insurgents into society continued with some success. The planned plebiscite for an expanded Autonomous Region of Muslim Mindanao (ARMM) contemplated in the 1996 peace agreement between the Government and the MNLF again was postponed, as was a new election for ARMM officials.

In June, following persistent reports that troops operating against Muslim separatists in Mindanao had desecrated mosques, the Secretary of National Defense ordered the AFP to refrain from such action. The DND issued codeofconduct instructions that included provisions that military offensives could not be begun during Muslim prayer hours "unless absolutely required."

The Government placed responsibility on the MILF for mass killings on July 16 in Bumbaran, Lanao del Sur Province. Approximately 33 civilians, all Christians, were forced by soldiers into a Muslim prayer house in the early morning. After a nearby battle during the day between the MILF and government forces, armed persons fired on the civilians in custody, killing 21 persons and injuring 9 others. The casualties included a pregnant woman and five children. After a subsequent investigation, the CHR stated that the perpetrators could have been non-MILF separatists posing as MILF members, and may have been renegade former members of the MNLF (see Section 1.g.).

On August 27, unidentified persons attacked a vehicle and killed 12 passengers, all Muslims, in Carmen, North Cotabato. The national Government blamed the MILF, but the provincial governor stated that those responsible may have been civilians seeking revenge on Muslims (see Section 1.g.).

On December 28 in Jolo, Sulu, armed persons believed to be ASG members killed a Catholic priest, his driver, and two other persons (see Section 1.g.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution and laws provide for the right of workers, including public employees, to form and join trade unions; however, while this right is exercised in practice, aspects of the public sector organization law restrict and discourage organizing. Trade unions are independent of the Government and generally free of political party control. Unions have the right to form or join federations or other labor groups.

Although unions claimed to have organized about 12 percent of the total work force of 31 million, only about 540,000 workers, or about 14.5 percent of union members, are covered by collective bargaining agreements. According to the DOLE Bureau of Labor Relations, the number of new union registrations has fallen continuously since 1995. The number of firms, primarily large employers, using "contractual" labor continued to grow.

Subject to certain procedural restrictions, strikes in the private sector are legal. However, unions are required to provide strike notice, respect mandatory cooling-off periods, and obtain majority member approval before calling a strike. By law the reason for striking must be relevant to the labor contract or the law, and all means of reconciliation must be exhausted. The Secretary of Labor and Employment can intervene in some labor disputes by "assuming jurisdiction" and mandating a settlement if the Secretary decides that the industry involved in the strike is "vital to national security."

In September port workers at the international container terminal in Manila struck in protest against illegal dismissals. One worker was killed, reportedly by company security guards, in violence that occurred when striking workers attempted to enter the company compound. The union reported that it observed non-union workers at work in the compound. The strike ended when the National Labor Relations Commission (NLRC) issued a backtowork order.

According the International Confederation of Free Trade Unions (ICFTU), union officials can be dismissed and imprisoned for a maximum of 3 years for taking part in illegal strikes.

Most strikes are legal. According to the ICFTU, union officials can be dismissed and imprisoned for a maximum of 3 years for taking part in illegal strikes. However, there are no recent reported cases in which this provision was enforced.

Legislation that the ILO Committee of Experts criticized for placing undue restrictions on the right to strike in nonessential services remained unchanged. The Com-

mittee remained concerned by the imposition of penalties in cases where strikes were deemed illegal, by the restrictions on the right of government workers to strike, and by some restrictions on the right to organize and form a bargaining unit in conflict with ILO Convention 87 on freedom of association.

The National Conciliation and Mediation Board (NCMB) reported 60 strikes during the year, compared with 58 strikes the previous year. There were 320,000 workdays lost to strikes, compared with 229,000 in 1999. The average duration of strikes increased to 26 days during the year from 20 days in 1999.

In March militant labor leaders who were conducting a religious service at a hotel against which they were striking were arrested when they refused police orders to disperse. Some protesters reportedly were injured, and 17 persons were arrested. In May 20 union members were arrested at the same hotel when police declared their picket line unlawful because it hindered the entrance of hotel guests.

In November NPA members shot and injured a sugar plantation union leader and a policeman in Tarlac City. Prior to the attack, the union leader had led a rally at the regional office of the Department of Agrarian Reform to protest the plantation owners' stock distribution plans (see Section 1.c.).

Longshoremen in Cebu returned to work without violent incidents during the year.

There again were unpublished reports of routine management intimidation of union members.

Unions have the right to affiliate with international trade union confederations and trade secretariats. Two of the largest trade union centers, the Trade Union Congress of the Philippines and the Federation of Free Workers, are affiliated with the ICFTU and the World Confederation of Labor, respectively.

The ICFTU complained that a union can be registered only if it represents at least 20 percent of workers in a bargaining unit, and that the law requires what it considers to be an excessively high number of unions before a federation or national center can be formed.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to organize and bargain collectively. The Labor Code provides for this right for employees both in the private sector and in governmentowned or controlled corporations. A similar right is afforded to most government workers, but senior employees, members of the military forces, and essential public service workers are not eligible.

Allegations of intimidation and discrimination in connection with union activities are grounds for review as possible unfair labor practices before the quasi-judicial NLRC. However, unions often stated that widespread ignorance of basic standards and rights is a major obstacle to union organization. Before disputes reach the NLRC, the DOLE provides the services of the NCMB, which settles most of the unfair labor practice disputes raised as grounds for strikes before the strikes can be declared.

An appeal submitted by the four Taiwanese companies located in export processing zones against orders for union elections to be held was still pending with the Labor Secretary. A total of 187 union officials were fined; there were no reports that these persons were reinstated.

Labor law is uniform throughout the country, including the industrial zones, where tax benefits encourage the growth of export industries. However, local political leaders and officials who govern these special economic zones have tried to frustrate union organizing efforts by maintaining "union free/strike free" policies. A conflict over interpretation of the SEZ law's provisions for labor inspection has created further obstacles to enforcement of workers' rights to organize. Despite objections from the DOLE, SEZ local directors claim authority to conduct their own inspections as part of the zones' privileges intended by Congress. Hiring often is controlled tightly through "SEZ labor centers," in which political ties to local figures play a role in gaining job eligibility. Despite sporadic labor unrest and some organizing efforts, union successes in the SEZ's have been few and marginal. Some mainstream unions avoid a major unionizing effort in the lowerwage SEZ industries, such as the garment industry. They consider it unpromising in view of both the organizers' restricted access to the closely guarded zones and the rapid turnover of the young, mainly female staff who work on shortterm contracts in the zones' many electronics and garment factories.

c. Prohibition of Forced or Compulsory Labor.—Forced labor is prohibited, including forced and bonded labor by children; however, despite the Government's generally effective prohibition of forced labor, there were some reports of forced or bonded labor by children, mainly in prostitution and other areas of the informal sector, as well as trafficking in women and children for forced prostitution. Over 300,000 children 17 years of age or younger work as family domestic workers, for whom the

minimum age is 15. Some recruiters reportedly bring girls between the ages of 13 and 17 to work in Manila or Cebu homes under terms that involve a "loan" advanced to their parents that the children are obliged to repay through their work. The DOLE continued to address the problem of underage workers in family work settings by prosecutions and fines of violators (see Sections 6.d. and 6.f.). Some children reportedly worked to help their parents repay loans from planters. Trafficking in women and children for the purposes of prostitution and forced labor also are problems (see Section 6.f.).

In July a 15-year-old worker reportedly escaped from a rice mill in Tayug, Pangasinan. The youth stated in an affidavit that he had been recruited by an employment agency and promised a job in Manila. Instead he was sent to the rice mill, where he was forced to work 12 hours per day, 7 days per week. The owner of the mill had been fined in January for employing eight minors (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under the age of 15, except under the direct and sole responsibility of parents or guardians, or where employment in cinema, theater, radio, or television is essential to the integrity of the production. The Labor Code allows employment of those between the ages of 15 and 18 for such hours and periods of the day as are determined by the Secretary of Labor but forbids the employment of persons under 18 years of age in hazardous or dangerous work. However, a significant number of children are employed in the informal sector of the urban economy or as unpaid family workers in rural areas. According to a 1995 survey, there are at least 3.7 million working children, approximately 2 million of whom are exposed to hazardous working environments.

There are few child labor violations in the formal manufacturing sector. Most child labor is in the informal sector, most often in family settings, and the Government rarely if ever seeks to prosecute a poor family because they have a working child. However, children reportedly continue to be employed illegally on the docks of some Mindanao and Visayan ports. Working at a piece rate in the unloading of bulk cargo, the children earn far less than adults would demand for the same work even though they are exposed to harmful dust and chemicals in the ships' holds.

Employment of children as divers in dangerous conditions on coral reef fishing vessels reportedly continued. The ILO-IPEC (International Program on the Elimination of Child Labor) project to address this question was ongoing at year's end.

In Mindanao plantations growing bananas for export frequently used children as day laborers in trimming and fertilizing plants and clearing irrigation ditches.

In October the Government ratified ILO Convention 182. The Government banned hazardous work by children in 1973, and in 1999 the DOLE issued an updated list of hazardous and deleterious work that is prohibited for persons under the age of 18. Legislation pending in the Congress would consolidate child labor laws and increase penalties for violations. The DOLE and other agencies continue to work closely with UNICEF and the ILO-IPEC to reduce violations of child labor laws.

The DOLE works with domestic NGO's to educate communities on child labor and provides counseling and other activities for children. It uses fines and criminal prosecutions for child labor violations in the formal sector, such as manufacturing. During the year, it rescued 132 child workers in 64 operations. The rescued children were working in factories, as domestic helpers, or as sex workers. In addition routine inspections through November revealed 31 establishments nationwide that employed a total of 50 children. About 35 of the minors rescued received back wages and other benefits from employers after intervention by the DOLE. Of the DOLE's 253 inspectors, only 22 have received training on child labor inspections.

The DOLE reported that it had begun to investigate reports that more than 17,000 children were engaged in hazardous work in the Cordillera Administrative Region. Most of the children reportedly worked in the mining and quarrying industry under supervision of their parents.

The DOLE continued to address the problem of underage workers in family work settings by prosecutions and fines of violators. The DOLE also works with NGO's and international organizations

such as the UNICEF and ILO-IPEC to assist children to return to school. The DOLE also rescues child workers; the DSWD then assists them in obtaining social services.

The Department of Education, Culture, and Sport participates in an interagency effort to return dropout children to school.

In March the owner of a piggery and poultry farm in Bulacan was convicted of the violation of child labor laws.

In March a massage parlor in Baguio City was found to be employing a minor. The mayor ordered the establishment closed.

In June the DOLE and DSWD rescued 36 minors, mostly Muslims from Mindanao, from employment in a candle factory in Valenzuela City, Metro Manila. The raid was prompted by complaints filed by 62 other Muslims who had fled the factory earlier.

In October a recruitment agency was raided by police, resulting in the rescue of 331 women and girls, some of them under the age of 21. The agency reportedly had been trafficking in women under 21 to work as entertainers in foreign countries, in violation of the law (see Sections 6.c. and 6.f.).

The law prohibits forced and bonded labor by children; however, despite government enforcement efforts, there were reports of its use, mainly in the informal sector and prostitution (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—Tripartite regional wage boards set minimum wages. A round of wage increases was implemented in all regions of the country late in the year. The highest rates are in the National Capital Region (NCR) and the lowest in rural regions. The minimum daily wage for NCR nonagricultural workers is about $5.50 (250 pesos), which does not provide a decent standard of living for a worker and family. At this pay level, at least two family members would have to work full-time to support a family of six above the level of the Government's minimum daily cost of living for the Manila area. The lowest minimum wages are in the Autonomous Region of Muslim Mindanao, where the daily agricultural wage is approximately $2.90 (131 pesos). Large numbers of workers receive less than the minimum wage set for their area.

Regional wage board orders cover all private sector workers except domestic servants and other persons employed in the personal service of another. Boards outside the NCR exempted some employers because of factors such as establishment size, industry sector, involvement with exports, financial distress, and level of capitalization. These exemptions excluded substantial additional numbers of workers from coverage under the law. Unions have filed complaints about the minimum wage exemption policies.

Violation of minimum wage standards is common. Many firms hire employees at below the minimum apprentice rates, even if there is no approved training in their productionline work. DOLE officials estimate a 30 to 40 percent noncompliance rate with the minimum wage requirement and acknowledge that the shortage of inspectors makes the law difficult to enforce. In addition to fines, the Government also makes use of administrative procedures and moral suasion to encourage voluntary employer correction of violations.

By law the standard legal workweek is 48 hours for most categories of industrial workers and 40 hours for government workers, with an 8-hour per day limit. An overtime rate of 125 percent of the hourly rate is mandated on ordinary days and 130 percent on rest days and holidays. The law mandates a full day of rest weekly. However, there is no legal limit on the number of overtime hours that an employer may require. Enforcement of work week hours is managed through periodic inspections by the DOLE.

Several NGO's seek to protect the rights of the country's 5 to 6 million overseas workers. The Government places financial sanctions and criminal charges on domestic recruiting agencies that are found guilty of unfair labor practices. Although the Philippine Overseas Employment Agency has registered and supervised domestic recruiters' practices successfully, the Government largely is unable to ensure workers' protection overseas. It seeks cooperation from receiving countries and proposes migrant worker rights conventions in international forums. The Government also provides assistance through its diplomatic missions in countries with substantial numbers of migrant workers. In May the President approved the establishment of a pension fund for overseas workers, special hospital and counseling services for the workers' families, and reintegration services, including housing and livelihood assistance.

The law provides for a comprehensive set of occupational safety and health standards exists in the law. The DOLE has responsibility for policy formulation and review of these standards, but with fewer than 300 inspectors nationwide, actual enforcement often is carried out by local authorities. DOLE officials acknowledge that their 253 inspectors are not adequate for the number of work sites in need of visits. Statistics on actual work-related accidents and illnesses are incomplete, as incidents (especially in agriculture) are underreported. Workers do not have a legally protected right to remove themselves from dangerous work situations without risking loss of employment.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and trafficking in women and children is a serious problem. The Government used five laws against related illegal commerce to address trafficking. The Philippines is a source, destination, and a transit point for trafficking in persons. Of

those persons trafficking through the country, many are from China, bound for Pacific island nations.

Many women seek employment overseas and are particularly vulnerable to exploitation by unethical recruiters who promise attractive jobs or, in some cases, arrange marriages with foreign men. Some eventually work as prostitutes or suffer abuse by their foreign employers or husbands. Those recruited to work as maids, entertainers, or models overseas may be forced to participate in public shows or dances where nudity and the prospect of sex are the principal attractions to clients. Other persons knowingly accept questionable jobs to support parents, children, or siblings with their remittances. There were reports of forced prostitution of children (see Section 6.c.).

In June the DOLE and DSWD rescued 36 minors, mostly Muslims from Mindanao, from employment in a candle factory in Valenzuela City, Metro Manila. The raid was prompted by complaints filed by 62 other Muslims who had fled the factory earlier (see Section 6.d.).

In October a recruitment agency was raided by police, resulting in the rescue of 331 women and girls, some of them under the age of 21. The agency reportedly had been trafficking in women under 21 to work as entertainers in foreign countries, in violation of the law (see Sections 6.c. and 6.d.).

There were no prosecutions for trafficking in humans during the year; however, in August two women suspected of trafficking in children were charged with violations of the Passport Law.

Within the country, child trafficking by illegal recruiters often brought children from poor rural areas to low-paying jobs in cities. Over 300,000 children 17 years of age and younger work as family domestic workers, for whom the minimum age is 15. Some recruiters reportedly bring girls between the ages of 13 and 17 to work in Manila or Cebu homes under terms that involve a "loan" advanced to their parents that the children are obliged to repay through their work. The DOLE continued to address the problem of underage workers in family work settings by prosecutions and fines of violators (see Section 6.c. and 6.d.).

The DSWD, which is the lead agency in public assistance to victims of trafficking, continued to provide temporary shelter and counseling to women trapped in prostitution, but officials believe that this helped only a small number of victims of illicit recruitment (see Section 5). It also offered livelihood skills development and other services. DSWD officials noted that the number rescued failed to reflect the true extent of the prostitution problem since it reflected only those who obtained temporary shelter and counseling through the DSWD and local governments.

The 1995 Migrant Workers and Overseas Filipinos Act was enacted to provide the Government with greater financial resources and improved authority to combat such problems. However, NGO's believe that these measures have not been adequate since traffickers remain numerous and effective in luring women with promises of lucrative overseas contracts.

The Government's NCRFW is the lead agency on women's issues, including trafficking. Its principal function is to coordinate the implementation of government programs on the integration of women in national development. It monitors compliance with laws on equal treatment and protection of women and serves as a clearinghouse for related information.

In 1999 the Department of Foreign Affairs established an internal task force on trafficking in humans. Within the DOLE, the Bureau of Women's Affairs, the Overseas Workers Welfare Administration, and the Philippine Overseas Employment Administration (POEA) work on different aspects of the trafficking problem. The POEA, an attached agency of the DOLE, continued its efforts to end illegal recruiting. As of August, it had closed 125 firms for illegal recruitment. It also has raised the age, educational requirements, and professional standards for young women seeking jobs abroad and tried to discourage employment migration. Several Cabinet departments, presidential commissions, and legislators also are involved in vigorous public awareness campaigns.

The CHR investigates violations of the rights of trafficking victims and establishes cases for prosecution. It conducts public information and sectoral education campaigns, and provides human rights training for other government agencies, including the PNP.

The Government, in cooperation with the U.N. Center for International Crime Prevention and the U.N. Interregional Crime and Justice Research Institute, also is implementing a demonstration project in the country aimed at improving interagency coordination, strengthening law enforcement, and developing strategies to assist victims.

In March a Manila meeting of the Asian Regional Initiative Against Trafficking (ARIAT) developed a Regional Plan of Action on trafficking in persons, especially in

women and children. ARIAT was the first regional meeting to address all problems related to trafficking in persons. The Regional Action Plan includes strategies for combating trafficking from the AsiaPacific Region as well as to and within the region.

SAMOA

Samoa is a parliamentary democracy that incorporates certain traditional practices into its legislative system. The Constitution of this Pacific island country of approximately 170,000 persons provides for a head of state; a unicameral legislature composed of family heads, or "matai," who are elected by universal suffrage; the protection of land rights and traditional titles; and other fundamental rights and freedoms. Executive authority is vested in the Head of State with the Government administered by the Cabinet, which consists of the Prime Minister and 12 ministers chosen by him. All laws passed by the Legislative Assembly need the approval of the Head of State, Malietoa Tanumafili II, who holds the position for life. The Legislative Assembly is to elect his successors for 5-year terms. The judiciary is independent.

The country does not have a defense force. The small national police force is controlled by the Government but has little effect beyond Apia, the capital city. Enforcement of rules and security within individual villages is vested in the "fono" (Council of Matai), which settles most internal disputes. Judgments by the fono usually involve fines or, more rarely, banishment from the village.

The country is poor with a market-based economy in which more than 60 percent of the work force are employed in the agricultural sector. Fish, kava, and coconut products are the principal exports. The small industrial sector is dominated by a Japanese factory that assembles automotive electrical parts for export. The Government continues an effort to promote tourism. Per capita gross domestic product is $1,100 per year. The country is heavily dependent on foreign aid and on remittances sent to family members by the more than 100,000 Samoans living overseas.

The Government generally respected the human rights of its citizens. Principal human rights abuses arise from political discrimination against women and nonmatai, and violence against women and children. Societal pressures and customary law may interfere with the ability to conduct fair trials. Those who do not conform to accepted societal values may face pressure, threats, violence, and banishment. There are some restrictions on freedom of speech, press, and religion. An August Supreme Court ruling ordered government-controlled media to allow opposition parties access, and in July the Supreme Court ruled that the Village Fono Act may not be used to infringe upon villagers' freedom of religion, speech, assembly, or association.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

Three persons were convicted and sentenced to death for the July 1999 murder of Minister of Public Works Luaglau Levaula Kamu: The former Minister of Women's Affairs Luagalau Levaulu Kama; his son, Eletise Leafa Vitale; and the former Minister of Telecommunications, Toi Aokuso Cain. The Head of State commuted the death sentences to life in prison for all three.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that officials practiced them.

Although jail conditions are fairly basic with respect to food and sanitation, they appear to meet minimum international standards, and there have been no reports of abuses in prisons. While there are human rights groups, the question of monitoring prison conditions by them has not arisen. Prison visits by family members and church representatives are permitted.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest, detention, or exile, and the Government observes these prohibitions. However, villages are governed by customary law, and the fono may mete out banishment when deemed necessary. Banishment is one of the harshest forms of punishment in this collective society. Civil courts have overruled banishment orders. In July the Supreme Court ordered the reinstatement of 32 persons who were banished from a vil-

lage for practicing a religion other than that traditionally practiced in the village (see Section 2.c.).

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice.

The law provides for the right to a fair public trial, and this is honored by the official court system. However, many civil and criminal matters are not handled by courts but by village fono, which vary considerably both in their decisionmaking style and in the number of matai involved in the decisions. The 1990 Village Fono Act gives legal recognition to the decisions of the fono and provides for limited recourse of appeal to the Lands and Titles Courts and to the Supreme Court. In July the Supreme Court ruled that the Village Fono Act may not be used to infringe upon villagers' freedom of religion, speech, assembly, or association (see Section 2.c.).

The judiciary consists of the magistrates' courts, the coroners' courts, and the Lands and Titles Court, with the High or Supreme Court at the apex of the system.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law provides substantive and procedural safeguards from invasion of the home or seizure of property, including a requirement for search warrants, which are issued by the judicial branch. However, there is little or no privacy in villages. While village officials by law must have permission to enter homes, there can be substantial societal pressure to grant such permission.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. In August the Supreme Court overturned a 1997 ban by the then Prime Minister on coverage of the leader of the opposition on state-run radio and television stations. In practice the Government's ban largely had been symbolic, since opposition statements received prominent coverage in the private news media. In July the Supreme Court ruled that the Village Fono Act may not be used to infringe upon villagers' freedom of religion, speech, assembly, or association (see Sections 1.e. and 2.c.).

The Newspapers and Printers Act and the Defamation Act require journalists to reveal their sources in the event of a defamation suit against them. There has been no court case requiring that these acts be invoked.

In February the Supreme Court dismissed a petition brought by government-owned Polynesian Airlines against the independent newspaper the Samoa Observer that asked the court to jail the newspaper's editors. In 1999 the Supreme Court had granted Polynesian Airlines an injunction to prevent the newspaper from publishing news about the company's expenses for senior staff, and the airline filed the petition in response to a subsequent editorial about the incident.

Two English-language newspapers and a number of Samoan-language newspapers are printed regularly. The Government operates a radio station and the sole television station. There are two private radio stations, and a satellite-cable system is now available in parts of Apia. Television from American Samoa is readily available. Internet use is expanding rapidly, both as a news source, and as a means of two-way communication; there has been no government interference with its use.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for these rights, and the Government respects them in practice. In July the Supreme Court ruled that the Village Fono Act may not be used to infringe upon villagers' freedom of religion, speech, assembly, or association (see Sections 1.e. and 2.c.).

c. Freedom of Religion.—The Constitution provides for freedom of religion along with freedom of thought and conscience, and the Government generally respects these rights in practice; however, local officials at times infringe on these rights.

The preamble to the Constitution acknowledges "an Independent State based on Christian principles and Samoan custom and traditions." Nevertheless, while Christianity is constitutionally favored, there is no official or state denomination.

Although the Constitution grants each person the right to change religion or belief and to worship or teach religion alone or with others, in practice the matai often choose the religious denomination of the aiga (extended family). Despite the constitutional protection, village councils—in the name of maintaining social harmony within the village—sometimes banish or punish families that do not adhere to the prevailing religious belief in the village.

In June the Supreme Court ordered the release of 42 Bible study group members, whom their village fono had ordered jailed because they violated a village law banning practice of any but the village majority's religion.

In July the Supreme Court ruled that the Village Fono Act may not be used to infringe upon villagers' freedom of religion, speech, assembly, or association. The plaintiffs had complained that the village matai in Saipipi village had prohibited them from conducting Bible classes or church services on the village's communal land and limited the number of churches allowed in the village (see Section 1.d.).

Missionaries operate freely, either as part of one of the established churches, or by conducting independent revival meetings. The major denominations (for example, Congregational, Methodist, Catholic, and Church of Jesus Christ of Latter-Day Saints) that are present in the country also have missionaries. There is an independent Christian radio and television station.

The Constitution provides freedom from unwanted religious indoctrination in schools but gives each denomination or religion the right to establish its own schools; these provisions are adhered to in practice. There are both religious and public schools; the public schools do not have religious instruction as part of their curriculum. There are pastoral schools in most villages to provide religious instruction following school hours.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of internal movement, but in practice some citizens have been banished either from village activities or completely from their villages. The Government actively supports emigration as a "safety valve" for pressures of a growing population, especially for potentially rebellious youths, and because it generates foreign income through remittances. There are an estimated 100,000 Samoans living abroad and their remittances make an important contribution to the national economy. The Government does not restrict foreign travel arbitrarily or the right of citizens to return from abroad.

Samoa has not had any refugees or asylum seekers. It is a signatory to the 1951 U.N. Convention Relating to the Status of Refugees; however, the Government has not enacted enabling legislation or formulated a policy regarding refugees, asylees, or first asylum. However, the authorities have indicated that they would conform to international norms if such cases should arise.

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

Citizens have the right to change their government through direct, multiparty elections; however, women's political rights are restricted by the fact that few of them are matai. While all citizens above the age of 21 may vote, the right to run for 47 of the 49 seats in the Legislative Assembly remains the prerogative of the approximately 25,000 matai, 95 percent of whom are men. The remaining two seats are reserved for citizens not of Samoan heritage. Matai continue to control local government through the village fono, which are open to them alone.

The political process is more a function of personal leadership characteristics than of party. The Human Rights Protection Party (HRPP) has dominated the political process, winning five consecutive elections since 1982. The 1996 general elections again gave the HRPP a majority, but in 1998 ill health forced then-Prime Minister Tofilau Eti Alesana to resign. The HRPP caucus selected former Deputy Prime Minister Tuilaepa Sailele Malielegaoi as Acting Prime Minister. Tofilau died in March 1999, and Tuilaepa became Prime Minister. Although candidates are free to propose themselves for electoral office, in practice they require the approval of the village high chiefs. Those who ran in the 1996 elections despite fono objections faced ostracism and even banishment from their village. Following the 1996 elections, there were multiple charges of fraud and bribery. Four elections subsequently were overturned by the Supreme Court, and by-elections were held.

Elections are scheduled for April 2001, and Parliament is considering an amendment to the Elections Law, which would require anyone planning to run to have resided in the country continuously for 3 years.

There are no prohibitions on the formation of opposition parties, and there are a total of five political parties, two of which are represented in Parliament.

Women are underrepresented in government and politics; however, they occasionally reach high public office. The 12-member Cabinet has 1 female member, and women hold 3 of the 49 seats in the Legislative Assembly.

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

A number of human rights groups operated without government restriction. Government officials usually are cooperative.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status. Society is homogeneous with no significant ethnic minorities. Politics and culture are the product of a heritage of chiefly privilege and power, and members of certain families have some advantages. While there is discrimination against women and nonmatai who only occasionally may reach high office, women (and particularly female matai) play an important role in society.

Women.—While the law prohibits the abuse of women, social custom tolerates their physical abuse within the home. The role and rights of the village fono and tradition prevent police from interfering in instances of domestic violence, unless there is a complaint from the victim—which village custom strongly discourages. While police receive some complaints from abused women, domestic violence offenders typically are punished by village councils, but only if the abuse is considered extreme (i.e., visible signs of physical abuse). The village religious leader also may intervene in domestic disputes.

The State punishes persons responsible for extreme assault cases, including by imprisonment.

Many cases of rape still go unreported because tradition and custom discourage such reporting. Despite such discouragement, the authorities note a greater number of reported cases of rape, as women slowly become more forthcoming with the police. Rape cases that reach the courts are treated seriously. Convicted offenders often are given relatively stiff sentences of several years' imprisonment.

The traditional subordinate role of women is changing, albeit slowly, especially in the more conservative parts of society. The Ministry of Women's Affairs oversees and helps secure the rights of women.

Children.—The Government has made a strong commitment to the welfare of children through the implementation of various youth programs by the Ministry of Education and the Ministry of Health. Education is free and compulsory through age 16. Law and tradition prohibit severe abuse of children, but tradition tolerates corporal punishment. The police have noted an increase in reported cases of child abuse, which was attributed to citizens becoming more aware of the need to report physical, emotional, and sexual abuse of children.

Three behavior modification camps for expatriate children with emotional or behavior problems exist in the country. They are not supervised closely, but are not known to be abusive to the children in their care.

People with Disabilities.—The Government has passed no legislation pertaining to the status of disabled persons or regarding accessibility for the disabled. Tradition dictates that the family cares for a disabled person, and this custom is observed widely in practice.

Section 6. Worker Rights

a. The Right of Association.—Workers legally have unrestricted rights to establish and join organizations of their own choosing. There are two trade unions in the country. The Samoa National Union, organized in 1994, is a six-member association that includes workers from the three major banks. A second union represents members at the sole factory in the country. Both unions are independent of the Government and political parties. There are no laws specific to union activity. The Commissioner of Labor adjudicates any cases of retribution against strikers or union leaders on a case-by-case basis.

The Public Service Association, which represents government workers (an increasingly important sector of the work force), also functions as a union. The Supreme Court has upheld the right of government workers to strike, subject to certain restrictions imposed principally for reasons of public safety. Workers in the private sector have the right to strike, but there were no strikes during the year. The Public Service Association freely maintains relations with international bodies and participates in bilateral exchanges.

b. The Right to Organize and Bargain Collectively.—While workers have the legal right to engage in collective bargaining, they seldom have practiced it, due to the novelty of union activity and the inexperience of union leaders. The Public Service Association engages in collective bargaining on behalf of government workers, including bargaining on wages. In June the Nurses Union successfully negotiated a modest pay increase.

An advisory commission to the Minister of Labor sets minimum wages. Wages in the private sector are determined by competitive demand for the required skills. Any antiunion discrimination case would be reported to and adjudicated by the Commissioner of Labor. Arbitration and mediation procedures are in place to resolve labor disputes, although such disputes rarely arise.

Labor law and practice in the one export processing zone are the same as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor.—Compulsory labor is prohibited by law, and the Government respects this prohibition in practice; however, in this collective society persons, including minors, frequently are called upon to work for their villages. Most persons do so willingly; however, the matai may compel those who do not (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Under the 1972 Labor and Employment Act (LEA), as amended, it is illegal to employ children under 15 years of age except in "safe and light work." The Commissioner of Labor refers complaints about illegal child labor to the Attorney General for enforcement. Children frequently are seen vending goods and food on Apia street corners. Although the practice constitutes a violation of the LEA, local officials mostly tolerate and overlook it. There are no reports of bonded labor by children, but the LEA does not apply to service rendered to the matai, some of whom require children to work for the village, primarily on village farms (see Section 6.c.).

e. Acceptable Conditions of Work.—The LEA established for the private sector a 40-hour workweek and an hourly minimum wage of $0.47 (WS$ 1.40). This minimum wage suffices for a basic standard of living for worker and family when supplemented by the subsistence farming and fishing in which most families engage. The act provides that no worker should be required to work for more than 40 hours in any week.

The act also establishes certain rudimentary safety and health standards, which the Attorney General is responsible for enforcing. However, independent observers report that the safety laws are not enforced strictly except when accidents highlight noncompliance. Many agricultural workers, among others, are inadequately protected from pesticides and other dangers to health. Government education programs are addressing these concerns. The act does not apply to service rendered to the matai. While the act does not specifically address the right of workers to remove themselves from a dangerous work situation, a report of such a case to the Commissioner of Labor would prompt an investigation, without jeopardy to continued employment. Government employees are covered under different and more stringent regulations, which are enforced adequately by the Public Service Commission.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, within, or through the country.

SINGAPORE

Singapore is a parliamentary republic in which politics is dominated overwhelmingly by the People's Action Party (PAP), which has held power uninterruptedly since Singapore gained autonomy from the United Kingdom in 1959. Opposition parties exist and regularly contest elections; however, the PAP holds 80 of 83 elected parliamentary seats (1 is vacant) and all ministerial positions. Elections take place at regular, constitutionally mandated intervals. The judiciary is efficient and constitutionally independent; however, there has been a perception that it reflects the views of the executive in politically sensitive cases as government leaders historically have utilized court proceedings, in particular defamation suits, against political opponents and critics.

The police are responsible for routine security within the country and for the protection of the borders, including action against illegal immigrants and patrolling the island's territorial waters. The military forces are responsible for external defense. The Internal Security Department (ISD) in the Ministry of Home Affairs is authorized by the Internal Security Act (ISA) to counter such perceived threats to the nation's security as espionage, international terrorism, threats to racial and religious harmony, and subversion. The Government's use of the ISA to control what it considers serious security threats has decreased. The civilian Government maintains tight control over all security activities. There were reports that members of the security forces occasionally committed human rights abuses.

Singapore has a free market economic system. Financial and business services industries, manufacturing of semiconductors and telecommunications equipment, and petroleum refining and petrochemical production are key sectors of the economy. The Government has liberalized broadly market access for telecommunications and financial services providers. Economic growth increased to an estimated 10.1 percent during the year, improving on the 5.6 percent registered in 1999. Per capita

gross domestic product was estimated at $23,383. Wealth is distributed broadly and the unemployment rate is low.

The Government generally respected the human rights of its citizens; however, there were significant problems in some areas. The Government has wide powers to limit citizens' rights and to handicap political opposition. There were occasional instances of police abuse; however, the Government investigates and punishes those found guilty, and the media fully cover allegations of mistreatment. Caning, in addition to imprisonment, is a routine punishment for numerous offenses. The Government continues to rely on preventive detention to deal with espionage, organized crime, and narcotics. The authorities sometimes infringe on citizens' privacy rights.

The Government did not change the wide array of laws and government practices, or the informal methods of government influence, that continue to restrict freedom of speech and the press significantly and limit other civil and political rights. Government intimidation and pressure to conform result in the practice of self-censorship among journalists. Government leaders historically have utilized court proceedings, in particular defamation suits, against political opponents and critics. These suits, which consistently have been decided in favor of government plaintiffs, have chilled political speech and action, and created a perception that the ruling party uses the judicial system for political purposes. While no new defamation suits were filed during the year, some opposition leaders remain at risk of bankruptcy because of efforts by ruling party members to collect damages awarded in previous years. In June an opposition party leader lost a legal appeal to forestall payment of damages stemming from a 1998 defamation lawsuit filed against him by PAP members. There was a moderate level of ongoing debate in newspapers and Internet chat groups on various public issues, and the Government established a Speakers' Corner in a public park to facilitate the ability of persons to speak in public on a range of issues. However, government restrictions on such persons still inhibited their ability to speak freely. The Government significantly restricts freedom of assembly and association. Jehovah's Witnesses and the Unification Church are banned; however, freedom of religion otherwise generally is respected. There is some legal discrimination against women, which affects benefits for children and husbands in limited cases. The Government has moved actively to counter societal discrimination against women and minorities, but violence and some discrimination against women and reports of trafficking in persons for the purpose of prostitution persist. Foreign workers are vulnerable to mistreatment and abuse.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture; however, there were occasional instances of police mistreatment of detainees, and there were a few reports of police abuse during the year. The media report fully on allegations of police abuse of those arrested, and the Government takes action against abusers. The press reported that approximately 10 law enforcement officers were jailed for using excessive force on prisoners and suspects since 1995. In March a court disallowed the confession of a youth who had alleged that police beat him to force his confession to the sale of pirated video disks after a January 1999 arrest. The court ruled that it could not be certain that the admission was made voluntarily. In 1999 56 complaints of police abuse of detainees were filed, of which 7 were substantiated.

The Penal Code mandates caning, in addition to imprisonment, as punishment for some 30 offenses involving the use of violence or threat of violence against a person, such as rape and robbery, and also for such nonviolent offenses as vandalism, drug trafficking, and violation of immigration laws. Caning is discretionary for convictions on other charges involving the use of criminal force, such as kidnaping, or voluntarily causing grievous hurt. Women, men over age 50 or under age 16, and those determined unfit by a medical officer are exempted from punishment by caning. Although current statistics are not available, caning is a commonly administered punishment within the stipulations of the law. Prison conditions generally are good and meet minimum international standards.

The Government does not allow human rights monitors to visit prisons.

d. Arbitrary Arrest, Detention, or Exile.—The law provides that, in most instances, arrests are to be carried out following the issuance of an authorized warrant; however, some laws provide for arrests without warrants. Those arrested must be charged before a magistrate within 48 hours. The great majority of those arrested

are charged expeditiously and brought to trial. Those who face criminal charges are allowed counsel, and the Law Society of Singapore administers a criminal legal aid plan for those who cannot afford to hire an attorney. A functioning system of bail exists for persons who are charged. In death penalty cases, the Supreme Court appoints two attorneys for defendants who are unable to afford their own counsel.

Some laws—the Internal Security Act (ISA), the Criminal Law (Temporary Provisions) Act (CLA), the Misuse of Drugs Act (MDA), and the Undesirable Publications Act (UPA)—have provisions for arrest without warrant. The ISA historically is employed primarily against suspected Communist-related security threats. The CLA historically has been employed primarily against suspected organized crime (i.e., mainly secret society activities), and drug trafficking; however, it also has been used against suspected espionage activities. Opposition politicians have called for the abolition of the ISA, but the Government has rejected these calls, claiming that citizens accept the act as an element of the nation's security.

The ISA and the CLA permit preventive detention without trial for the protection of public security or safety or the maintenance of public order. The ISA gives broad discretion to the Minister for Home Affairs to order detention without charges at the direction of the President, if the latter determines that a person poses a threat to national security. The initial detention may be for up to 2 years and may be renewed without limitation for additional periods up to 2 years at a time. Detainees have a right to be informed of the grounds for their detention and are entitled to counsel. However, they have no right to challenge the substantive basis for their detention through the courts. The ISA specifically excludes recourse to the normal judicial system for review of a detention order made under its authority. Instead detainees may make representations to an advisory board, headed by a Supreme Court justice, which reviews each detainee's case periodically and must make a recommendation to the President within 3 months of the initial detention. The President may concur with the advisory board's recommendation that a detainee be released prior to the expiration of the detention order but is not obligated to do so.

No one was detained under the ISA from 1989 through 1996. Two persons were detained in 1997, and four in 1998, all for alleged espionage. As of August, only one of these persons remained in detention; four had been released by the end of 1998. There were no reports of any new detentions under the ISA during the year.

The CLA comes up for renewal every 5 years; it was strengthened and extended for another 5 years in April 1999. Under its provisions, the Minister for Home Affairs may order preventive detention, with the concurrence of the Public Prosecutor, for an initial period of 1 year, and the President may extend detention for additional periods up to 1 year at a time. The Minister must provide a written statement of the grounds for detention to the Criminal Law Advisory Committee (CLAC) within 28 days of making the order. The CLAC then reviews the case at a private hearing. CLAC rules require detainees to be notified of the grounds of their detention at least 10 days prior to the hearing. The detainee may represent himself or be represented by a lawyer. After the hearing, the Committee makes a written recommendation to the President, who may cancel, confirm, or amend the detention order. However, persons detained under the CLA may have recourse to the courts via an application of a writ of habeas corpus. Persons detained without trial under the CLA are entitled to counsel but only may challenge the substantive basis for their detention to the CLAC. The CLA is used almost exclusively in cases involving narcotics and secret criminal societies and has not been used for political purposes. According to official figures, less than 400 persons were detained under the provisions of the CLA through June, a decrease from the 450 persons detained at the end of 1998.

Persons who allege mistreatment under detention may bring criminal charges against government officials who are alleged to have committed such acts; there were no reports during the year that persons were discouraged from making such accusations by fear of official retaliation (see Section 1.e.).

Both the ISA and the CLA contain provisions that allow for such modified forms of detention as curfews, residence limitations, requirements to report regularly to the authorities, limitations on travel, or, in the case of the ISA, restrictions on political activities and association.

The MDA permits detention without trial. Under the MDA, the director of the CNB also may commit—without trial—suspected drug abusers to a drug rehabilitation center for up to 3 years. At the end of 1998, almost 5,000 persons were detained under the provisions of the MDA for treatment and rehabilitation. Under the Intoxicating Substances Act, the CNB director may order the treatment for rehabilitation of a person believed to be an inhalant drug abuser for up to 6 months.

The Constitution prohibits exile, and the Government respects the prohibition in practice.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respects this provision; however, laws that limit judicial review allow for some restrictions in practice. Some judicial officials, especially Supreme Court judges, have ties to the ruling party and its leaders. However, these ties generally do not appear to influence the judiciary's independence. The President appoints judges to the Supreme Court on the recommendation of the Prime Minister in consultation with the Chief Justice. The President also appoints subordinate court judges on the recommendation of the Chief Justice. The term of appointment is determined by the Legal Service Commission, of which the Chief Justice is the chairman. The 1989 constitutional amendments that eliminated judicial review of the objective grounds for detention under the ISA and subversion laws allow the Government to restrict, or even eliminate, judicial review in such cases and thereby restrict, on vaguely defined national security grounds, the scope of certain fundamental liberties provided for in the Constitution. Under the ISA and the CLA, the President and the Minister of Home Affairs have substantial de facto judicial power, which explicitly (in the case of the ISA) or implicitly (in the case of the CLA) excludes normal judicial review.

Government leaders historically have used court proceedings, in particular defamation suits, against political opponents and critics (see Sections 2.a. and 3.). Both this practice and consistent awards in favor of government plaintiffs have raised questions about the relationship between the Government and the judiciary and led to a perception that the judiciary reflects the views of the executive in politically sensitive cases. Two cases from the most recent elections—defamation actions against Workers' Party (WP) politicians Tang Liang Hong and J.B. Jeyaretnam for statements they made during the campaign (see Sections 2.a. and 3)—perpetuated the perception of undue judicial sympathy for government plaintiffs.

The judicial system has two levels of courts: The Supreme Court, which includes the High Court and the Court of Appeal; and the subordinate courts. Subordinate court judges and magistrates, as well as public prosecutors, are civil servants whose specific assignments are determined by the Legal Service Commission, which can decide on job transfers to any of several legal service departments. The subordinate courts handle the great majority of civil and criminal cases in the first instance. The High Court may hear any civil or criminal case, although it generally limits itself to civil matters involving substantial claims and criminal matters carrying the death penalty or imprisonment of more than 10 years. The Court of Appeal is the highest and final court of review for matters decided in the subordinate courts or the High Court. In addition the law provides for Islamic courts whose authority is limited to Islamic family law.

If they wish, Supreme Court Justices may remain in office until the mandatory retirement age of 65, after which they may continue to serve at the Government's discretion for brief, renewable terms at full salary. The Constitution has a provision for the Prime Minister or the Chief Justice to convene a tribunal in order to remove a justice "on the ground of misbehavior or inability...to properly discharge the functions" of office, but it has never been used.

The judicial system provides citizens with an efficient judicial process. In normal cases, the Criminal Procedures Code provides that a charge against a defendant must be read and explained to him as soon as it is framed by the prosecution or the magistrate. Defendants enjoy a presumption of innocence and the right of appeal, in most cases. They have the right to be present at their trials, to be represented by an attorney, to confront witnesses against them, to provide witnesses and evidence on their own behalf, and to review government-held evidence relevant to their cases. Trials are public and by judge. There are no jury trials.

The Constitution extends these rights to all citizens. However, persons detained under the ISA or CLA are not entitled to a public trial. In addition proceedings of the advisory board under the ISA and CLA are not public (see Section 1.d.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Government generally respects the privacy of homes and families; however, it has a pervasive influence over civic and economic life and sometimes uses its wide discretionary powers to infringe on these rights. Normally, the police must have a warrant issued by a magistrate's court to conduct a search. However, they may search a person, home, or property without a warrant if they decide that such a search is necessary to preserve evidence. The Government has wide discretionary powers under the ISA, CLA, MDA, and UPA to conduct searches without a warrant if it determines that national security, public safety or order, or the public interest are at issue. Defendants may request judicial review of such searches.

Divisions of the Government's law enforcement agencies, including the Internal Security Department and the Corrupt Practices Investigation Board, have wide net-

works for gathering information and highly sophisticated capabilities to monitor telephone and other private conversations and conduct surveillance. It is believed that the authorities routinely monitor telephone conversations and use of the Internet; however, there were no confirmed reports of such practices during the year. The law permits government monitoring of Internet use. In April 1999, the Ministry of Home Affairs probed the computers of 200,000 customers of an Internet service provider (ISP) for evidence of a computer virus infection. After a public controversy, the Ministry announced in May 1999 that it would reject future requests to conduct such probes, and the National Information Technology Committee within the Ministry of Home Affairs developed guidelines for ISP conduct later that year. It is widely believed that the authorities routinely conducted surveillance on some opposition politicians and other government critics; however, no such reports were substantiated during the year.

The Government is active in some areas normally considered private, in pursuit of what it considers the public interest. For example the Government continues to enforce ethnic ratios for publicly subsidized housing, where the majority of citizens live and own their own units, designed to achieve an ethnic mix more or less in proportion to that in the society at large.

The Government does not permit the import of newspapers from Malaysia and bans or restricts the import of other publications (see Section 2.a.). However, it does not block Internet access to these publications.

Malaysian and Indonesian television and radio programming may be received, but satellite dishes are banned, with few exceptions. The Government stated that it would review the restriction on satellite dishes in 2002 (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and expression but permits official restrictions on these rights, and in practice the Government significantly restricts freedom of speech and of the press. The Government's authoritarian style has fostered an atmosphere inimical to fully free speech and the press. Government intimidation and pressure to conform result in the practice of self-censorship among journalists; however, there was some limited progress towards greater openness during the year, including a moderate level of ongoing debate in newspapers and Internet chat groups on various public issues.

Under the ISA, the Government may restrict or to place conditions on publications that incite violence, that counsel disobedience to the law, that might arouse tensions among the various segments of the population (races, religions, and language groups), or that might threaten national interests, national security, or public order. While the ISA rarely has been invoked recently, political opposition and criticism remain restricted by the Government's power to define these restrictive powers broadly. Occasional government references during controversies to speech that it considers "out-of-bounds" are understood to be implicit threats to invoke the ISA; however, these limits are not codified, and journalists and others generally believe that these limitations have shifted toward greater tolerance in recent years.

Government leaders often have challenged publicly the legitimacy of political speech articulated outside what they call the "Western model" of journalism, in which the Government claims that the media report news from their perspective, rather than to act responsibly, which generally is understood to mean to support the goals of the elected leadership and preserve social and religious harmony. In addition strict defamation and press laws and the Government's demonstrated willingness to defend vigorously against what it considers personal attacks of officials, have led journalists sometimes to refrain from publishing items about issues such as alleged government corruption, nepotism, or a compliant judiciary.

The Government strongly influences both the print and the electronic media. Singapore Press Holdings Ltd. (SPH), a private holding company with close ties to the Government, owns all general circulation newspapers in the four official languages—English, Chinese, Malay, and Tamil. The Government must approve, and can remove, the holders of SPH management shares, who have the power to appoint or dismiss all directors or staff. The Government also may remove citizens as stockholders. As a result, while newspapers print a large and diverse selection of articles from domestic and foreign sources, their editorials, coverage of domestic events, and coverage of sensitive foreign relations issues closely reflect government policies and the opinions of government leaders.

However, columnists' opinions, editorials, and letters to the editor express a range of opinions on public issues. For example, there was an active and often critical public debate in the print media over the Government's decision in late June to link the salaries of government ministers to top private sector salaries. The importation of some publications is barred, although a wide range of international magazines

and newspapers may be purchased uncensored; however, newspapers printed in Malaysia may not be imported (see Section 1.f.).

Government leaders from time to time have used defamation lawsuits or the threat of such actions to discourage public criticism and intimidate opposition politicians and the press. There were no new defamation cases filed by ruling party figures during the year. Nevertheless, the unbroken success of government leaders' suits has fostered caution about political speech among the public and a culture of selfcensorship within the news media, and has demonstrated the danger of engaging in opposition politics. At year's end, Workers' Party (WP) secretary general J.B. Jeyaretnam, a nominated M.P., remained in danger of bankruptcy due to failure to pay damages ordered against him in several individual law suits. A declaration of bankruptcy would result in the forfeiture of his parliamentary seat. The Prime Minister and foreign minister did not pursue collection of the judgments against Jeyaretnam during the year. However, the WP leader was declared bankrupt briefly in May until he made a payment to two plaintiffs; in June he lost his legal appeals to forestall payment to eight other plaintiffs. Both cases stemmed from an article in a WP publication that criticized the organizers of Tamil Week, an event that promoted the use of the Tamil language. In 1998 a court ruled that Jeyaretnam is responsible as the editor of the publication.

In November Parliament amended the Public Entertainment Act. The revisions included changing the act's title to the Public Entertainment and Meetings Act (PEMA). Both before and after these revisions, a permit is required under the law for virtually any form of public speech or entertainment. After the revisions, permits no longer are required to hold a garden party. In September police denied a permit to an opposition MP to speak at a dinner that his party organized. The 1999 convictions of Chee Soon Juan, Secretary-General of the opposition Singapore Democratic Party, for giving two public speeches without a permit sparked widespread discussion in the press by the public and officials regarding the possibility for relaxing these restrictions. Chee had asserted that he had no alternative but to violate the act, since his earlier applications under the PEA either were refused or approved so late that the event had to be canceled.

Members of an independent political discussion group proposed in a newspaper article the creation of free speech areas patterned after the "Speakers' Corner" found in Hyde Park, in London, England. After first refusing to consider this suggestion, the Government later decided to institute a Speakers' Corner; however, government restrictions on speakers still limited their abilities to speak freely. Prospective speakers, who must be citizens, must show their identification cards and register in advance with police, but need not obtain a public entertainment license (see Section 2.b.). Speakers must register their intention to speak 30 days in advance. A list of registered speakers is posted on a notice board outside the police station. While speech topics are not required to be declared in advance, the government regulations governing the Speakers' Corner state that, "the speech should not be religious in nature and should not have the potential to cause feelings of enmity, ill will, or hostility between different racial or religious groups." A variety of persons, including politicians, social activists, and ordinary citizens, availed themselves of Speakers' Corner during the year.

The government-linked holding company, Singapore International Media Pte Ltd., has a near monopoly on radio and television broadcasting. Subsidiaries operate all 4 broadcast television channels and 10 of the 15 domestic radio stations. Of the five remaining radio stations, four are owned by organizations with close government affiliation—two by the Singapore Armed Forces Reservists' Association (SAFRA) and two by the National Trade Union Congress (NTUC). Only one, the British Broadcasting Corporation (BBC) World Service, is completely independent of the Government. Some Malaysian and Indonesian television and radio programming can be received, but satellite dishes are banned, with few exceptions (see Section 1.f.).

An increasing number of foreign media operations are located within the country. A 1990 law requires foreign publications that report on politics and current events in Southeast Asia to register and post a $141,000 (SD234,000) bond and name a person in the country to accept legal service. These requirements strengthen the Government's control over foreign media. Under amendments to the Newspaper and Printing Presses Act, the Government may limit the circulation of foreign publications that it determines interfere in domestic politics. Also, in 1999 the Government announced that foreign electronic media must meet the same reporting standards as foreign print media. However, this requirement has not been enforced. The weekly circulation of the Asian Wall Street Journal (AWSJ), Asiaweek, and the Far Eastern Economic Review (FEER), all foreign publications, is limited (or "gazetted"). The fact that the Government gradually has raised the allowed weekly circulation of the FEER and Asiaweek corresponding more or less to actual demand allows the Gov-

ernment to maintain this aspect of control over the press while still maintaining the appearance of flexibility. The Government may ban the circulation of domestic and foreign publications under provisions of the ISA and the UPA (see Section 1.f.).

The authorities censor movies, television programs, video materials, computer games, and music. The Singapore Broadcasting Authority (SBA), established in 1994 to regulate and promote the broadcasting industry, develops censorship standards with the help of a citizen advisory panel. The ISA, the UPA, and the Films Act allow the ban, seizure, censorship, or restriction of written, visual, or musical materials if the SBA determines that they threaten the stability of the State, are pro-Communist, contravene moral norms, are pornographic, show excessive or gratuitous sex and violence, glamorize or promote drug use, or incite racial, religious, or linguistic animosities. Polls indicate that there is strong public support for continued censorship of sex and violence in films. There is a list of banned films, which is not made public. Certain films that might be barred from general release may be allowed limited showings, either censored or uncensored, with a special rating.

The UPA was amended in 1998 to include compact discs, sound recordings, pictures, and computer-generated drawings, and to raise the fine for distribution or possession of banned publications. The list of banned English-language publications consists primarily of sexually oriented materials, but also includes some religious and political publications. The Films Act was amended in 1998 to ban political advertising using films or videos. The Government justified the ban as protecting politics from sensationalism, innuendo, and inaccuracy, but one effect was to restrict further an already limited range of what was deemed acceptable political discourse (see Section 3). Opposition politician Chee Soon Juan alleged in 1999 that prominent bookstores, pressured by the Government, refused to carry copies of a book he authored. He also alleged that, after his book was printed in Malaysia, the Government would not allow its import.

Since 1996 the SBA has regulated access to material on the Internet, using a framework of web site licenses to encourage accountability and responsible use of the Internet. It also regulates Internet material by licensing Internet service providers who install "proxy servers" through which local users must route their Internet connections. Such services act as a filter for content that the Government considers objectionable and can block access to certain sites. While the Government does not consider regulation of the Internet to be censorship, the SBA directs service providers to block access to web pages that, in the Government's view, undermine public security, national defense, racial and religious harmony, and public morals. The SBA in 1996 ordered Internet service providers to block access to some sites, most or all of which the Government believed are pornographic; however, the list of blocked sites is difficult to verify since it is not a matter of public record. In 1997 the SBA announced a new Internet Code of Practice to further clarify what types of material were forbidden and specify the responsibilities of Internet providers. The SBA stated that it had no intention of monitoring Internet or electronic mail use but intended to block access to material that contained pornography or excessive violence or that incited racial or religious hatred (see Section 1.f.).

All public institutions of higher education and political research institutions are linked closely to the Government. Although faculty members technically are not government employees, in practice they are subject to potential government influence. Academics speak and publish widely, and engage in debate on social and political issues. However, they are aware that public comments outside the classroom or academic publications that venture into the prohibited areas—criticism of political leaders or sensitive social and economic policies, or comments that might disturb ethnic or religious harmony or that appear to advocate partisan political views—could subject them to sanctions. Publications by local academics and members of research institutions rarely deviate substantially from government views.

b. Freedom of Peaceful Assembly and Association.—The Constitution grants citizens the right of peaceful assembly but permits Parliament to impose restrictions "as it considers necessary or expedient" in the interest of security, and the Government restricts this right in practice. Assemblies of more than five persons in public, including political meetings and rallies, must have police permission. Spontaneous public gatherings or demonstrations virtually are unknown. The Government closely monitors political gatherings regardless of the number of persons present. Persons who wish to speak at a public function, excluding functions provided by or under the auspices of the Government, must obtain a public entertainment license from the police. Opposition politicians routinely experienced delays before being notified of the decision on their applications, although the Government claims that the delays come only when the applications were submitted late (see Section 2.a.). In May authorities denied approval for a forum on gays and lesbians, citing the illegality of homosexual acts. On December 31, police arrested and later charged 15

Falun Gong adherents for conducting protest without a permit; only 2 of those arrested were Singapore citizens. The 15 persons arrested had participated in an assembly of 60 Falun Gong members who sought to draw attention to the arrest and killing of Falun Gong members in China. The group had not sought a permit, asserting that police had not responded to their previous efforts to obtain permits.

The Constitution provides for freedom of association but permits Parliament to impose restrictions that "it considers necessary or expedient" in the interest of security, and the Government restricts this right in practice. Most associations, societies, clubs, religious groups, and other organizations with more than 10 members must be registered with the Government under the Societies Act. The Government denies registration to groups that it believes are likely to have been formed to assemble for unlawful purposes or for purposes prejudicial to public peace, welfare, or public order (see Section 2.c.). The Government has absolute discretion in applying this broad, vague language to register or dissolve societies. The Government prohibits organized political activities except by organizations registered as political parties. This prohibition limits opposition activities, and, along with other factors, contributes to restrict the scope of unofficial political expression and action (see Section 3). The prohibition affects the PAP less because of its long domination of the Government and its overwhelming parliamentary majority; the PAP is able to use nonpolitical organizations such as residential committees and neighborhood groups for political purposes far more extensively than can opposition political parties.

There are few nongovernmental organizations (NGO's), apart from ostensibly nonpolitical organizations such as religious groups, ethnically-affiliated organizations, and providers of welfare services. The dominant role of the Government in almost every facet of life and the limiting effect of the law on the formation of publicly active organizations are, in large part, responsible for this situation. However, during 1999 a group of NGO's formed what they called "the Working Committee" as an umbrella group through which various NGO's could exchange information and cooperate to promote the development of civil society.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, the Government bans some religious groups. The Constitution provides that every citizen or person in the country has a constitutional right to profess, practice, or propagate his religious belief so long as such activities do not breach any other laws relating to public order, public health, or morality.

There is no state religion. However, all religious groups are subject to government scrutiny and must be registered legally under the Societies Act. The 1990 Maintenance of Religious Harmony Act (MRHA), which was prompted by actions that the Government perceived as threats to religious harmony, including aggressive and "insensitive" proselytizing and the "mixing of religion and politics," made illegal what the Government deems to be the inappropriate involvement of religious groups and officials in political affairs. It gave the Government the power to restrict officials and members of religious groups and institutions from carrying out political activities, criticizing the Government, creating "ill-will" between religious groups or carrying out subversive activities. The act also prohibits judicial review of its enforcement or of any possible denial of rights arising from it.

The Government plays an active, but limited, role in religious affairs. It does not tolerate speech or actions, including ostensibly religious speech or actions, that affect racial and religious harmony, and sometimes issues restraining orders barring persons from taking part in such activities. The Presidential Council for Religious Harmony must review such orders, and make recommendations to the President on whether to confirm, cancel, or alter a restraining order. The Presidential Council also examines all pending legislation to ensure that it is not disadvantageous to a particular group, reports to the Government on matters that affect any racial or religious community, and investigates complaints. The Government also attempts to ensure that citizens have ready access to religious organizations that are associated traditionally with their ethnic groups by assisting religious institutions to find space in publicly subsidized housing, in which the great majority of citizens live. The Government maintains a semiofficial relationship with the Muslim community through the Islamic Religious Council (MUIS), which was established under the Administration of Muslim Law Act. The MUIS advises the Government on the Muslim community's concerns and has some regulatory authority over Muslim religious matters. The Government facilitates financial assistance to build and maintain mosques.

Under the Societies Act, the Government has banned meetings of Jehovah's Witnesses and the Unification Church. The Government deregistered and banned Jehovah's Witnesses in 1972 on the grounds that its roughly 2,000 members refuse to perform military service (which is obligatory for all male citizens), salute the flag, or swear oaths of allegiance to the State. The Government regards such refusal as

prejudicial to public welfare and order. While the Government has not outlawed the profession or propagation of the beliefs of Jehovah's Witnesses and does not arrest members merely for being believers, the result of deregistration has been to make meetings of Jehovah's Witnesses illegal. The Government also has banned all written materials published by the Jehovah's Witnesses' publishing affiliates, the International Bible Students Association and the Watch Tower Bible and Tract Society. In practice this has led to the confiscation of Bibles published by the group, even though publishing Bibles has not been outlawed.

The Holy Spirit Association for the Unification of World Christianity, also known as the Unification Church, was dissolved in 1982 by the Minister for Home Affairs. Missionaries, with the exception of members of Jehovah's Witnesses and representatives of the Unification Church, are permitted to work and to publish and distribute religious texts. However, while the Government does not prohibit evangelical activities in practice, it discourages activities that might upset the balance of intercommunal relations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution grants citizens the right to move freely throughout the country; however, while the Government generally respects this right in practice, it limits it in a few respects. For example, citizens' choice of where to live may be limited by the Government's policy of assuring ethnic balance in publicly subsidized housing, in which the great majority of citizens live (see Section 1.f.). The Government requires all citizens and permanent residents over the age of 15 to register and to carry identification cards. The Government may refuse to issue a passport and has done so in the case of former ISA detainees. Under the ISA, a detainee's movement may be restricted, although this provision normally is a part of the process of relaxing the conditions of detention and has been used very seldom in recent years.

The right of voluntary repatriation is extended to holders of national passports. The Government actively encourages citizens living overseas to return home or at least to maintain active ties with the country. A provision of law for the possible loss of citizenship by Singaporeans who reside outside the country for more than 10 years consecutively seldom is used.

Male citizens who still have national service reserve obligations (normally until age 40 for enlisted men and age 50 for officers) must advise the Ministry of Defense if they plan to travel abroad for less than 6 months, and must receive an exit permit for trips over 6 months. Beginning at age 11, boys' passports are valid for up to 6 months' duration. Males who are eligible for national service must obtain an exit permit for travel abroad of more than 6 months, with the exception of travel to peninsular Malaysia on a restricted passport.

The law stipulates that former members of the Communist Party of Malaya (CPM) residing outside the country must apply to the Government to be allowed to return. They must renounce communism, sever all organizational ties with the CPM, and pledge not to engage in activities prejudicial to the State's internal security. In addition the law requires them to submit to interview by the Internal Security Department and to any restrictive conditions imposed on them.

The law does not include provision for granting refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government does not grant first asylum. However, the authorities usually permit persons who make claims for asylum to have their status determined by the U.N. High Commissioner for Refugees (UNHCR) for possible resettlement elsewhere. There were no reports that persons were returned forcibly to a country where they feared persecution. A 1998 government statement that migrants from countries in the region experiencing economic crisis would not be accorded refugee status is not known to have resulted in the return of any persons having a well-founded fear of persecution. A small number of ethnic Chinese persons from Indonesia often enter the country as visitors for temporary stays during episodes of racial or religious strife in that country.

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

The Constitution provides citizens with the right to change their government peacefully through democratic means. Opposition parties are free to contest elections, and the voting and votecounting systems are fair, accurate, and free from tampering; however, the PAP, which has held power continuously and overwhelmingly for over 3 decades, uses the Government's extensive powers to place formidable obstacles in the path of political opponents. The PAP has maintained its political dominance in part by developing genuine voter support through honest, effective administration and its strong record in bringing economic prosperity to the country,

and in part by manipulating the electoral framework, intimidating organized political opposition, and circumscribing the bounds of legitimate political discourse and action. It attempts to intimidate the members of the opposition through the threat of libel suits and the subsequent loss of their political future, since large judgments in libel suits can lead to bankruptcy, and under the law bankrupt persons are ineligible to sit in Parliament. The belief that the Government may directly or indirectly harm the employment prospects of opposition supporters curtails opposition political activity; however, there were few allegations of such retaliation. As a result of these and other factors, opposition parties have been unable to challenge seriously the PAP's domination of the political system since the late 1960's. The PAP claims that the lack of an effective opposition is due to disorganization, lack of leadership, and lack of persuasive alternative policies.

Singapore has a parliamentary system in which the majority party in Parliament has the authority to constitute the Government, which is headed by a Prime Minister. Parliamentary elections may be called at any time but must be held no later than 5 years from the date a new parliament first sits. The PAP holds 80 of 83 elected seats; the opposition Singapore People's Party and the Workers' Party each held 1 seat. One seat, won by the PAP in the 1997 election, is vacant. The Workers Party (WP) holds one "nonconstituency" seat based on a constitutional amendment that assures at least three opposition members in Parliament even if fewer than three actually are elected. In addition, the Government nominates and the President appoints "prominent citizens" to serve as nominated members of parliament (N.M.P.'s) for 2-year terms. Nine N.M.P.'s currently sit in Parliament. Nonconstituency members' and N.M.P.'s voting rights are restricted.

The country's economic success and generally honest, effective government under the PAP has helped the PAP maintain voter support. The party has an extensive grassroots system and a carefully selected, highly disciplined membership, including M.P.'s who maintain close contact with their constituents, which is responsive to constituent needs and delivers effective government services. The recent development of governmentorganized and predominantly publicly-funded CDC's to promote community development and cohesion and to provide welfare and other assistance services, strengthens the PAP, which dominates these CDC's even in opposition-held constituencies. However, the PAP, which virtually is synonymous with the Government, has used the threat to withdraw benefits as a means of assuring popular support. For example, during the 1997 election campaign, the Prime Minister and other senior government officials pointedly warned voters that precincts that elected opposition candidates would have the lowest priority in government plans to upgrade public housing facilities. This threat heightened concerns among some observers about voters' genuine freedom to change their government.

The PAP also maintains its complete control of the political process by other means, including patronage; strong political influence over the press and the courts; and restrictions on opposition political activities. Often these means are fully in keeping with the law and the normal prerogatives of government, but the overall effect (and, many argue, ultimate purpose) is to disadvantage and weaken the political opposition. The Government altered the boundaries of election districts in 1996, 3 months before the 1997 elections. Since 1988 it has changed 74 of 83 singleseat constituencies into group representational constituencies (GRC's) of three, four, five, or six parliamentary seats, where the party with a plurality wins all the seats. According to the Constitution, such changes are permitted to ensure ethnic minority representation in Parliament, since each GRC candidate list must contain at least one Malay, Indian, or other ethnic minority candidate. However, these changes made it more difficult for opposition parties, all of which have very limited memberships, to fill multimember candidate lists, especially when one member must be an ethnic minority. The PAP does not suffer from this disadvantage.

Although political parties legally are free to organize, they operate under the same limitations that apply to all organizations, and the authorities impose strict regulations on their constitutions, fundraising, and accountability. Government regulations hinder attempts by opposition parties to rent office space in government housing or to establish community foundations. In addition government influence extends in varying degrees to academic, community service, and other NGO's.

A 1998 amendment to the Films Act that banned political films and recorded televised programs put opposition parties at a disadvantage. The ban, ostensibly to prevent the sensationalist or emotional effect that video or film productions could have on political issues, applied to the PAP as well as opposition parties. Nonetheless, it had the effect of denying opposition parties, which already receive far less coverage than does the PAP in the government-influenced press and media, a potential outlet for their political messages (see Section 2.a.).

The threat of civil libel or slander suits, which government leaders have used consistently against political opponents and critics, continued to have a stifling effect on the full expression of political opinion and to disadvantage the formal political opposition (see Section 2.a.). Large judgments in libel suits can lead to bankruptcy, and under the law bankrupt persons are ineligible to sit in Parliament. The Penal Code also provides for criminal defamation offenses; however, there were no reports that it was used for political purposes during the year.

Following the 1997 elections, a group of senior PAP leaders sued defeated WP candidate Tang Liang Hong for defamation based on Tang's claims during and after the election. Tang fled the country citing death threats and remains abroad. The WP Secretary General and M.P. J.B. Jeyaretnam and another WP official remained at risk of bankruptcy due to ongoing efforts to collect on damages awarded in previous years (see Section 2.a.).

The Government also sometimes uses parliamentary censure or the threat of censure to humiliate or intimidate opposition leaders.

Government entities also have used libel or slander suits, and dismissal from positions in government-related entities, to intimidate prominent opposition politicians.

The Government also has placed significant obstacles in the way of opposition political figures' candidacy for the presidency, a largely ceremonial position that nonetheless has significant budget oversight powers, as well as some powers over civil service appointments and internal security affairs. For example, opposition members are much less likely to be able to satisfy the requirement that they have experience in managing the financial affairs of a large institution, since many of the country's large institutions are government-run or linked to the government. In the 1999 presidential election, only the Government's candidate was ruled in compliance with all the legal requirements; therefore in accordance with the law, actual voting was canceled, and S.R. Nathan was declared the duly elected President. Opposition political figures have claimed that such strict compliance requirements weaken opposition parties.

There is no legal bar to the participation of women in political life; however, women are underrepresented in government and politics. Women hold 4 of the 83 elected parliamentary seats and 2 of the 9 N.M.P. seats. There are no female ministers.

There is no restriction in law or practice against minorities voting or participating in politics; they actively participate in the political process and are well represented throughout the Government, except in some sensitive military positions. Malays make up about 15 percent of the general population and hold about the same percentage of regularly elected seats in Parliament. Indians make up about 7 percent of the general population and hold about 10 percent of the regularly elected seats in Parliament. Minority representation in Parliament is, in part, the result of a legal requirement that candidate slates in every multi-seat constituency must have at least one minority representative.

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

There are no NGO's that actively and openly monitor alleged human rights violations. This situation is consistent with the general lack of NGO's and the Government's dominance of society. While the Government does not formally prohibit them, efforts by independent organizations to investigate and evaluate government human rights policies would face the same obstacles as those faced by opposition political parties.

In the past, the Government denied that international organizations had any competence to look into human rights matters in the country and, for years, barred Amnesty International (AI) from visiting the country. However, in 1997 and 1999, the Government permitted both AI and the International Commission of Jurists (ICJ) to observe legal proceedings against two opposition politicians. The ICJ'S and AI'S criticisms of these cases were reported fully in the local press, and the Government responded vigorously in the press, alleging bias and citing alleged factual errors.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution states that all persons are equal before the law and entitled to the equal protection of the law, and the Government carries out these provisions in practice. The Constitution contains no explicit provision providing equal rights for women and minorities. Mindful of the country's history of intercommunal tension, the Government takes affirmative measures to ensure racial, ethnic, religious, and cultural nondiscrimination. Social, economic, and cultural benefits and facilities are available to all citizens regardless of race, religion, or sex.

Women.—There is no evidence of any widespread practice of violence or abuse against women. The Penal Code and the Women's Charter protect women against domestic violence and sexual or physical harassment. A battered wife can obtain court orders barring the spouse from the home until the court is satisfied that he has ceased his aggressive behavior. Court orders for protection against violent family members have increased in recent years, partially because of a 1997 amendment to the Women's Charter Act that broadened the definition of violence to include intimidation, continual harassment, or restraint against one's will. The Penal Code prescribes mandatory caning and a minimum imprisonment of 2 years for conviction on a charge of "outraging modesty" that causes the victim fear of death or injury. The press gives fairly prominent coverage to instances of abuse or violence against women. There are several organizations that provide assistance to abused women. The Association of Women for Action and Research (AWARE) has a hotline that offers counseling and legal advice. The Family Protection Unit documents physical and psychological abuse, and provides counseling and legal services to abused women. In July 1999, the Council of Women's Organizations established a crisis center for abused persons. The Star shelter accepts children, women, and men, and can accommodate up to 30 persons.

Trafficking in women for the purpose of prostitution is a limited problem (see Section 6.f.).

Women enjoy the same legal rights as men in most areas, including civil liberties, employment, commercial activity, and education. The Women's Charter, enacted in 1961, gives women, among other rights, the right to own property, conduct trade, and receive divorce settlements. Muslim women enjoy most of the rights and protections of the Women's Charter. For the most part, Muslim marriage law falls under the administration of the Muslim Law Act, which empowers the Shari'a court to oversee such matters. Those laws allow Muslim men to practice polygyny. Both men and women have the right to unilateral divorce; however, women face significant difficulties in initiating unilateral divorce proceedings, which often prevents them from pursuing proceedings.

Women constitute 42 percent of the labor force and are well represented in many professions but hold few leadership positions in the private sector. They still hold the preponderance of lowwage jobs such as clerks and secretaries. The average salary of women is only 75 percent of that of men (compared with 68 percent 10 years ago). Observers note that the wage differential is smaller in professional jobs, and attribute much of the overall wage disparity to average lower educational qualifications by women, and to fewer years of job experience by women due to family commitments, rather than discrimination.

Some areas of discrimination remain. Children born overseas to female citizens are not granted citizenship automatically, while those of male citizens are. Female civil service employees who are married do not receive health benefits for their spouses and dependents as do male government employees. However, for the first time, beginning on January 2, female citizens were able to sponsor their noncitizen husbands for citizenship.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. Access to public education and medical care is equal for all children in society. In October the Government enacted legislation that would make 6 years of education in public schools compulsory by 2003. Although school attendance has not been compulsory, virtually 100 percent of children are enrolled through grade 6 and the dropout rate for secondary school is low. The Children and Young Persons Act establishes protective services for orphaned, abused, disabled, or refractory children, and creates a juvenile court system. The Ministry of Community Development works closely with the National Council for Social Services to oversee children's welfare cases. Voluntary organizations operate most of the homes for children, while the Government funds up to 50 percent of all child costs, which include normal living expenses and overhead, as well as expenses for special schooling, health care, or supervisory needs.

There is no societal pattern of abuse of children.

People with Disabilities.—The Government implemented a comprehensive code on barrier-free accessibility in 1990, which established standards for facilities for the physically disabled in all new buildings and mandated the progressive upgrading of older structures. Although there is no legislation that addresses the issue of equal opportunities for the disabled in education or employment, the National Council of Social Services, in conjunction with various voluntary associations, provides an extensive job training and placement program for the disabled. Informal provisions in education have permitted university matriculation for visually impaired, deaf, and physically disabled students. The Government allows a $2,400 (S$4,000) tax deduc-

tion for families with a disabled person. Press coverage of the activities and achievements of the disabled is extensive.

National/Racial/Ethnic Minorities.—Ethnic Malays constitute approximately 15 percent of the total population. The Constitution acknowledges them as "the indigenous people of Singapore" and charges the Government to support and promote their political, educational, religious, economic, social, cultural, and language interests. Ethnic Malays have not reached the educational or socioeconomic levels achieved by the ethnic Chinese majority, the ethnic Indian minority, or the Eurasian community. Malays remain underrepresented at the uppermost rungs of the corporate ladder, and, some have claimed, in certain sectors of government and the military, a reflection of their historically lower education and economic position, but also a result of employment discrimination. During 1999 there was great debate over the fact that advertisements often specify ethnicity and gender requirements or require fluent Mandarin speakers. The Government responded by issuing "guidelines" that called for eliminating language referring to age, gender, or ethnicity; restrictive language that referred to attributes relevant to a job, such as "Chinese speaker" or "physically strong" remains acceptable. These guidelines generally are obeyed.

In November the Government reacted negatively to a draft proposal by a leading Malay/Muslim group that sought "collective leadership" in that community. The group proposed broadened community participation in issues that affected Muslims. Government leaders stated that the proposal risked ethnic polarization and warned against attempting to implement it.

A January 1999 revision in the Chinese language curriculum in the country's schools, which expanded opportunities for higher Chinese language ignited a longstanding debate over the perceived objective of creating a "Chinese elite." The Government has taken steps to encourage greater educational achievement among Malay students as a key to economic advancement. The Government revised proposed compulsory legislation to address concerns of Malays that Islamic religious schools (madrasahs) would be adversely affected. The Government proposed to exempt madrasah students from compulsory attendance in national schools provided that the students meet minimum standards in core secular subjects such as science, mathematics and English.

The Presidential Council on Minority Rights examines all pending bills to ensure that they are not disadvantageous to a particular group. It also reports to the Government on matters affecting any racial or religious community and investigates complaints.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides all citizens with the right to form associations, including trade unions; however, Parliament may impose restrictions based on security, public order, or morality grounds. The right of association is delimited by the Societies Act and by labor and education laws and regulations. Under these laws, any group consisting of 10 or more persons is required to register with the Government. The Trade Unions Act authorizes the formation of unions with broad rights, albeit with some narrow restrictions, such as prohibitions on the unionization of uniformed employees. According to government statistics, the national labor force comprises about 2 million workers, approximately 290,000 of whom are represented by 76 unions. Due primarily to mergers, the number of unions dropped slightly from 1999; however, the number of union members rose. Of the 76 unions, 67 (which represent virtually all of the union members), are affiliated with the National Trades Union Congress (NTUC), an umbrella organization that has a close relationship with the Government.

The NTUC unabashedly acknowledges that its interests are closely linked with those of the ruling PAP, a relationship often described by both as "symbiotic." For example, the NTUC secretary general (SG), Lim Boon Heng, a PAP M.P., is Minister without Portfolio and was formerly Second Minister for Trade and Industry. His predecessor, Ong Teng Cheong, the country's first elected President (1993-99) was simultaneously NTUC SG and Deputy Prime Minister. It is common for young PAP M.P.'s to be given leadership positions in the NTUC or a member union. NTUC policy prohibits union members who actively support opposition parties from holding office in affiliated unions. While the NTUC is financially independent of the PAP, with income generated by NTUC-owned businesses, the NTUC and the PAP share the same ideology and work closely with management in support of nonconfrontational labor relations.

Workers, other than those in essential services, have the legal right to strike but rarely do so. No strikes have occurred since 1986. Most disagreements are resolved through informal consultations with the Ministry of Manpower. If conciliation fails,

the disputing parties usually submit their case to the Industrial Arbitration Court, which has representatives from labor, management, and the Government. Besides these labor dispute mechanisms and the close working relationship and shared views among labor, management, and the Government, the maintenance of labor peace has been a product of high economic growth rates, regular wage increases, and a high degree of job mobility in a virtual full-employment economy. In addition the widely held view that labor conflict would undermine the country's economic competitiveness and attractiveness to investors, and a cultural aversion to confrontation help to maintain a harmonious labor situation.

The NTUC is free to associate regionally and internationally.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is a normal part of labor-management relations in the industrial sector. Agreements between management and labor are renewed every 2 to 3 years, although wage increases are negotiated annually. Yearly guidelines on raises and bonus pay issued by the National Wages Council (NWC), a group composed of labor, management, and government representatives, serve as the starting point for bargaining agreements. In 1999, in response to the economic downturn, the Government adopted an NWC proposal in which, subject to negotiation in each enterprise, up to ten percent of salaries would be considered "variable," allowing companies to eliminate that portion of pay if financial problems necessitated it.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Government prohibits forced or compulsory labor, including forced and bonded labor by children, and generally enforces this provision effectively. Under sections of the Destitute Persons Act, any indigent person may be required to reside in a welfare home and engage in suitable work. The International Labor Organization (ILO) has criticized the coercive terms of this act, which includes penal sanctions, as not in compliance with the ILO Convention on Forced Labor. The Government maintains that the act is social legislation that provides for the shelter, care, and protection of destitute persons, and that work programs are designed to reintegrate individuals into society.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government enforces the Employment Act, which prohibits the employment of children under the age of 12. Although schooling is not compulsory, virtually 100 percent of school age children attend school (see Section 5). Restrictions on the employment of children between the ages of 12 and 17 are rigorous and enforced fully. Children under the age of 15 are prohibited from employment in any industrial undertakings. Exceptions include family enterprises; children may work in an industrial undertaking in which only members of the same family are employed. A child who is 12 years old or above may be engaged in "light work suited to his capacity." A medical officer must certify suitability for such light work. Employers must notify the Commissioner of Labor within 30 days of hiring a child between the ages of 14 and 16 and must attach medical certification of fitness for employment. The incidence of children taking up permanent employment is low, and abuses are almost nonexistent. The Government prohibits forced and bonded labor by children and enforces this provision effectively (see Section 6.c.).

Ministry of Manpower regulations prohibit night employment of children and restrict industrial work for children between the ages of 14 and 16 to no more than 7 hours a day, including the hours spent in school. Children may not work on commercial vessels, with any machinery in motion, on live electrical apparatus lacking effective insulation, or in any underground job. The Minister of Manpower effectively enforces these laws and regulations.

e. Acceptable Conditions of Work.—There are no laws or regulations on minimum wages or unemployment compensation. However, the National Wages Council, a tripartite body consisting of Government, labor, and business, monitors the economy and makes annual recommendations to the Government concerning wage guidelines. The labor market offers good working conditions and relatively high wages, which provide a decent standard of living for a worker and family.

The Employment Act sets the standard legal workweek at 44 hours and provides for 1 rest day each week.

Because of a domestic labor shortage, approximately 600,000 foreign workers are employed legally, constituting about 30 percent of the total work force. There are no reliable estimates of the number of foreigners working illegally. Most foreign workers are unskilled laborers and household servants from other Asian countries. Foreign workers face no legal wage discrimination. However, they are concentrated in low-wage, low-skill jobs and often are required to work long hours. Most foreign construction workers live on-site in substandard conditions. Although the great majority of the more than 100,000 maids (mainly from the Philippines, Indonesia, and Sri Lanka) work under clearly outlined contracts, their low wages, their dependence

on their employers for food and lodging, and the fact that they often live and work relatively isolated from the rest of society make them vulnerable to mistreatment and abuse. In 1998 Parliament passed an amendment to the Penal Code, in response to a reported increase in cases of maid abuse, which raised the punishment for confining or sexually or physically abusing a maid. The authorities have fined or imprisoned employers who have abused domestics, often with great publicity. Authorities described a sharp fall in substantiated cases of abuse of foreign domestics, from 157 cases in 1997 to 82 cases in 1999, as evidence that the 1998 legal change and vigorous prosecutions had reduced the problem.

Most maids work 6 days per week from very early morning until late in the evening. Many contracts allow only 1 day off per month. Contracts often stipulate that, even when she is ostensibly not working, a maid must remain on the premises except for official duties or on her day off. According to Ministry of Manpower Statistics, wages average around $250 per month (not including free room and board). Maids must often put aside most or all of their wages for the first several months of employment to reimburse their placement agents. Work permits for low-wage workers stipulate the cancellation of such permits if workers apply to marry or marry a citizen or permanent resident.

Although many lower paid foreign workers not covered under the Employment Act are ineligible for the limited free legal assistance that is available to citizens, the Ministry of Manpower also offers mediation services for all employees, foreign or local. The Government allows complainants to seek legal redress.

The Ministry of Manpower effectively enforces laws and regulations establishing working conditions and comprehensive occupational safety and health laws. Enforcement procedures, coupled with the promotion of educational and training programs, have been implemented to reduce the frequency of job-related accidents. While a worker has the right under the Employment Act to remove himself from a dangerous work situation, his right to continued employment depends upon an investigation of the circumstances by the Ministry of Manpower.

f. Trafficking in Persons.—The three major laws that govern trafficking and prostitution are the Women's Charter, the Children and Young Person's Act, and the Penal Code. The laws make trafficking in women and children—whether or not it is related to prostitution—punishable by up to 5 years' imprisonment, a $5,800 (SD10,000) fine, and caning. The Penal Code covers trafficking and wrongful constraint of men.

There is evidence that the country is a destination for trafficking in women for the purpose of prostitution, primarily from Thailand and Malaysia. Police reportedly conduct raids about once a month in an effort to maintain some control over the situation.

One local NGO offers sex workers counseling services; it is not empowered to provide protection.

SOLOMON ISLANDS

Solomon Islands, with a population of approximately 450,000, is an archipelago stretching over 840 miles in the South Pacific. The Government is a modified parliamentary system consisting of a single-chamber legislative assembly of 50 members. Executive authority is vested in the Prime Minister and his Cabinet. The Prime Minister, elected by a majority vote of Parliament, selects his own Cabinet. Parliament was elected most recently in free and fair elections in August 1997. However, in 1998 tensions between two of the main ethnic groups in the country—the Malaitans and the Guadalcanalese—resulted in violence. Throughout 1999 Guadalcanalese militants forced thousands of Malaitans residing on Guadalcanal from their homes. Beginning in January, Malaitan militants stole large quantities of weapons from the police and actively began to combat the Guadalcanalese. The conflict continued to escalate, and on June 5, armed Malaitan militants, reportedly assisted by paramilitary police officers acting without authorization, took over Honiara, the capital. Following their takeover of the capital, the Malaitan militants forced the then-Prime Minister, Bartholomew Ulufa'alu, to resign, and Parliament chose a new Prime Minister, Manasseh Sogavare, under duress. A new government, known as the Coalition for National Unity, Reconciliation, and Peace, was formed. The Government has sought to restore peace, but its success has been limited due to its weakness—both political and institutional—and the perception that its leaders are beholden to one of the conflicting parties. The judiciary is independent.

A police force of approximately 900 persons under civilian control is responsible for law enforcement, internal security, and border security. Over the past year, the

police force began to disintegrate and since the June takeover of Honiara by Malaitan militants, it has not functioned as an effective institution.

About 75 percent of the population engage to some extent in subsistence farming and fishing and have little involvement in the cash economy. With the breakdown of law and order, the formal sector of the economy is on the brink of collapse. Commercial activities, which included some plantation production of copra, cocoa, and palm oil, one fish cannery, a gold mine on Guadalcanal, and small resort and diving enterprises, have ceased to operate; only the logging industry continued to operate. An estimated 20,000 to 30,000 persons have fled their homes. Electricity and telecommunications services face severe difficulties, but continued to function.

Basic individual rights are provided for in the Constitution, and until the eruption of armed conflict between Guadlacanalese and Malaitan militants, generally were respected by authorities, and were defended by an independent judiciary; however, the armed conflict between Malaitan and Guadalcanalese militants led to a serious deterioration of the human rights situation. Many current and former police officers, mostly believed to be from two national police units dominated by Malaitans, sided with armed Malaitan political groups, and police and militants from both sides committed numerous human rights abuses, including killings, abductions, torture, rape, forced displacement, looting, and the burning of homes. Militants prevented Red Cross officials and volunteers from taking food and medical supplies to rural clinics, leaving 60,000 persons in rural areas without access to medical care, nutritional supplements, and fuel. During the year, the successive governments failed to encourage any judicial or independent investigation of human rights abuses that had occurred during the violence, contributing to a climate of impunity. On October 15, representatives of the central Government, provincial governments, and the opposing armed militant groups signed a peace agreement, which, among other things, includes a general amnesty for members of the police who committed criminal acts in the course of the armed conflict after June 5. In accordance with the agreement, a team of international observers has been in the country since November to verify the relinquishing of weapons and to monitor implementation of the peace. At year's end, hundreds of weapons had not been relinquished, and a stable peace had not been secured.

Violence and discrimination against women continued to be problems.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Since June 5, the police forces effectively have been disarmed and the service no longer functions on the islands of Malaita and Guadalcanal. Amnesty International (AI) reports that according to the previous government, 75 percent of the country's 897 police officers were Malaitan. Many Malaitan police officers participated in abuses committed by Malaitan militants. In 1998 and 1999, when the police were battling the Guadalcanalese militants, police officers were involved in extrajudicial killing and unwarranted use of lethal force against civilians. In September 1999, AI reported that several paramilitary police officers in a speedboat shot and injured a man near shore; they followed him onto the shore, dragged him back into the water, and reportedly beat him to death with a paddle. There also have been reports that police in some areas of Guadalcanal have declined to stop or investigate abuses by Guadalcanalese militants, have cooperated with them, or have fled from atacks by Guadalcanalese militants, in order to protect their own security. AI reported that displaced persons state that they fled their homes because they feared police operations as much as the activities of the Guadalcanalese armed groups.

Both the Ulufa'alu and Sogavare Governments were unable to stop the violence, and did little to investigate or prosecute those responsible for killings and other abuses, contributing to an atmosphere of impunity. According to AI there is an apparent lack of accountability for police officers involved in killings, and only one police officer has been charged and convicted in connection with events during the conflict.

There is no reliable estimate of the total number of civilians killed, missing or presumed dead as a result of attacks attributed to Malaitan and Guadalcanalese militants, although AI reported that at least 25 persons, including several civilians, were killed between early June and early July. In April unidentified gunmen entered a village south of Honiara's international airport and shot three persons, including a 7-year-old boy and a 20-year-old man, as they tried to flee. On April 21, a Guadalcanalese man reportedly was abducted by Malaitan militants in Honiara and taken to a nearby Malaitan militant camp, where he was beaten and hung by the ankles and wrists with wire. His body was reportedly found later in a Malaitan

suburb of Honiara (see Section 1.c.). On May 5, the decapitated body of Davidson Mare was found in a marketplace in Honiara; Mare, a Guadalcanalese, is believed to have been killed by Malaitan militants. Four days later, the partial remains of a Malaitan man believed killed in retaliation for Mare's murder were found at a roadblock run by Guadalcanalese militants near Honiara. In late June, two Malaitan men were captured by Guadalcanalese militants outside Honiara. Subsequently, the men, who showed signs of beatings, were paraded through the captors' villages, killed, and buried. On July 10, Malaitan militants forced their way into Honiara's central hospital and murdered two Guadalcanalese militants who were being treated for wounds sustained in combat the previous day. On July 13, gunmen dressed in Malaitan militant or paramilitary police uniforms reportedly attacked a medical clinic in Visale, killing an elderly man and a teenage boy. Other victims died as a result of torture (see Section 1.c.).

b. Disappearance.—There were no reports of politically motivated disappearances due to the actions of government officials. However, many Malaitan police officers have joined the Malaitan militants and have participated in their activities. Since the violence began in 1998, more than 50 persons have been abducted and possibly killed by militants. In early July, AI reports that Cathoic catechist Juan Bosco disappeared in Honiara after allegedly being abducted by Malaitan militants and taken to a Malaitan camp. Several persons reported seeing him brutally beaten. On July 4, Walter Tavai, a Guadalcanalese villager, reportedly was abducted from his home near Honiara by Malaitan militants and taken to a Malaitan militant camp. Witnesses state that he was beaten to death by militants at the camp; his body has not been found. In January the Government formed a Committee on Missing Persons. However, its work was hampered by the reluctance of witnesses to come forward and by the ongoing conflict. The Committee's final report and recommendations to the Government, submitted in April, were not made public.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—These practices are prohibited by law; however, there were numerous reports that police tortured and mistreated persons. Until June complaints of excessive use of force by police when making arrests, as well as other complaints about police behavior, were handled by an internal police department investigations office or by the courts. In 1998 the police opened a public complaints office in the capital. These offices ceased to function after June 5, as part of the general disintegration of the national police force.

Throughout the year, there were numerous reports of acts of torture and mistreatment attributed to both Malaitan and Guadalcanalese militants, and to members of the police. Honiara residents told AI that it was common knowledge that abducted Malaitans had been taken to a camp widely known as a "panel beating shop" where they were beaten by Guadalcanalese militants. Malaitan encampments near Honiara, as well as in the former Guadalcanal provincial government headquarters, also reportedly are used for the torture of captured Guadalcanalese and the punishment of Malaitans. On April 21, a Guadalcanalese man reportedly was abducted by Malaitan militants in Honiara and taken to a nearby Malaitan militant camp, where he was beaten and hung by the ankles and wrists with wire. His body was later reportedly found in an Malaitan suburb of Honiara (see Section 1.a.). In June two Malaitan security guards reportedly were abducted by Guadalcanalese militants, beaten, paraded through Guadalcanalese villages, and killed near Honiara (see Section 1.a.).

Many homes have been looted and burned by both Guadalcanalese and Malaitan militants during the conflict; at times police reportedly have assisted militants. Twenty homes were burned in Independence Valley, Honiara in late July, according to press reports. This followed the burning of homes in Matanikau and Tasahe areas of Honiara.

Conditions in the only prison still in use during the year generally met minimum international standards, although for several months it was overcrowded. Following the outbreak of militant attacks, the rural prison in Guadalcanal was closed, and the prisoners were moved to the prison in Honiara for their safety. However, due to the influx of prisoners from the minimum-security prison and additional arrests due to the strife, the prison population exceeded the capacity of the prison. Several cells built for four persons held six, and a number of prisoners slept dormitory style on the floor of the covered inner courtyard of one of the prison buildings. The female wing of the prison was used for male prisoners, and the sole female prisoner was housed in the warden's conference room, next to the jail reception area. Malaitan militants closed the prison in Honiara on June 18 following the escape of approximately 20 Guadalcanalese inmates and the subsequent release of all remaining prisoners by the Malaitans. Police made no move to recapture the inmates, some of whom reportedly joined the militants. A new prison complex, slated for completion

in 1997, was to have provided separate facilities for short-, medium-, and long-term prisoners, as well as for juvenile offenders. It remained uncompleted at year's end due to a lack of funds. Prior to June, a government-appointed Committee on the Prerogative of Mercy, composed of church and social leaders, recommended pardons for rehabilitated prisoners. At year's end, the prison was reopened.

Prior to the closure of the prisons, the Government permitted prison visits by human rights monitors. An International Committee of the Red Cross (ICRC) team in Honiara monitored the prisons regularly, and in 1999 Amnesty International visited the prison as well. However, between June 15 and June 18, Malaitan militants refused to allow ICRC monitors into the prison in Honiara. Some prisoners later showed signs of beatings.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, detention, and exile, and the Government observes these prohibitions in practice. However, the large number of cases before the courts has resulted in long delays before cases go to trial. This has meant that some prisoners have endured long periods of pretrial detention.

Militants from both sides arbitrarily detained persons; it is not known how many persons were arbitrarily detained during the year.

Exile is not practiced.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary and it is independent in practice, but the courts are hampered by a lack of resources and threats against the lives of judges and prosecutors.

The judicial system consists of a High Court and magistrates' courts. Accused persons are entitled to counsel. However, in 1999, the public solicitor, who is charged with providing counsel to persons who cannot afford a private attorney, reported that due to limited resources, his office could accept only those cases in which persons faced serious charges or those involving the protection of children. The law provides for a judicial determination of the legality of arrests. Officials found to have violated civil liberties are subject to fines and jail sentences.

There were no reports of political prisoners.

Both the Ulufa'alu and Sogavare Governments have been unable to stop the violence, and have done little to investigate or prosecute those responsible for killings and other abuses, contributing to an atmosphere of impunity. According to AI there is an apparent lack of accountability for police officers involved in killings, and only one police officer has been charged and convicted in connection with events during the conflict.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—These rights are protected by law, and the Government generally respected these rights in practice. However, with the breakdown of law and order, there was widespread looting and burning of homes in rural Guadalcanal, including by police (see Section 1.c.).

Militants from all sides motivated by resentment, retaliation, and criminal opportunism forced long-time inhabitants from their homes. Many of those forced out were not affiliated with the respective militant movements or even members of the combating ethnic groups.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Since the ethnic conflict began in 1998, both Guadalcanalese and Malaitan militants have used excessive force and committed numerous abuses against civilians, at times aided by or permitted to function by the police. Since June Malaitan militants have blocked the free and safe passage of relief supplies, food, and fuel, as well as access by humanitarian organizations to Guadalcanal. Red Cross volunteers and relief workers have reported being threatened, harassed, even shot at by both Guadalcanalese and Malaitan militants.

In June Malaitan militants in a police patrol boat used a heavy machine gun to support an attack on Guadalcanalese positions near Alligator Creek, killing perhaps six Guadalcanalese militants. Following this action, the militants used the weapon to fire indiscriminately on civilian targets near Teneru, far from the actual scene of the fighting. In July as many as 20 persons in paramilitary police uniforms attacked a rural medical clinic on Guadalcanal, killing an old man and a teenage boy, both noncombatants. Since the violent phase of the conflict on Guadalcanal began in 1998, some 30,000 Malaitans, Guadalcanalese, and Western Province persons living on Guadalcanal have been displaced from their homes (see Section 2.d.).

AI reports that Guadalcanalese militants included a number of child soldiers (see Sections 5, and 6.d.).

In 1999 there were reports that police killed noncombatants while shooting indiscriminately at villages.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Government generally respects the constitutional provisions for freedom of speech and of the press. In September the Government ordered the national airline and the press not to report the kidnaping of a pilot, on the grounds that it might incite further violence or ethnic hatred. During the year, print and broadcast media continued to operate on a regular basis.

The media comprise the Solomon Islands Broadcasting Corporation (SIBC), a statutory body that comes directly under the Prime Minister's office and whose radio broadcasts are heard throughout the country; a privately owned FM radio station; and three privately owned weekly or semiweekly newspapers. Given the high rate of illiteracy, the SIBC is more influential than the print media. The Department of Information in the Prime Minister's office publishes a monthly newspaper, which is strongly progovernment. At least two nongovernmental organizations (NGO's) publish periodic news journals; their environmental reporting frequently is critical of the Government's logging policy and foreign logging companies' practices. A private company transmits one Australian television channel to the country. The system incorporates occasional government press conferences in its program.

During the year, militants threatened the print and broadcast media with increasing frequency; however, no journalists are known to have been killed or injured.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly and the Government respects this right in practice. Demonstrators must obtain permits.

The Constitution provides for the right of association, and, in the past, this right was respected; however, in February the Government formally outlawed the Malaitan militant groups; Guadalcanalese militant groups were outlawed in 1999. This ban was suspended in May.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government respects this provision in practice.

In general the Government does not subsidize religion. Several schools and health services in the country were built by and continue to be operated by religious organizations. There are schools sponsored by Roman Catholics, the Church of Melanesia, the United Church (Methodist), the South Sea Evangelical Church, and Seventh-Day Adventists. Upon independence the Government recognized that it had neither the funds nor the personnel to take over these institutions and agreed to subsidize partially their operations. The Government also pays the salaries of most teachers and health staff in the national education system.

All religious institutions are required to register with the Government; however, there is no evidence that registration has been denied to any group.

The public school curriculum includes 30 minutes daily of religious instruction, the content of which is agreed upon by the Christian churches; students whose parents do not wish them to attend the class are excused. However, the Government does not subsidize church schools that do not align their curriculums with governmental criteria. There is mutual understanding between the Government and the churches but no formal memorandum of understanding. Although theoretically non-Christian religions can be taught in the schools, there is no such instruction at present.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government places no restrictions on the movement of citizens within or out of the country. However, the militants have demanded that the people indigenous to each island be given authority to determine who may or may not enter their island. Native-born citizens may not be deprived of citizenship on any grounds.

Since the violent phase of the conflict on Guadalcanal began in 1998, an estimated 30,000 Malaitans, Guadalcanalese, and Western Province persons living on Guadacanal have been displaced from their homes as a result of armed conflict and intimidation; 3,000 or more have been dispaced since June. The U.N. estimated that in 1999 some 15,000 to 20,000 Malaitans (one fifth of the population of Guadalcanal) were displaced, the majority of whom evacuated to Malaita, while as many as 12,000 Guadalcanalese fled their homes for other parts of that island. The Government provided very limited help to internally displaced persons, who generally relied on their extended families and subsistence farming for survival. The national Red Cross Society, funded by the European Union, provided some assistance.

Police on Malaita reportedly are unable to offer protection to displaced Malaitans on the island since Malaitan militants raided a police armory in January and set up headquarters on the island. Malaitan militants reportedly have forced displaced Malaitan families to "contribute" money or food to support the militants. Telephone communication with Malaita has been cut off since Guadalcanalese militants destroyed a transmitter on May 18.

Displaced persons on Guadalcanal also lack effective police protection, since most local police were evacuated as a result of Guadalcanalese militant raids in 1999.

Although a party to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, the Government has not enacted domestic legislation or procedures for making formal refugee determinations. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and the Red Cross in determining refugee status, and has not returned persons to a country where they fear persecution.

The Government provided first asylum to persons from Papua New Guinea's Bougainville Island, who fled the conflict that started there in 1989. Following the 1998 peace settlement, many have returned home. According to the UNHCR, there are less than 50 persons from Bougainville in the country who meet the criteria for refugee status. In September 1999, the Solomon Islands Red Cross reported that Bougainvillians sheltering in the country, who were not considered refugees, had been returning to Bougainville during 1999. Most of those who remained were employed professionals, and none were in Red Cross care shelters.

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

Citizens had the right to change their government through periodic free and fair elections. Suffrage is universal for those 18 years of age and over. The Government is a modified parliamentary system consisting of a single-chamber legislative assembly of 50 members. Executive authority is vested in the Prime Minister and his Cabinet. The Prime Minister, elected by a majority vote of Parliament, selects his own Cabinet. Since independence in 1978, there have been five parliamentary elections, most recently in August 1997, and several elections for provincial and local councils. On four occasions, changes of government resulted from either parliamentary votes of no confidence or the resignation of the Prime Minister. However, in 1998 tensions between two of the main ethnic groups in the country—the Malaitans and the Guadalcanalese—resulted in violence. Throughout 1999 Guadalcanalese militants forced thousands of Malaitans residing on Guadalcanal from their homes. Beginning in January, Malaitan militants stole large quantities of weapons from the police and began to actively combat the Guadalcanalese. The conflict continued to escalate, and on June 5, armed Malaitan militants reportedly assisted by paramilitary police officers acting without authorization, took over Honiara, the capital. After the takeover, the Malaitan militants forced Prime Minister Bartholomew Ulufa'alu to resign. Parliament selected a new Prime Minister, Manasseh Sogavare, under duress. A new government, the Coalition for National Unity, Reconciliation, and Peace was formed after the new Prime Minister was selected. Since June the police have not operated as an effective force, and there is no governmental institution that can effectively address the ongoing violence.

Women are underrepresented in government and politics. Traditional male dominance has limited the role of women in government. Although 14 women ran for Parliament in the 1997 elections, only 1, an incumbent, was elected.

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

There are no restrictions on the formation of local organizations to monitor and report on human rights. The Solomon Islands Development Trust has both development and human rights objectives. The ICRC has an office in Honiara, and an Amnesty International team visited the country in mid-August. The Government cooperated with human rights organizations to the best of its ability, and requested assistance from the U.N. High Commissioner for Human Rights in formulating policies to restore peace and justice.

Red Cross volunteers and relief workers have reported being threatened, harassed, even shot at, and prevented from carrying out relief work by both Guadalcanalese and Malaitan militants.

There is a constitutionally provided ombudsman, with the power of subpoena, who can investigate complaints of official abuse, mistreatment, or unfair treatment. The Ombudsman's Office did not report any incidents involving interference with these rights. While the Ombudsman's Office has potentially far-ranging powers, it is limited by a shortage of resources.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides that no person—regardless of race, place of origin, political opinion, color, creed, or disability—shall be treated in a discriminatory manner in respect of access to public places. The Constitution further prohibits any laws that would have discriminatory effects and provides that no person should be treat-

ed in a discriminatory manner by anyone acting in an official capacity. Despite constitutional and legal protections, women remain the victims of discrimination in this tradition-based society. Unemployment is high, and there are limited job opportunities for the disabled.

Women.—While actual statistics are scarce, incidents of wife beating and wife abuse appear to be common. In the rare cases that are reported, charges often are dropped by the women before the court appearance or are settled out of court. The magistrates' courts deal with physical abuse of women as with any other assault, although prosecutions are rare. In part due to the breakdown in law and order, and the lack of a police force after June, women and teenage girls in particular are vulnerable to abuse including rape, and many rapes have been reported since the ethnic conflict began in 1998.

The law accords women equal legal rights. However, in this traditional society men are dominant, and women are limited to customary family roles. This situation has prevented women from taking more active roles in economic and political life. A shortage of jobs inhibits the entry of women into the work force. The majority of women are illiterate; this is attributed in large part to cultural barriers. The National Council of Women and other NGO's have attempted to make women more aware of their legal rights through seminars, workshops, and other activities. The Government's Women Development Division also addresses women's issues.

Children.—Within the limits of its resources, the Government is committed to the welfare and protection of the rights of children. There is no compulsory education, and, according to some estimates, only 60 percent of school-age children have access to primary education; the percentages of those attending secondary and tertiary institutions are much smaller. Children are respected and protected within the traditional extended family system, in accordance with a family's financial resources and access to services. As a result, virtually no children are homeless or abandoned. Although some cases of child abuse are reported, there is no societal pattern of abuse. The Constitution grants children the same general rights and protection as adults. Existing laws are designed to protect children from sexual abuse, child labor, and neglect. According to AI, Guadalcanalese militants included a number of child soldiers (see Section 6.d.).

People with Disabilities.—There is no law or national policy on the disabled, and no legislation mandates access for the disabled. Their protection and care are left to the traditional extended family and nongovernmental organizations. With high unemployment countrywide and few jobs available in the formal sector, most disabled persons, particularly those in rural areas, do not find work outside the family structure. The Solomon Islands Red Cross continued to conduct private fund-raising efforts to build a new national center for disabled children.

National/Racial/Ethnic Minorities.—The country is composed of over 27 islands with approximately 70 language groups. In the precolonial era, these groups existed in a state of endemic warfare with one another, and even today many islanders see themselves first as members of a clan, next as inhabitants of their natal island, and only third as citizens of their nation. Over the past century, and particularly since World War II, many persons from the poor, heavily populated island of Malaita have settled on Guadalcanal, the island on which the capital of Honiara is located. The tensions and resentment between the Guadalcanalese and the Malaitans on Guadalcanal culminated in violence beginning in late 1998 (see Sections 1.a., 1.b., 1.c., 1.f., 1.g., and 2.d.). In 1998 Guadalcanalese militants began a campaign of threats and intimidation against Malaitans on Guadalcanal. Scores of Malaitans have been killed and injured by Guadalcanalese militants. Since 1998 approximately 30,000 persons, mainly Malaitans, have fled their homes as a result of the conflict. Civilians have been the victims of abuses by both sides; such abuses reportedly included abductions, torture, rape, forced resettlement, looting, and burning homes.

Beginning in January, Malaitan militants began seizing weapons from the police; many police officers (who are largely Malaitans) joined the Malaitan militants. On June 5, Malaitan militants took over the capital of Honiara (which is largely populated by Malaitans), forced the Prime Minister to resign, and forced Parliament to choose another Prime Minister.

Section 6. Worker Rights

a. The Right of Association.—The Constitution implicitly recognizes the right of workers to form or join unions, to choose their own representatives, to determine and pursue their own views and policies, and to engage in political activities. The courts have confirmed these rights. Only about 10 to 15 percent of the population participate in the formal sector of the economy. Approximately 60 to 70 percent of wage earners are organized (90 percent of employees in the public sector and about 50 percent of those in the private sector).

The law permits strikes. Disputes are usually referred quickly to the Trade Disputes Panel (TDP) for arbitration, either before or during a strike. In practice the small percentage of the work force in formal employment means that employers have ample replacement workers if disputes are not resolved quickly. However, employees are protected from arbitrary dismissal or lockout while the TDP is deliberating. Since 1998 ethnic tensions and conflict on Guadalcanal, the most economically developed island in the country, seriously have disrupted economic activity and have resulted in the loss of many formal employment opportunities. Mainstays of the cash economy such as the Solomon Taiyo fish cannery and the country's only gold mine have closed as a result of the conflict. In June 1999, Solomon Islands Plantation Ltd. closed its facilities following attacks on its workers. About 2,000 employees were evacuated. Militants have prevented the return of the work force, 60 percent of whom are Malaitan.

Unions are free to affiliate internationally, and the largest trade union, the Solomon Islands' National Union of Workers, is affiliated with the World Federation of Trade Unions, the South Pacific Oceanic Council of Trade Unions, and the Commonwealth Trade Union Congress.

b. The Right to Organize and Bargain Collectively.—The Trade Disputes Act of 1981 provides for the rights to organize and to bargain collectively, and unions exercise these rights frequently.

Wages and conditions of employment are determined by collective bargaining. If a dispute between labor and management cannot be settled between the two sides, it is referred to the TDP for arbitration. The three-member TDP, composed of a chairman appointed by the judiciary, a labor representative, and a business representative, is independent and neutral.

The law protects workers against antiunion activity, and there are no areas where union activity is officially discouraged.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced labor, including forced and bonded labor by children, and, except as part of a court sentence or order, this prohibition is observed.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law forbids labor by children under the age of 12, except light agricultural or domestic work performed in the company of parents. Children under age 15 are barred from work in industry or on ships; those under age 18 may not work underground or in mines. The Labor Division of the Ministry of Commerce, Trade, and Industry is responsible for enforcing child labor laws. Given low wages and high unemployment, there is little incentive to employ child labor.

AI reports that the Guadalcanalese militant forces include children.

Forced and bonded labor by children is prohibited constitutionally and is not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—The minimum wage rate is $0.31 per hour (1.50 Solomon Islands dollars) for all workers except those in the fishing and agricultural sectors, who receive $0.25 (1.25 Solomon Islands dollars). The legal minimum wage is not sufficient to support an urban family living entirely on the cash economy. However, most families are not dependent solely on wages for their livelihoods.

The Labor Act of 1969, as amended, and the Employment Act of 1981, as well as other laws, regulate premium pay, sick leave, the right to paid vacations, and other conditions of service. The standard workweek is 45 hours and is limited to 6 days per week. There are provisions for premium pay for overtime and holiday work and for maternity leave.

Malaria is endemic in the country and affects the health of many employees. Agricultural workers have a high risk of contracting malaria.

Both an active labor movement and an independent judiciary ensure widespread enforcement of labor laws in major state and private enterprises. The Commissioner of Labor, the Public Prosecutor, and the police are responsible for enforcing labor laws; however, they usually react to complaints rather than routinely monitor adherence to the law. The extent to which the law is enforced in smaller establishments and in the subsistence sector is unclear. Safety and health laws appear to be adequate. The Safety at Work Act requires employers to provide a safe working environment and forbids retribution against an employee who seeks protection under labor regulations or removes himself from a hazardous job site.

f. Trafficking in Persons.—The Constitution does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

THAILAND

Thailand is a democratically governed constitutional monarchy that until 1992 had a history of military coups and powerful bureaucratic influences on political life. Since 1992 there have been five national multiparty elections, which transferred power to successive governments through peaceful, democratic processes. The King exerts strong informal influence but never has used his constitutionally mandated power to veto legislation or dissolve the elected House of Representatives. There is a bicameral Parliament. The coalition Government, led by Prime Minister Chuan Leekpai's Democrat Party, was formed in 1997. General elections were scheduled for January 2001. The judiciary is independent, but is subject to corruption.

The security forces have wide-ranging legal powers, derived primarily from past militarily controlled administrations. Since 1992 the armed forces have become increasingly professional and increasingly subject to civilian control. Their influence in politics has been diminishing. The Royal Thai Police have primary responsibility for internal security and law enforcement. Elements of both the armed forces and the police have a reputation for corruption. Some members of the security forces committed serious human rights abuses.

Thailand is a newly industrializing country with a market-based economy and strong tradition of private enterprise, although state enterprises play a significant role in some sectors. A financial crisis that began in July 1997 led to a severe contraction in the economy lasting through early 1999. The economy resumed moderate growth in early 1999; Gross Domestic Product (GDP) growth is estimated at 4 percent for 2000. Annual per capita income, which peaked at $3,000 in 1996, is approximately $2,000, although depreciation of the local currency during the crisis magnified the decline. Roughly 60 percent of the population remains rural and agricultural, although agriculture only accounts for approximately 10 percent of GDP. Rice and other agricultural and fisheries products are important exports, as are electrical goods, textiles, and automobiles. Government efforts to narrow the gap between urban and rural living standards have met with only mixed success, and the Government increasingly focused on education and investment promotion in poor areas to reduce disparities in income distribution. Even though government regulation generally provides protection for individual economic interests, including property rights, a lack of transparency in bureaucratic decisionmaking and a gap between regulation and enforcement sometimes leads to uneven treatment of some firms and institutions. Some areas of Government remain subject to corruption.

The Government generally respected the human rights of its citizens; however, significant problems remain in several areas. Police officers killed a number of criminal suspects while attempting to apprehend them and killed suspects in custody. The Government remained reluctant to prosecute vigorously those who committed such abuses, resulting in a climate of impunity.

Police occasionally beat suspects, at times to coerce confessions. An ingrained culture of corruption persists in many parts of the civilian bureaucracy and in the security forces. Routine demands for bribes undermine the rule of law and permit the continuation of various illegal activities such as income tax evasion, illegal gambling, drug violations, goods smuggling, trafficking in persons, and prostitution. Enforcement of a broad range of laws and regulations by police continued to be noticeably lax.

Conditions in prison and immigration detention facilities are poor due to severe overcrowding. However, conditions improved somewhat at the Bangkok Immigration Detention Center during the year. Lengthy pretrial detention and the prolonged detention of some aliens remain problems. The judiciary suffers from corruption and at times security forces infringed on citizens' privacy rights. The media practiced some self-censorship, and there were some restrictions on freedom of movement. The Government hindered the activity of some human rights groups.

The 1997 Constitution increased legal protections for women and the disabled; however, some inequities in the law remain. Violence against women and societal discrimination against women are problems. Trafficking in women and children and forced prostitution are serious problems. Societal discrimination against hilltribes and religious and ethnic minorities persists.

There were reports of forced labor and child labor.

The 1997 Constitution contains provisions designed to combat corruption and increase government accountability, transparency, and public participation in the political process. The Government has adopted implementing legislation to bring government practice in line with these reforms over the last 3 years.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of politically motivated killings by government agents; however, legal organizations, reputable nongovernmental organizations (NGO's), and the press continued to report that some police officers used unwarranted lethal force in apprehending criminal suspects. Armed alleged drug traffickers in particular continued to confront and threaten police officers violently, and officers used deadly force during some arrest attempts. Police killed several criminal suspects while in custody. New procedures that regulate the investigation of deaths in custody went into place in June.

Following the armed seizure of the Ratchaburi provincial hospital by 10 Burmese dissidents in January, military and police forces entered the hospital to free the more than 700 patients, staff, and visitors held as hostages and to secure the premises. In the raid, government forces killed the hostagetakers; no hostages were injured. In media reports after the incident, some hostages claimed that the Burmese gunmen had been apprehended and disarmed before the security forces killed them; no evidence corroborated this claim. The Government, including the Prime Minister, denied the claims and maintained that the Burmese were killed during the course of the raid. Despite calls by the press for an investigation, the Government conducted no public investigation, and no other evidence to corroborate claims of abuse was presented.

In May 11 police officers were sentenced to life in prison or death for their roles in the 1994 killings of 4 Ministry of Interior (MOI) officials.

The two senior police officers arrested in the June 1999 Nonthaburi abduction and killing of a suspected car thief remain free on bail, and the court case was still pending at year's end. The Department of Corrections exonerated the prison guards accused in the June 1999 killings of three would-be escapees from Udon Thani provincial prison. The Department of Corrections also found no criminal behavior in the January 1998 killing of four prisoners escaping from Bangkok remand prison. Both cases are closed.

Previously the Government investigated some extrajudicial killings; however, in the past, it prosecuted few police or military officers accused of such abuses. A senior prosecutor in 1999 stated that 99 percent of all cases in which government officials were accused of extrajudicial killings were dropped on the basis of insufficient evidence. Senior prosecutors and legal associations claimed that most cases eventually were dismissed because regulations outlined in the Criminal Code required public prosecutors to rely exclusively upon the recommendations of the police when determining whether to bring a case for criminal prosecution. Initial inquiries were carried out by police officers, often the same units responsible for the killing. Credible sources reported that police investigators routinely determined that police took no wrongful action. Routine exoneration of police officers contributed to a climate of impunity that is a significant factor in preventing any major change in police behavior. It also discourages relatives of victims from pressing for prosecution. However, in June a new procedure for investigating suspicious deaths, including deaths occurring while the individual is in custody, took effect and is part of the amended Criminal Procedure Code. It requires, among other things, that the prosecutor, a forensic pathologist, and a local administrator participate in the investigation and that family members may have legal representation at the inquests.

Families rarely take advantage of a provision in the law that allows them to bring personal lawsuits against police officers for criminal action during arrest. If pursued by the family, the case is handled by the same office—in some instances by the same prosecutor—who already has ruled that no criminal action occurred. There is no information available to determine how many cases are settled out of court. However, in cases in which suits are filed, the official charged often compensates the family of the deceased, and the lawsuit is waived.

The Government continued to prosecute two cases of suspected extrajudicial killing from 1996. By year's end, the Attorney General had not yet decided whether to proceed with murder charges against the police officer implicated in the 1996 Supan Buri killing of six suspected drug dealers. The trial of the police officer charged in the 1996 killing of farmer activist Joon Bhoonkhuntod was still in progress in December.

In December 1999, The Court dismissed the murder charges in the 1996 case of the suspected political killing of environmental protester Thong-in Kaewwattha.

In November police intercepted and assaulted a vehicle in Kanchanaburi province that was commandeered by 9 Burmese persons who had been convicted of violent felonies in Thailand and were fleeing toward Burma. The escapees were armed, had critically wounded one prison official, and had taken hostages. In the course of res-

cuing the hostages, security forces killed all the escapees. One hostage was killed in the shooting.

There were 11 killings of political canvassers during the election campaigns leading up to the January 2001 general election and March 2001 Senate elections. All the victims worked for all political parties, and all the killings allegedly were politically motivated. Police arrested several persons in connection with the killings, and investigations continued at year's end. Legal organizations, reputable NGO's, and the press reported that some police officers used unwarranted lethal force in apprehending criminal suspects.

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

As a result of a freedom of information request by the victims' families, the Government in May released the Defense Ministry's report on the military forces' suppression of political demonstrations in May 1992. The report provided no new information on the whereabouts of the remaining 38 prodemocracy protesters still listed as missing. Most, if not all, are presumed by family members and NGO's to be dead.

The results of a government investigation into the 1991 disappearance of Labor Congress of Thailand president Thanong Po-an conducted by the House Justice and Human Rights Standing Committee have never been released to the public.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and the Criminal Code forbid torture and cruel, inhuman, or degrading treatment or punishment; however, NGO's and legal organizations continue to report that some members of the police occasionally beat suspects in order to coerce confessions. Authorities also investigated police officers accused of raping and extorting sex from female suspects in detention.

In January the Ministry of Defense reported that an Army Lieutenant was convicted of July 1999 sexual crimes against a group of Burmese refugee women, but the lieutenant received only a 1year suspended sentence.

Some NGO's accused police of using excessive force in July when demonstrators engaged in a long-term protest against the Government attempted to enter Government House by force. This compound contains the Prime Minister's office. Other participants in the protest said that the police had acted professionally. The police also maintained that they acted with restraint to protect government property. Approximately 20 persons sustained minor injuries.

Among junior police officers, corruption remains widespread. In September residents of Nakhon Si Thammarat rioted in response to frequent demands for bribes by traffic police. Police officials complain that low pay for members of police forces makes them susceptible to bribes.

Some corrupt police and soldiers are involved in prostitution and trafficking in women and children (see Sections 5, 6.c., and 6.f.).

Prison conditions are poor but in general they do not threaten the life or health of inmates. Already severe prison overcrowding worsened during the year. Sleeping accommodations and access to medical care remain areas of concern that require continued attention. Medical care in prisons is inadequate. To care for a total prison population of 219,176 inmates in 168 prisons that have a total design capacity of 100,000 prisoners, the Corrections Department employs only 17 full-time doctors and 7 full-time dentists.

Prison authorities sometimes used solitary confinement to punish difficult prisoners. They also used heavy leg irons without apparent cause. Credible sources continued to report that prisoners captured in escape attempts were beaten severely.

Poor conditions in Bangkok's Suan Phlu Immigration Detention Center (IDC) improved somewhat during the year, but conditions in provincial detention centers remained very poor. There were no reports that detainees transferred to Bangkok arrived in a debilitated state as in 1999. Immigration detention facilities are not administered by the Department of Corrections and are not subject to many of the regulations that govern the regular prison system. The number of long-term immigrant detainees declined due to a 1998 MOI policy that allows illegal immigrants arrested in border areas to be deported without first being sent to an immigration detention center, but some foreigners still face trial delays of up to 6 months. Despite the drop in the detainee population, overcrowding and shortages of food and water in the immigration detention centers remain significant problems. Early in the year, the Department of Corrections suspended plans to construct two additional prisons for women accused of drugrelated offenses.

Access to prisons is not restricted, and the Government permits visits by human rights monitors and the Thai International Red Cross.

d. Arbitrary Arrest, Detention, or Exile.—With few exceptions, including crimes in progress, the law requires police officers making an arrest to have warrants, and authorities respect this provision in practice. Under the Constitution, persons must be informed of likely charges against them immediately after arrest and must be

allowed to inform someone of their arrest. Detainees have a right to have a lawyer present during questioning, and the police generally respected this right in practice during the year. Foreign prisoners sometimes are forced to sign confessions without benefit of a competent translator.

Police also are required to submit criminal cases to prosecutors for the filing of court charges within 48 hours of arrest. However, lawyers report that the police rarely bring their cases to court within this period since the Criminal Procedure Code allows an extension period of up to 3 days. Police also may seek court permission to hold suspects for additional periods (up to a maximum of 82 days for the most serious offenses) to carry out investigations. In addition laws and regulations place any offense for which the maximum penalty is less than 3 years under the jurisdiction of the district courts, which have special procedures. In these cases, police are required to submit cases to public prosecutors within 72 hours of arrest. There is a functioning bail system.

The only legal basis for detention by the police without specific charges for long periods (up to 480 days) is the AntiCommunist Activities Act, which authorities did not invoke during the year. In March the Government approved legislation to abrogate this law (see Section 2.a.); the new legislation is to become effective in June 2001.

Of more than 200,000 prison inmates, approximately 78,000 were charged with narcotics violations. Approximately 27 percent of the total prison population were pretrial detainees. Pretrial detainees usually are not segregated from the general prison population. According to one lawyers' association, pretrial detainees are held an average of 60 days.

The Government does not use exile as a means of political control.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, while the judiciary generally is regarded as independent, it is subject to corruption and has a reputation for venality.

The civilian judicial system has three levels of courts: Courts of first instance; courts of appeal; and the Supreme Court. A separate military court hears criminal and civil cases pertaining to military personnel as well as those brought during periods of martial law. There is no right to appeal military court decisions. The Constitutional Court, charged with interpreting the Constitution, began operating in 1998; the Court provides a mechanism to implement the Constitution fully. The courts became fully independent of the Ministry of Justice in August. Islamic (Shari'a) courts provide due process and hear only civil cases concerning members of the Muslim minority. Access to courts or administrative bodies to seek redress is provided for and respected.

There is no trial by jury. Trials for misdemeanors are decided by a single judge, and more serious cases require two or more judges. While most trials are public, the court may order a trial closed. This is done most often in cases involving national security or the royal family. Career civil service judges preside over the courts. Judicial appointments and judicial bodies are not subject to parliamentary review.

The Constitution provides for the presumption of innocence. Defendants tried in ordinary criminal courts enjoy a broad range of legal rights, including access to a lawyer of their choosing. A government program provides free legal advice to the poor, but indigent defendants are not provided with counsel at public expense automatically. Most free legal aid comes from private groups, including the Thai Lawyers Association and the Thai Women Lawyers Association.

There were no reports of political prisoners. Sorayut Sakunnanasantisat, a Muslim mullah convicted of offenses against the monarchy and of violating national security for leading a political protest in 1990, was released from prison in December 1999.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution provides for the rights, and the Government generally respects them in practice. With few exceptions, including crimes in progress, the Constitution requires police to obtain a warrant from a court prior to conducting a search. However, the procedures for issuing warrants are not standardized, primarily because various laws such as the Criminal Procedure Code and internal government regulations, including those that apply to the police department, have not been amended to comply with the Constitution. The laws must be amended to comply with the Constitution by 2002.

Lawyers' associations reported that police at times endorsed blank search warrants or used legitimate warrants to conduct intrusive searches outside the stated evidentiary domain. NGO's concerned with the welfare of highlanders reported that police and military units carried out several warrantless searches of villages for narcotics in northern provinces during the year. This type of operation is permitted

under both the Constitution and the Narcotics Prevention and Suppression Act of 1976 in cases in which there is reasonable suspicion and an urgent search is deemed necessary. However, some academic groups claimed that the searches were arbitrary and violated the villagers' civil rights. The AntiCommunist Activities Act, which had allowed officials engaged in "Communist suppression operations" to conduct searches without warrants, was abrogated in March (see Section 1.d.).

The Director of the Telephone Organization of Thailand resigned in June following disclosure of illegal wiretaps on the residential telephone of Wira Somkhwamkhit, an anticorruption activist (see Section 4).

Security services monitor persons who espouse extremist or highly controversial views, including foreign visitors.

NGO's concerned with the welfare of women had reported in the past that hospital and district officials sometimes changed the identification of unwed expectant mothers from "Miss" to "Mrs.," although it is illegal to do so and despite the fact that the women possessed no marriage or divorce certificates. Lacking these documents, the women could encounter difficulties in obtaining official documents needed for some business and government transactions. In 1995 the MOI warned clerks against making such an error.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for, and citizens generally enjoy, a large measure of freedom of speech and of the press, and the Government generally respects these rights in practice. However, the Government may restrict these rights to preserve national security, maintain public order, preserve the rights of others, and protect public morals. In practice this rarely has been done. Laws that prohibit criticism of the royal family (lese majeste), threats to national security, or speech likely to incite disturbances or insult Buddhism remain in place under the Constitution.

The Constitution makes it unlawful for the Government to censor, ban, license, or restrict print or broadcast media, except by specific legislation in times of crisis. While newspapers and periodicals practice some selfcensorship, especially with regard to the monarchy and national security problems, media criticism of political parties, public figures, and the Government is common and vigorous. Journalists generally are free to comment on governmental activities without fear of official reprisal.

During the year, there were two cases of suspected intimidation of the press. In April the Editor in Chief of the Chiang Mai daily newspaper Pak Nua was shot and seriously wounded in an attempted murder, but recovered. Police arrested four soldiers, all of whom were detained without bail. One civilian suspect was not arrested. The editor believes that his repeated critical reporting on the local government led to the assault. His statements have implicated several local government officials. The case is under investigation. The Government and the Prime Minister strongly criticized the murder attempt.

In August unknown persons detonated a bomb at the front gate of the home of the crime editor of the sensationalist Bangkok daily newspaper Khao Sod, causing only property damage. The editor wrote a daily column that used innuendo to combat both organization crime and police corruption. No one claimed responsibility for the bombing.

Under the 1941 Printing and Advertisement Act, the Royal Thai Police Special Branch issued warnings to publications for various violations such as disturbing the peace, interfering with public safety, or offending public morals. The 1941 Act permits police closure of newspapers or printing presses in times of war or national emergency, but only with a court order. No such closures occurred during the year. Legislation was proposed in 1998 to revoke the act. The Juridical Council approved the revocation of the act, but final revocation awaits approval by the Council of State.

An antipornography law allows police to restrict or confiscate printed publications and other materials deemed obscene; the interpretation generally is limited to hardcore pornographic material.

Domestic publications continued to present a wide range of political and social commentary. Unless critical of the royal family or the monarchy, foreign and domestic books normally are not censored and circulate freely. Police have the authority to ban the importation of publications but generally do not exercise it. In March the Government set a date of June 2001 to abolish the 1952 AntiCommunist Activities Act, which had been created to counter the threat of Communism through media restriction.

Radio and television stations enjoy the same constitutional protections of freedom of expression and speech as the print media. All radio and television stations are

licensed by the Government, and most are operated under the direct or indirect oversight of the Government or the armed forces. Radio and television station profits are retained by organizations that control frequencies, such as government ministries, universities, and the military services. The military services retain 40 to 50 radio and television frequencies for national security purposes, despite civilian government assurance that the military services may use all broadcasting frequencies in the event of a national emergency without the need to own them.

Radio stations must renew their licenses every year, and their signals are broadcast via government transmitters. They are required by law to broadcast government-produced newscasts twice daily, 30 minutes each in the morning and evening.

There is one cable television network. It enjoys almost complete autonomy under the indirect oversight of the Mass Communications Authority of Thailand. In addition a wholly independent ultra-highfrequency television station (ITV) managed by a private consortium including the outspoken Nation Multimedia Group had operated since 1996. In May it was purchased by another corporation affiliated with Thai Rak Thai Party leader Thaksin Shinawatra. One new 24hour, independent all news station, operated by former owners of ITV, began broadcasting exclusively on cable television in June.

Programmers generally are free to determine the nature and content of television broadcasts. However, as with the print media, self-censorship exists. Stations occasionally censor or "black out" portions of programming that they deem politically sensitive or pornographic. A censorship board exists in the Prime Minister's office, but it rarely restricts television or radio broadcasts.

The Constitution calls for the liberalization of the broadcast media and the establishment of an independent National Broadcasting Commission (NBC) to oversee frequency management; it expects to be operational in April 2001. The seven Commission members are expected to be selected from four broad categories: Government, broadcasting, NGO's, and universities. The NBC is authorized to redistribute frequencies previously controlled by the Government to eligible organizations or individuals in the country. The media criticized the proposed implementation regulations, arguing that they contain broad censorship powers and allows the Government to retain a large number of its frequencies.

Under the 1930 Film Act, theater owners and broadcasters must submit films that they plan to show to the film censorship board for review. The board may require that portions of the film be removed, or it may ban the film. Reasons for censoring films include violating moral and cultural norms and disturbing the public order and national security. Theater owners and broadcasters frequently censor films themselves before submitting them to the board. According to the office of the Film Censorship Board, 176 films were submitted for review in 1999, the most recent year available. Two films were banned in 1999.

Activity on the Internet remains unregulated.

The Constitution provides for the right to engage in academic pursuits, and academic freedom is respected. The Ministry of Education edits public school textbooks. No textbooks were censored during the year.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice. Permits are not required for private meetings or gatherings unless held on public property or organized by foreign nationals; these are granted routinely.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Private associations must register with the Government; such registration is approved routinely.

In November in Ubon Ratchathani province, villagers allegedly paid by the Government's electric power authority violently dispersed a longstanding protest by the Assembly of the Poor and other persons at the Pak Mun dam. The villagers seriously injured 4 protesters and burned more than 500 temporary shelters. A police investigation was in progress at year's end (see Section 1.c.).

c. Freedom of Religion.—Freedom of religion is protected by law, and the Government generally respects this right in practice; however, it restricts the missionary activities of some groups. The Constitution requires that the monarch be a Buddhist. The state religion is in effect Therevada Buddhism; however, it is not designated as such.

The Constitution requires the Government "to patronize and protect Buddhism and other religions." The State subsidizes the activities of the three largest religious communities (Buddhist, Islamic, and Christian). Since mid1999 the Government has provided more than $49 million (2 billion baht) to support Buddhist and Muslim institutes of higher education; to fund religious education programs in public and private schools; to provide daily allowances for monks and Muslim clerics who hold administrative and senior ecclesiastical posts; and to subsidize travel and health care

for monks and Muslim clerics. This figure also includes an annual budget for the renovation and repair of Buddhist temples and Muslim mosques, the maintenance of historic Buddhist sites, and the daily upkeep of the Central Mosque in Pattani.

The Government plays an active role in religious affairs. The Religious Affairs Department (RAD), which is located in the Ministry of Education, registers religious organizations. In order to be registered, a religious organization first must be accepted into an officially recognized ecclesiastical group. There were seven groups, including one for the Buddhist community, one for the Muslim community, one for the Catholic community, and for Protestant denominations. Government registration confers some benefits, including access to state subsidies, tax-exempt status, and preferential allocation of resident visas for organization officials. Although some activities of groups that have not been accepted into one of the existing recognized groups have been restricted, in general unregistered religious organizations operate freely. There were no reports of the extortion of unregistered groups by local officials during the year.

Under the provisions of the Religious Organizations Act of 1969, the Department of Religious Affairs recognizes a new religion if a national census shows that it has at least 5,000 adherents, has a uniquely recognizable theology, and is not politically active. However, since 1984 the Government has maintained a policy of not recognizing any new religious faiths. This has restricted the activities of some groups that have not been accepted into one of the existing religious governing bodies on doctrinal or other grounds.

Religious instruction is required in public schools at both the primary (grades 1 through 6) and secondary (grades 7 through 12) education levels. Students at the primary level are required to take 80 hours of instruction per academic year in religious studies classes. Instruction is limited to Buddhism and Islam. During the year, some parts of the country with large Muslim student populations do not have Muslim studies courses. Muslim students in these schools generally were directed to school libraries to participate in Muslim self-study courses.

National identity cards produced by the MOI included the religious affiliation of the holder. The change was implemented in 1999 in response to the demands of parliamentarians who wanted easier identification of persons who required Muslim burial. Persons who fail or choose not to indicate religious affiliation in their applications may be issued cards without religious information.

The Government permitted foreign missionary groups to work freely throughout the country, although it also maintained policies that favored proselytizing by citizens.

The number of foreign missionaries officially registered with the Government is limited to a quota that originally was established by the RAD in 1982. There were no reports that foreign missionaries were deported or harassed for working without registration, although the activities of Muslim professors and clerics were subjected disproportionately to scrutiny on national security grounds because of continued government concern about the potential resurgence of Muslim separatist activities in the south.

Laws prohibiting speech likely to insult Buddhism remain in place under the 1997 Constitution. The police, who have legal authority under the Printing and Advertisement Act of 1941 to issue written warnings or orders suspending the publication or distribution of printed materials considered offensive to public morals, did not use it to restrict the publication or distribution of religious literature during the year. The act requires all theater owners and broadcasters to submit films scheduled for screening to a government film censorship board for review (see Section 2.a.).

Muslim female civil servants are not permitted to wear headscarves when dressed in civil servant uniforms.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for the right of citizens to change their residence or workplace, and authorities generally respect this right in practice; however, there were some exceptions. Longstanding written restrictions on the travel and domicile of certain Vietnamese resident aliens who immigrated to Thailand in 1945 and 1946, and Chinese who immigrated between 1953 and 1961, remain in place. In addition other long-term noncitizen residents, including several hundred tribal people, officially are required to seek permission from local authorities or the army for foreign or domestic travel. In practice authorities rarely enforce these restrictive measures, and registered resident aliens move freely within the country.

During the year, the Government permitted a total of 99,974 Burmese, Cambodian, and Lao workers already in the country to hold manual labor jobs in 18 sectors. These persons were permitted to work and to move freely in 37 of the 76 provinces. The Government deported 163,966 migrant workers and families during the

year. However, NGO's reported that a large number of those deported later returned to the country.

The country is not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, the Government continued to provide first asylum to small numbers of Vietnamese and Lao asylum seekers pending their resettlement in other countries as well as to persons unable to meet the refugee definition pending arrangements to return them to their countries of origin.

Along the border with Burma, the Government generally followed its policy of providing first asylum to new arrivals, referred to as displaced persons. Provincial screening committees determine eligibility to enter the refugee border camps based upon very narrow criteria, limited to those who flee actual fighting rather than on broader grounds of persecution on the basis of race, religion, ethnic group, social class, or political opinion. Consequently, several thousand asylum seekers from Burma, primarily of the Karen ethnic group, who resided in Thailand but previously were not acknowledged as refugees, were given refugee status during the year and were permitted to receive assistance and protection in designated refugee camps.

The Government and the UNHCR do not extend displaced person status to the large number of the Shan ethnic minority members who have crossed the border into the country from Burma but who have not requested refugee status.

In June and August, the Government repatriated 116 Burmese deemed ineligible for assistance in the camps. The UNHCR unsuccessfully appealed on behalf of those asylum seekers.

Most of those returned to Burma in mid-year reportedly have returned to the camps.

There is no legislation regarding the treatment of refugees. However, the Government has continued to permit the UNHCR to exercise its mandate with regard to small numbers of Vietnamese and Lao asylum seekers awaiting repatriation. The Government also upheld its 1998 decision to allow the UNHCR to play a formal role in monitoring and providing protection to about 130,000 refugees from Burma, mostly ethnic minorities, in more than a dozen sites near the border with Burma. The UNHCR's previous mandate had been limited to a few hundred ethnic Burman students at the Burmese Center, formerly known as the Burmese Student Safe Area, located in Ratchaburi province. The Government continued to restrict access to the Center to those persons from Burma to whom the UNHCR had accorded refugee status.

After the October 1999 takeover of the Embassy of Burma in Bangkok by Burmese dissidents, the Government accelerated the pace of third-country resettlement of Burmese students. Since then more than 1,200 have been resettled in nine countries.

The Government also continued to allow NGO's to provide food, medical services, housing, and other services to Burmese refugees near the border. Government officials periodically arrested Burmese outside designated camps as illegal aliens, including some recognized as "persons of concern" by the UNHCR.

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

The Constitution provides for the right of citizens to choose or change their government peacefully through free and fair elections based on universal suffrage. Voting is compulsory. Eligible voters who fail to exercise their voting responsibilities, except for those excused on reasonable grounds, are subject to the loss of certain rights, including the right to be a candidate in future elections. However, the Constitution prohibits Buddhist monks and nuns from seeking public office. Citizens last exercised this right in an election in 1996 that generally was viewed as free, but was marred by widespread vote buying, a recurrent problem. Peaceful transitions have marked all changes of government since 1992.

The campaign for the January 2001 general election was free and fair, but was marred by alleged vote-buying. Monitoring by the Election Commission established by the Constitution lessened the most egregious offenses observed in past campaigns.

The country is a democratically governed constitutional monarchy that until 1992 had a history of military coups and powerful bureaucratic influences on political life. Since 1992 there have been five national multiparty elections, which transferred power to successive governments through peaceful, democratic processes. The King exerts strong informal influence but has never has used his constitutionally mandated power to veto legislation or dissolve the elected House of Representatives. There is a bicameral Parliament. The coalition Government, led by Prime Minister Chuan Leekpai's Democrat Party, was formed in 1997. General elections were scheduled for January 2001.

In August the first directly elected Senate took office. The Senate election required multiple rounds of voting for some districts because the Election Commission voided some results due to perceived irregularities such as evidence of vote-buying. The election provided a first test of new election laws. In October the Constitutional Court ruled that the Election Commission could disqualify a candidate whom the Commission finds guilty of electoral irregularities.

While there are no legal restrictions on their political participation, women generally are underrepresented in national politics, especially at senior levels. There was essentially no change in the number of women assigned or elected to positions of leadership. There are 15 women among the 264 members of the House of Representatives; in the 200member Senate, 21 Senators are women.

Of the Parliament elected in 1996, there were 22 women among the 393 members of the House of Representatives. On average less than 10 percent of Parliament members have been women; however, this figure has risen steadily. Following the resignation of one woman from the Cabinet to compete in the election for Bangkok Governor, there are two women in the 48member Cabinet. On average approximately 5 percent of Cabinet members in recent years have been women. Although over half of civil service employees are women, few hold senior positions.

No laws prohibit the participation of ethnic minorities, but few hold positions of authority in national politics. Muslims from the south hold significant elected posts in the Government, although they continue to be underrepresented in local and provincial government positions, which are appointed by the central Government. There were 8 Muslim Members of the Senate and 17 Muslim Members in the 1996 Parliament, including Foreign Minister Surin Pitsuwan.

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

A wide variety of local, domestic, and international human rights organizations work on controversial problems without government restriction, investigating and publishing their findings on human rights cases freely. Government officials generally were cooperative and responsive to their views; however, at times the Government hindered the activity of a few human rights groups.

Very few NGO's are accorded tax-exempt status, and this sometimes hampers the ability of domestic human rights organizations to secure adequate funding.

The independent National Counter Corruption Commission began an investigation into the wiretap surveillance of the telephone of Wira Somkwamkhit, Chairman of the People's Rights Protection Group, an anticorruption NGO. Wira had been investigating corruption charges against thenDeputy Prime Minister Sanan Khrachonprasat, who was forced to resign after the Commission found that he had falsified financial statements.

In reaction to the 1999 seizure of the Burmese Embassy in Bangkok and the January seizure of the Ratchaburi Hospital by Burmese dissidents, the security forces stepped up enforcement against NGO's working with Burmese exiles. Some NGO's reported that authorities closed their offices, seized their property, and arrested several activists. In November and December, two foreign activists who worked with NGO's to help Burmese exile groups were denied entry into the country on the basis of the national interest clause of the Immigration Act.

The Constitution mandates the establishment of a permanent 11member National Commission on Human Rights (CHR). The newly elected Senate had selected 9 of its 11 members by year's end from the list of 22 nominees made by the previous Senate. The Commission when operational would operate as a separate government entity to prepare an annual evaluation of the human rights situation for the National Assembly, propose policies and recommendations for amending laws to the National Assembly, promote measures to educate citizens on human rights, and investigate human rights abuses.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal treatment under the law without respect to race, sex, religion, disability, language, or social status. In practice some discrimination exists, and government enforcement of equal protection statutes is uneven.

Women.—Domestic abuse continues to be a serious problem affecting the welfare of many women; reliable reports indicate that domestic abuse occurs across all social classes. Specific laws concerning domestic violence have not been enacted. Spousal and child abuse are covered by assault provisions in the Criminal Code, but rules of evidence often make prosecuting such cases difficult. Police do not enforce laws against such violence vigorously, and domestic violence often goes unreported because many victims and authorities continue to regard domestic abuse as a private,

not a legal, matter. NGO's supported programs designed to aid victims, including emergency hotlines, temporary shelters, counseling services, and a television program designed to increase awareness of domestic violence, HIV/AIDS, and other women's issues. The Government's "one-stop" crisis centers in state-run hospitals established to care for abused women and children continued operation but faced budget difficulties.

Under the Criminal Code rape is illegal. However, a husband may not be prosecuted for spousal rape. In 1998 the Government proposed changes to the Criminal Code that would redefine the term rape to include marital rape. The proposed changes were pending at year's end.

According to credible sources, rapes and domestic assaults are underreported, in part because law enforcement agencies are widely perceived to be incapable of bringing perpetrators to justice. Since 1994 police have sought to change this perception and encourage women to report sexual crimes through the use of teams of female police officers that operate in metropolitan Bangkok police stations, with a total of 20 female investigators. The police expanded this program to three provinces by adding an additional 9 female officers.

Prostitution is illegal but flourishes. It is culturally ingrained and often is protected by local officials with a commercial interest in it (see Sections 1.c., 6.c., and 6.f.). Trafficking in women and children is a serious problem. Government and NGO estimates of the number of women and children engaged in prostitution vary widely. Many NGO's and government departments report a figure of 200,000 persons, which is considered a conservative estimate. This figure includes children under age 18 and foreigners. In border areas, there were reports that women were forced into prostitution, but the number of such cases is difficult to determine. The majority of prostitutes are not kept under physical constraint, but a large number labor under debt bondage (see Sections 6.c. and 6.f.). The 1996 Prostitution Prevention and Suppression Act makes child prostitution illegal and states that customers who patronize child prostitutes are subject to criminal sanctions. Parents who allow a child to enter the trade also are subject to criminal sanctions, but prosecutions remained low. NGO's and government agencies provide shelter, rehabilitation, and reintegration programs for children and women involved in the sex industry.

The 1998 Labor Protection Law made sexual harassment illegal for the first time, but covers only persons working in the private sector. NGO's claim that the term is vague and that such ambiguity makes the prosecution of harassment claims difficult. No sexual harassment cases were prosecuted under the act during the year.

The Constitution has six gender-related articles designed to provide women with equal rights and protections, but some inequalities in the law remain. A man may sue for divorce on the grounds that his wife committed adultery, but a woman faces the additional legal burden of proving that her husband has acknowledged publicly another women as his wife.

Women have equal access to higher education, and more than half of university graduates each year are women. However, police and military academies (except for the nursing academy) do not accept female students, although a significant number of instructors at the military academies are women. Women constitute 44 percent of the labor force and hold an increasing share of professional positions, and government regulations require employers to pay equal wages and benefits for equal work regardless of gender. Women are able to own and manage businesses freely. Discrimination in hiring is common, and there is a significant gap between the average salaries earned by men and women because women are concentrated in lower-paying jobs. In practice women also receive lower pay for equal work in virtually all sectors of the economy.

The Constitution includes an article that specifies that onethird of the members of the new National Human Rights Commission be women. The Women and Constitution Network, a league of 35 women's organizations, advocates for legal reforms to address legal inequities in the treatment of women. It continues to play an important role in securing the inclusion of gender equality clauses in legislation that create new government organizations mandated by the 1997 Constitution.

Children.—In recent years, the Government took steps to promote the rights and welfare of children. The Constitution provides for the right of access to free public education through grade 12, and the Government mandates 9 years of compulsory education. An estimated 23 percent of children complete grade 6, and 10 percent complete grade 12. The Government's 1997 Social Welfare Plan for Underprivileged People doubled the budget for children's programs for 1997-2001, compared with the previous 5year plan. Although special juvenile courts and detention centers exist in 29 provinces, children are tried in the same courts and detained with adults in the rest of the country.

Child labor remains a problem, and some international organizations, government-funded research organizations, and news media continued to report on the large number of children leaving school for economic reasons (see Section 6.d.).

The Criminal Code provides for the protection of children from abuse, and laws on rape and abandonment provide for harsher penalties if the victim is a child. However, as with domestic abuse, police are reluctant to investigate abuse cases, and rules of evidence make prosecution of child abuse cases difficult. In September legislation designed to protect witnesses, victims, and offenders under the age of 18 came into effect. The new procedures allow children to give evidence on videotape and in private surroundings in the presence of a psychologist, psychiatrist, or other social worker. Persons charged with pedophilia would be charged under appropriate age of consent and prostitution laws. Victims' testimony is handled under the provisions of the Child Friendly Procedure Act.

Child prostitution, including forced prostitution and trafficking in children, is a serious problem (see Sections 6.c. and 6.f.). The Government, university researchers, and NGO's estimate that there are as many as 30,000 to 40,000 prostitutes under the age of 18.

People with Disabilities.—The Government has enacted legislation designed to ensure access to public facilities and to prohibit employment and education discrimination against the disabled; however, it has not enforced these laws effectively. An estimated 110,000 disabled children attend school, with 60,000 to 70,000 enrolled in about 4,000 regular public schools that have been equipped to accommodate students with physical disabilities. Nationwide, there are 8 governmentoperated and 10 NGO-operated training centers for the disabled. However, with little education, very few disabled adults are able to find employment. Many of those who do find employment report being subjected to wage discrimination. The law requires that private firms hire 1 disabled person for every 200 other workers or contribute to a fund that benefits the disabled, but this provision has not been enforced since it came into effect in 1994. Some state enterprises maintain discriminatory hiring policies.

The Constitution mandates access to public buildings for the disabled, but laws implementing the provisions have not yet been enacted. The 1999 regulation that makes compliance mandatory was not enforced during the year. Disabled persons who register with the Government are entitled to free medical examinations, wheelchairs, and crutches.

Indigenous People.—In May the MOI redefined the category of hill tribe residents eligible for citizenship to include previously undocumented tribal people, now collectively called "highlanders". The new regulations also ease the requirement to establish citizenship. The new definition includes persons who formerly were defined either as indigenous or migrants. The new regulations also ease the requirement to establish citizenship by allowing a wider range of evidence and empowering local officials to decide cases. In August the Government agreed to grant citizenship to descendants of certain groups of resident aliens. Those without proper documentation, who account for approximately half the estimated 700,000 to 880,000 such persons, still face restrictions on their movement, may not own land, and are not protected by labor laws, including minimum wage requirements. They sometimes are denied adequate education and health care. Those residing in national parks or wildlife sanctuaries sometimes are subject to eviction. As noncitizen residents, they also are barred from participating in the political process.

Societal discrimination, arising from widely held beliefs that hill tribe members are involved in drug trafficking and forms of environmental degradation, continued. In June and August, a group of villagers attacked a Hmong orchard that allegedly encroached into an environmentally protected area. Hill tribes occasionally were subjected to indiscriminate searches of villages for illegal drugs (see Section 1.f.).

Religious Minorities.—There were no reports of violence against members of religious minorities, but some societal discrimination remains. Muslims, who represent up to 10 percent of the country's population nationwide, and constitute the majority in four of the five southernmost provinces that border Malaysia, experienced some discrimination. The Government continued to address the problem by maintaining longstanding policies designed to integrate Muslim communities into society through developmental efforts and expanded educational opportunities.

National/Racial/Ethnic Minorities.—The Sino-Thai population is well integrated and does not face discrimination. However, about 50,000 former Chinese soldiers and dependents of a Kuomintang army that fled China after the Communist takeover and approximately 45,000 Vietnamese immigrants who reside in five northeastern provinces live under a set of laws and regulations that restrict their movement, residence, education, and occupation; however, these laws rarely are enforced (see Section 2.d.). According to Government sources, over 22,600 children of Viet-

namese immigrants and 6,209 children of Chinese Kuomintang immigrants from these groups have been naturalized.

Section 6. Worker Rights

a. The Right of Association.—The 1975 Labor Relations Act grants freedom of association to all private sector workers, who have the right to form and join unions of their choosing without prior authorization; to decide on the constitutions and rules of these associations and unions; to express their views without government or employer interference; to confederate with other unions; to receive protection from discrimination, dissolution, suspension, or termination by any outside authority because of union activities; and to have employee representation in direct negotiations with employers. However, no law explicitly protects workers from discrimination who have participated in organizing new unions that have not been registered officially. Union leaders reported that employers often discriminate against workers seeking to organize unions. During the year, employers used loopholes in the Labor Relations Act to fire union leaders prior to government certification of new unions. The Government had not amended this legislation by year's end.

The International Confederation of Free Trade Unions criticized a draft revision of the Labor Relations Act, claiming that it restricted union rights. The Department of Labor's subsequent revision awaited presentation to the new Parliament at year's end.

In February 1999, the Government enacted the State Enterprise Labor Relations Act (SELRA), which provides public sector employees in state enterprises the same workers' trade union rights to organize as exist in the private sector. SELRA prohibits lockouts by employers and strikes by state enterprise workers. It took effect in April 1999.

Less than 2 percent of the total work force, but nearly 11 percent of industrial workers, are unionized. Cultural traditions, unfamiliarity with the concept of industrial relations, efforts by the Government to diminish union cohesiveness, and the share of total employment that is agricultural often are cited as reasons for low rates of labor organization.

State enterprise unions do not have the right to join private sector federations. However, unofficial contacts between public and private sector unions continue, and the Government has not interfered with these relationships.

The Government has the authority to restrict private sector strikes that would "affect national security or cause severe negative repercussions for the population at large," although it seldom invokes this provision and did not do so during the year. Labor law also forbids strikes in "essential services," defined much more broadly than in the International Labor Organization (ILO) criteria, and includes sectors such as telecommunications, electricity, water supply, and public transportation as essential services. No strikes were disapproved during the year.

Some corrupt private sector union leaders have been exploited by politicians or employers, but public unions generally operate independently of the Government and other organizations. Internal conflicts, corruption, and a lack of influential leadership continued to weaken the labor movement.

Unions are free to associate internationally with other trade organizations, and they maintain a wide variety of such affiliations.

b. The Right to Organize and Bargain Collectively.—The Labor Relations Act recognizes the right of private sector workers to organize and bargain collectively and defines the mechanisms for such negotiations and for government-assisted conciliation and arbitration in cases under dispute. In practice genuine collective bargaining occurs only in a small fraction of workplaces and in most instances continues to be characterized by a lack of sophistication on the part of employee groups and autocratic attitudes on the part of employers. Wage increases for most workers come as a result of increases in the minimum wage, rather than as a result of collective bargaining. The process of setting minimum wages locally through provincial tripartite committees may further limit union influence; many of these provincial committees have excluded labor representatives and have placed factory managers on the wage committees to represent worker interests.

The Government sets wages for both civil servants and state enterprise employees under SELRA. A system of labor courts created in 1980 exercises judicial review over most aspects of labor law for the private sector. Workers also may seek redress for grievances through the Tripartite Labor Relations Committee. Redress of grievances for state-enterprise workers is handled by the State Enterprise Relations Committee. Labor leaders generally were satisfied with the treatment that their concerns received in these forums, although they complained that union leaders dismissed unjustly usually are awarded only monetary compensation.

No separate labor legislation applies in the nine export processing zones, in which wages and working conditions often are better than national norms because of the preponderance of Western and Japan-based multinational firms.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor except in the case of national emergency, war, or martial law; however, while these provisions generally are enforced in the formal sector, forced labor in the informal sector remains a problem. The law specifically prohibits forced or bonded labor by children (see Section 6.d.). During the year, there were reports of sweatshops in which employers prevented workers from leaving the premises. There are no estimates of the number of such sweatshops, but the growing number of illegal aliens from Burma, Cambodia, and Laos increases the opportunities for such abuse. Trafficking in women and children for the purpose of prostitution also remains a serious problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—In 1998 the Government raised the legal minimum age for employment to 15 years. The law permits the employment of children between the ages of 15 and 18 only in "light work," where the lifting of heavy loads and exposure to toxic materials or dangerous equipment or situations is restricted. The employment of children at night (from 10 p.m. to 6 a.m.), or in places in which alcohol is served, is prohibited by law. Children, perhaps more than 1 million children nationwide, work on family farms. NGO's report that 2 to 4 percent of children between the ages of 6 and 14 work in urban employment and are at risk of labor abuse. Most underage workers in urban areas work in the service sector, primarily at gasoline stations and restaurants. Child labor is not evident in larger foreign-owned or Thai exportoriented factories. However, no comprehensive survey of child labor in smaller enterprises exists, since NGO's do not have access to shop house factories. The DOL employed 803 fulltime inspection officers during the year. Enforcement of child labor laws is not rigorous, and inspectors usually respond to specific public complaints, reports of absences by teachers, or reports in newspapers. Their inclination when dealing with violators is to negotiate promises of better future behavior, rather than to seek prosecution and punishment. The law prohibits all forms of child labor and implicitly includes forced or bonded labor by children (see Section 6.c.). The Government attempted to address the problem of child labor in 1998 by extending compulsory education from 6 to 9 years (see Section 5); however, the Primary Education Act has not been amended to implement this provision.

The Government worked to define worst forms of child labor in ILO Convention 182 and indicated its readiness to ratify the Convention in January 2001.

e. Acceptable Conditions of Work.—The minimum wage ranges from $3.30 to $4.12 (133 to 165 baht) per day, depending on the cost of living in various provinces. This wage is not adequate to provide a decent standard of living for a worker and family. With extended family members' financial contributions, the minimum wage provides the basis for a marginally adequate overall standard of living. However, nationwide, more than half of workers receive less than the minimum wage, especially in rural provinces. Despite encouragement of employees to report violations to labor inspectors, the enforcement of minimum-wage laws is mixed.

Unskilled migrant workers as well as illegal aliens often work for wages that are significantly lower than the minimum wage. The minimum wage does not apply to undocumented hill tribe members, who also are not protected by other labor laws. The Ministry of Labor is responsible for ensuring that employers adhere to minimum wage requirements, but workers in rural provinces frequently are reported to receive less than the minimum wage.

In 1998 the Government mandated a uniform maximum workweek of 48 hours, with a limit on overtime of 35 hours per week. Employees engaged in "dangerous" work, such as in the chemical, mining, or other industries involving heavy machinery, may work a maximum of 35 hours per week. The petrochemical industry is excluded from these regulations.

Work permits for immigrant laborers initially are granted for 1 year, and routinely are extended for a second year. The Government deported 163,996 illegal workers during the year, most of them to Cambodia and Burma. The press criticized this program as ineffective, and NGO's reported that a large number of those deported return soon thereafter.

Working conditions vary widely. The rate of injury from industrial accidents has remained relatively constant over the last 10 years at 4.5 percent of the total work force. The MOL stated that the average annual rate of workrelated deaths was 15 per 100,000 workers. Occupational diseases rarely are diagnosed or compensated, and few doctors or clinics specialize in occupational diseases. In medium-sized and large factories, government health and safety standards often are applied, but en-

forcement of safety standards is lax. In the large informal sector, health and safety protections are substandard.

Provisions of the Labor Protection Act include expanded protection for pregnant workers with prohibitions on working night shifts, overtime, or holidays, as well as for those working with dangerous machinery or on boats.

The Ministry of Labor and Social Welfare promulgates health and safety regulations regarding conditions of work. Labor inspectors are responsible for enforcement of health and safety regulations; the strictest penalty is 6 months' imprisonment. Provisions in the Labor Protection Law include the establishment of welfare committees, which include worker representatives, in factories employing over 50 persons. These committees are to set and review health and safety conditions in each factory. There is no law affording job protection to employees who remove themselves from dangerous work situations. Master Toy Works employees protested unsafe working conditions in April. In October the factory closed, and its 279 laid-off workers received the mandatory compensation of $750 (30,000 baht) each.

Courts continued to hear witnesses' testimony in the case of the 1993 Kader Toy Factory fire.

f. Trafficking in Persons.—The law prohibits trafficking in women and children; however, the country is a source, transit place, and destination for trafficking in women and children for of a variety of purposes that include indentured servitude and forced labor and prostitution (see Section 5); such trafficking is a serious problem. Government and NGO estimates of the number of women and children engaged in prostitution vary widely. Many NGO's and government departments report a figure of 200,000 persons, which is considered a conservative estimate. This figure includes children under the age of 18 and foreigners.

The Government, university researchers, and NGO's estimate that there are as many as 30,000 to 40,000 prostitutes under the age of 18. The Prostitution Prevention and Suppression Act of 1996 made child prostitution illegal and provided for criminal punishments for those who use child prostitutes. Parents who allow a child to enter the trade also are punishable. The Government reported that it had convicted 36 parents under this clause in the first half of the year. The 1997 Prevention and Suppression of Trafficking in Women and Children Act increased the penalties for trafficking in women and children for the purposes of prostitution or slave labor, and provided for wide powers of search and assistance to victims. The authorities occasionally utilized these powers during the year, but the number of prosecutions remained minimal. A moneylaundering law became effective in August 1999 and included provisions to enable authorities to confiscate the assets of persons convicted of trafficking or engaging in the business of prostitution. NGO's and government agencies continued to provide shelter, rehabilitation, and reintegration programs for children and women involved in the sex industry during the year. However, there continue to be credible reports that some corrupt police, military, and government officials are involved in trafficking (see Sections 1.c., 5, and 6.c.). There were no reported arrests of officials for trafficking during the year.

There were NGO reports of some women being forced into prostitution, usually in remote border areas but also in major cities. The accuracy of such reports and the numbers of persons involved are difficult to determine; however, coerced prostitution exists and is believed to involve women from hill tribes and women from neighboring countries. NGO's have reported that Burmese, Lao, Cambodian, and Chinese women continue to be trafficked, in some cases reportedly abducted, for prostitution. Vietnamese and Russian citizens also reportedly were trafficked to Thailand in smaller numbers. According to domestic NGO's, girls between the ages of 12 and 18 continued to be trafficked from Burma, southern China, and Laos to work in the commercial sex industry. Persons trafficked from China generally were in transit to other countries. Reportedly as many as 8,000 women were trafficked from Russia, Ukraine, and other former Soviet Republics for work in the sex industry in the country by year's end. This figure represents a substantial increase from 1999.

Because foreign women frequently are unable to speak the Thai language and are considered illegal immigrants, these women are vulnerable to physical abuse and exploitation. Some women are lured into the country with promises of jobs as waitresses or domestic helpers, but are forced to work as prostitutes. Illegal immigrants have no rights to legal counsel or health care if arrested (see Section 2.d.). The amnesty provisions available under UNHCR auspices do not apply to such women. In June 1999, a memorandum of understanding between the Government and several domestic NGO's provided for some detailed police procedures to ameliorate the problem of trafficked persons detained by the authorities. The agreement stated that the training of police officers would include instructions to treat such persons as victims

of human trafficking rather than as illegal immigrant workers. Rather than being deported, they become the responsibility of the Public Welfare Department.

The majority of prostitutes are not kept under physical constraint, but a large number work in debt bondage. Brothel procurers reportedly advance parents a substantial sum against their daughter's future earnings, frequently without the consent of the young woman involved. The women are then obligated to work in a brothel to repay the loan.

Thai women also are trafficked to other countries to work in the sex trade. Many Thai women are enticed to work in Japan with offers of lucrative legitimate employment, only to be forced into the sex industry upon their arrival; many others reportedly know that they will work in the sex trade. However, since trafficked women virtually always are misled or lied to by the agents who convince them to leave Thailand, whether or not they understand the nature of the work in which they are to be engaged, they generally do not understand the debts that they will be forced to repay, the amount of time it will take to repay the debts, or the conditions of employment to which they will be subjected to upon arrival. According to Human Rights Watch, the passports of Thai women trafficked to work in "dating" bars usually are confiscated by their "employers," who also demand repayment for the cost of their "purchase." Typically they are charged $25,000 to $40,000 (3 million to 5 million yen; 1.1 million to 1.7 million baht); their living expenses and expenses for medical care (when provided by the employer) and other necessities, and "fines" for misbehavior are added on to the original "debt" over time. How the "debt" is calculated is left to employers; the process is not transparent, and employers reportedly often use the "debt" to coerce additional unpaid labor from trafficked women. Employers also may "resell" or threaten to "resell" troublesome women or women found to be HIV positive, thereby increasing the debt that they must repay and possibly worsening their working conditions. In order to repay the "debts" they incur, trafficked women often must work long hours (often with no days off) for several months, essentially without pay. Many women are not allowed to refuse clients, even those known to be physically abusive. Most Thai women trafficked into the sex trade have their movements strictly controlled by their "employers" while they work off their debt, and are threatened with reprisals, perhaps through members of organized criminal groups, to themselves or their families if they try to escape. Employers often isolate the women, subject them to constant surveillance, and use violence to punish them for disobedience. Most trafficked women also know that they are subject to arrest by Japanese authorities if found without their passports or other identification documents. Few speak Japanese well, making escape even more difficult.

TONGA

The Kingdom of Tonga consists of 169 small islands scattered over a wide area of the South Pacific. Most of the approximately 105,000 inhabitants are Polynesian. Tonga is a constitutional monarchy in which political life is dominated by the King, the nobility, and a few prominent commoners. The judiciary is independent.

The security apparatus is composed of the Tonga Defense Services (TDS) and a police force. The 430-man TDS force is responsible to and controlled by the Minister of Defense.

The economy is based primarily on the cultivation of tropical and semitropical crops. Demand for imported goods and products has led to a substantial trade deficit. This deficit has been offset largely by remittances from Tongans employed abroad, overseas aid, and, to a lesser degree, tourism.

The Government's human rights record was generally poor in several areas, and the principal human rights abuse remains severe restrictions on the right of citizens to change their government. A relatively small group of commoners vocally challenges the Constitution, arguing for a more representative and accountable government. At times the authorities infringed on freedom of speech and of the press. Some women suffer from domestic violence, and discrimination limits the opportunities available to women. There were some incidents of racial violence.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution forbids torture and inhuman or degrading punishment or other such treatment, and there were no reports of such practices. Prison conditions are Spartan but in accordance with local living standards. Church representatives and family members are permitted to visit prisoners. No nongovernmental organizations (NGO's) attempted human rights monitoring visits to prisons, and the permissibility of such visits has not arisen.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution proscribes arbitrary arrest or detention and provides for the right to judicial determination of the legality of arrest; these provisions are observed in practice. There is no preventive detention, although there are no statutory limits to the length of time a suspect may be held prior to being charged. The law does not limit access by counsel and family members to detained persons.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The judiciary, whose top judges have been expatriates, is independent of the King and the executive branch.

The court system consists of the Supreme Court (which has original jurisdiction over all major cases), the police magistrates' courts, a general court, a court martial for the TDS, a court tribunal for the police force, and a court of review for the Inland Revenue Department. In addition the Court of Appeals, as the appellate court of last resort, is the highest court. The King's Privy Council presides over cases relating to disputes over titles of nobility and estate boundaries. The King has the right to commute a death sentence in cases of murder or treason.

The law provides for the right to a fair public trial, and the Government respects this in practice. A court may not summon anyone without providing the person a written indictment stating the offenses the person is accused of committing. Defendants are entitled to counsel, and lawyers have free access to defendants.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—By law and in practice, no one may enter or search the home of another or remove any item unless in possession of a warrant issued by a magistrate. Neither the State nor political organizations intrude arbitrarily into a person's private life.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, at times the authorities infringed on these rights.

There are two weekly newspapers (one of which is government owned) and one privately owned national magazine. There is one privately owned television station, and in July a government-owned station began broadcasting. The Government owns one AM and one FM radio station. Three FM stations (one purely religious) are run privately. While there is generally little editorializing in the government-owned media, opposition opinion appears regularly alongside government statements and letters. A privately owned newspaper, Kele'a, openly criticized the Government without interference. Defamation suits brought by government officials and other individuals against media outlets for allowing interviewees to voice allegedly defamatory remarks—which are permitted in some circumstances under the law—may have the practical effect of limiting freedom of speech. However, the national media from time to time carries comments critical of government practices and policies, including some made by prominent citizens.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The law provides for these rights, and the Government respects them in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government respects them in practice.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. No person in recent memory has applied for refugee status, and the Government has not formulated a formal policy regarding refugees, asylees, or first asylum.

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

Citizens do not have the ability to change their leaders or the system of government. The King and 33 hereditary nobles dominate political life. They assert authority largely through control of substantial landholdings and their dominant numbers in the Legislative Assembly (Parliament). While the Constitution allows the mon-

arch broad powers, many of which do not require the legislative branch's endorsement, the King sometimes permits "the system" to operate without his guidance. The King appoints the Prime Minister and appoints and presides over the Privy Council (called the Cabinet when the King is not presiding), which makes major policy decisions. Currently the Cabinet is made up of nine ministers and two governors; it includes both nobles and commoners, who serve at the King's pleasure.

The unicameral legislature, the Legislative Assembly, consists of the Cabinet, nine nobles elected by their peers, and nine people's representatives elected by the general population. The King appoints the Speaker from among the representatives of the nobles. In January the King appointed his son, Prince Ulukalala Lavaka Ata, as Prime Minister. The new Prime Minister also holds five other ministerial portfolios, including those of defense and foreign affairs.

Cabinet members and nobles usually vote as a bloc; however, votes related to impeachment charges against a commoner member of the Cabinet demonstrated that nobles and people's representatives can override the Cabinet's wishes at times.

In recent years, a number of persons both inside and outside the establishment have called for democratic change, usually emphasizing the importance of more government accountability. Very few challenge the retention of the monarchy; the King is greatly respected. A prodemocracy movement continued, although it currently lacks formal structure due to differences of views among its leaders. All nine current people's representatives advocate various degrees of democratic reform. Proposals for constitutional revision tend to center on the popular election of all parliamentarians, with the parliamentarians then selecting their speaker.

Women are severely underrepresented in government and politics. There are no female Members of Parliament, although there have been in the past.

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

There are no legal barriers to the formation of local NGO's that concern themselves with human rights. Some local NGO's include among their interests human rights problems, although none undertakes investigations of alleged violations. No outside organizations are known to have made requests to investigate alleged human rights violations.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Social, cultural, and economic facilities are available to all citizens regardless of race or religion. However, members of the hereditary nobility have substantial advantages. These include control over most of the land and a generally privileged status. Nonetheless, it is possible for commoners to rise to cabinet positions in government and to accumulate great wealth and status in the private sector.

Women.—Domestic violence seldom is publicized, but it is a problem. Incidents of wife beating generally are addressed in traditional ways within families or by village elders. Such abuse is seldom reported to the police. Abused wives sometimes return to their families if mediation fails.

The country is male dominated, and women generally occupy a subordinate role. For a woman to rise to a position of leadership, she usually needs to have the support of the nobility or to possess exceptional talent. The King's mother reigned for many years, and a royal princess is one of the country's most prominent businesspersons. Some female commoners hold senior leadership positions in business.

Some village women, with help from NGO's, led local development projects.

The Government has a women's unit in the Prime Minister's office. Although some NGO's initially viewed this unit with suspicion, it appeared to be functioning cooperatively with them. Many young, educated women still consider the unit to be ineffective. A government-sponsored National Council of Women is making positive contributions.

Children.—The Government is committed to children's human rights and welfare and provides commensurate funding for children's welfare within the context of the total resources available to the State. Child abuse, if it occurs, is rare and has not become a source of concern in a society where the extended family participates in child rearing.

Education has been compulsory since 1882. Although it is sometimes criticized as being of poor quality, education is provided for all children through Form 6 (high school). Compliance rates are good.

People with Disabilities.—No mandated provisions for accessibility to buildings and services for the disabled exist. There were no known complaints of discrimina-

tion in employment, education, or provision of other state services. The education of children with special needs has been a longstanding priority of the Queen.

National/Racial/Ethnic Minorities.—In June a member of the royal family commented publicly on what he called the country's "racially based land laws," and stated that a previous spate of violence against Chinese-owned shops was racially motivated. Late in the year, a local official announced that Chinese-owned stores were banned from his district on the western side of the country.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to form unions under the 1964 Trade Union Act, but to date no unions have been formed, presumably because of the small size of the wage economy and the lack of a perceived need for unions.

b. The Right to Organize and Bargain Collectively.—Since no unions have been formed, collective bargaining is not practiced. There is no legislation permitting and protecting collective bargaining or the right to organize. Labor laws and regulations are enforced in all sectors of the economy, including in the two small export enhancement zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced labor including forced and bonded labor by children, and it is not practiced.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor is not used in the wage economy, although there is no legislation prohibiting it. The Government prohibits forced and bonded labor by children and enforces this prohibition effectively (see Section 6.c.).

Education has been compulsory since 1882, and it is provided for all children through Form 6 (high school).

e. Acceptable Conditions of Work.—There is no minimum wage law, although there are government guidelines for wage levels. Labor laws and regulations, enforced by the Ministry of Labor, Commerce, and Industry, limit the workweek to 40 hours. The Ministry of Labor enforced laws and regulations reasonably well in the wage sector of the economy, particularly on the main island of Tongatapu. Enforcement in agriculture and on the outer islands is limited by isolation.

Industrial accidents are rare, since few industries exist that would expose workers to significant danger. Due to these factors, little or no work has been done on industrial safety standards.

f. Trafficking in Persons.—The law does not specifically address trafficking; however, there were no reports that persons were trafficked to, from, within, or through the country.

TUVALU

Tuvalu, with a population of approximately 10,000 primarily Polynesian persons, occupies a land area of a little more than 10 square miles on 9 atolls in the central South Pacific. Independent since 1978, its Constitution provides for a Westminster-style parliamentary democracy. The Head of State is the British Queen, represented by the Governor General, who must be a Tuvaluan citizen. The judiciary is independent.

A 32-member police constabulary, the only security force, is responsible to and effectively controlled by civilian authority.

The primarily subsistence economy relies mainly on coconuts, taro, and fishing. With donor assistance, Tuvalu has developed a well-managed trust fund, which is supplemented by significant annual payments for use of its international telephone-dialing prefix. An agreement for use of the country's Internet address is expected to increase national revenues significantly. Remittances from Tuvaluans working abroad as well as the sale of postage stamps and of fishing licenses to foreign vessels provide additional foreign exchange. The country's isolation and meager natural resources limit the prospects for economic development.

The Government generally respected the human rights of its citizens, and society is generally egalitarian; however, social behavior, as determined by custom and tradition, is considered as important as the law, is ensured by village elders, and leads to some discrimination. In the traditional culture of the islands, women occupy a subordinate role, with limits on their job opportunities.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution forbids torture and inhuman or degrading punishment, and there were no reported instances of such practices. Local hereditary elders exercise considerable traditional authority—including the seldom-invoked right to inflict corporal punishment for infringing customary rules, which can be at odds with the national law.

Prison facilities consist of several holding cells at the back of the police station. There have been no serious crimes within the memory of local officials. It is rare for a prisoner to spend as long as a week in a cell; more commonly, a person is incarcerated overnight because of drunkenness. While prison conditions are somewhat Spartan as regards to food and sanitation, complaints seem to be minimal or nonexistent.

Since there are no local human rights groups, the question of prison monitoring by them has not arisen. Visits by church groups and family members are permitted.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, detention, or exile, and the Government observes these prohibitions.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and it is free of governmental interference.

The judicial system consists of the higher courts: the Privy Council, the Court of Appeal, and the High Court; and the lower courts: the senior and resident magistrates, the island courts, and the land courts. The Chief Justice, who is also Chief Justice of Nauru, sits on the High Court about once a year.

The right to a fair public trial is ensured by law and observed in practice. The Constitution provides that accused persons must be informed of the nature of the offenses with which they are charged and be provided the time and facilities required to prepare a defense. The right to confront witnesses, present evidence, and appeal convictions is provided by law. Procedural safeguards are based on English common law. An independent people's lawyer is required by statute. The services of this public defender are available to all citizens without charge.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, government authorities generally respect such prohibitions, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides these rights, and the Government respects these provisions and academic freedom in practice.

The one radio station is under government control.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and there are no significant restrictions in practice.

c. Freedom of Religion.—The Constitution provides for this right, and the Government respects it in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens are free to travel within the country and abroad. The Government does not restrict repatriation.

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. No person in recent memory has applied for refugee status, and the Government has not formulated a formal policy regarding refugees, asylees, or first asylum.

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

Citizens freely and directly elect a 12-member unicameral Parliament whose normal term is 4 years. Each of the country's nine atolls is administered by a six-person council, also elected by universal suffrage to 4-year terms. The minimum voting age is 18 years.

The Cabinet consists of the Prime Minister, elected by secret ballot from among the Members of Parliament, and up to four other ministers, appointed and removed from office by the Governor General with the advice of the Prime Minister. The Prime Minister may appoint or dismiss the Governor General on behalf of the British monarch. The Prime Minister may be removed from office by a parliamentary vote of no confidence. The Government of former Education Minister Ionatana has been in power since April 1999. There are no formal political parties.

For cultural reasons, women are underrepresented in politics. At present there are no female Members of Parliament.

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

There have been no allegations of human rights violations by the Government and no known requests for investigations. While no known barriers block their establishment, there are no local nongovernmental organizations concerned with human rights.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, creed, sex, or national origin, and the Government generally respects these prohibitions. However, the traditional culture has limited women's job opportunities.

Women.—Violence against women is rare. If wife beating occurs, it is infrequent and has not become a source of societal concern.

Women increasingly hold positions in the health and education sectors and also are more active politically.

Children.—The Government is committed to children's human rights and welfare and provides commensurate funding for children's welfare within the context of its total available resources. Education is compulsory for children from 6 through 13 years of age. There are no reports of child abuse.

In March a fire destroyed a girls' boarding school, with 17 fatalities. A government investigation is underway to ensure that no negligence occurred, and the Government undertook to improve safety standards at schools.

People with Disabilities.—Although there are no mandated accessibility provisions for the disabled, there are no known reports of discrimination in employment, education, or provision of other state services.

Section 6. Worker Rights

a. The Right of Association.—Workers are free to organize unions and choose their own labor representatives, but most of the population lacks permanent employment and is engaged in subsistence activity. The law provides for the right to strike, but no strike has ever been recorded.

In the public sector, civil servants, teachers, and nurses—who total less than 1,000 employees—are grouped into associations that do not have the status of unions. The only registered trade union, the Tuvalu Seamen's Union, has about 600 members, who work on foreign merchant vessels. Unions may affiliate with international bodies. The Seamen's Union is a member of the International Transportation Workers' Federation.

b. The Right to Organize and Bargain Collectively.—The 1978 Industrial Relations Code provides for conciliation, arbitration, and settlement procedures in cases of labor disputes. Although there are provisions for collective bargaining, the practice in the private sector is for wages to be set by employers. For both the private and public sectors, the legal procedures for resolving labor disputes are seldom used; instead, the two sides normally engage in nonconfrontational deliberations in the local multipurpose meeting hall.

Tuvalu is not a member of the International Labor Organization.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The 1978 Employment Law prohibits forced or compulsory labor, including by children, and there have been no reports of either being practiced.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Employment Law prohibits children under the age of 14 from working. Education is compulsory for children from 6 through 13 years of age. The law also prohibits children under 15 years of age from industrial employment or work on any ship and stipulates that children under the age of 18 years are not allowed to enter into formal contracts, including work contracts. Children rarely are employed outside the traditional economy. The Government prohibits forced and bonded labor by children and enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—The minimum wage, set administratively by the Government, is sufficient to allow a worker and family in the wage economy to maintain a decent standard of living. The present biweekly minimum wage in the public (government) sector is $67.60 ($A130). This rate applies regardless of sex and age. In most cases, the private sector adopts the same minimum wage rate.

The Labor Office may specify the days and hours of work for workers in various industries. The workday by law is set at 8 hours. The majority of workers are outside the wage economy. The law provides for rudimentary health and safety standards. It requires employers to provide an adequate potable water supply, basic sanitary facilities, and medical care. Specific provisions of the law provide for the protec-

tion of female workers. The Ministry of Labor, Works, and Communications is responsible for the enforcement of these regulations, but it is able to provide only minimum enforcement.

f. Trafficking in Persons.—The law prohibits procurement within and across borders for purposes of prostitution, but does not specifically mention trafficking. However, there were no reports that persons were trafficked to, from, within, or through the country.

VANUATU

Vanuatu, a small South Pacific island nation of approximately 183,000 persons that was ruled jointly by Britain and France as the Condominium of New Hebrides prior to its independence in 1980, has a parliamentary form of government: The 52-member Parliament elects the Prime Minister, as the Head of the Government and the President who is the Head of State. The latter's powers are largely ceremonial, except when acting on the advice of the Council of Ministers. Political legitimacy is based on majority rule. The courts normally are independent of executive interference.

The civilian authorities control the small police force and its paramilitary wing, the Vanuatu Mobile Force (VMF). Under current regulations, the police commissioner commands the entire force, including the VMF.

Subsistence farming and fishing are the principal livelihood for more than 80 percent of the population. There is also some production of cash crops including copra, and cocoa, as well as cattle farming. The service sector provides most formal employment, primarily in government, tourism, and an offshore financial center, and represents the largest component of the country's gross domestic product.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. Poor prison conditions, an extremely slow judicial process, and violence and discrimination against women were the major problems.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Constitutional provisions against torture and cruel, inhuman, or degrading treatment usually are observed in practice and enforced by the courts.

In November 1999, based on a lack of evidence, the presiding magistrate dismissed the case against 18 police officers charged with intentional assault of rioters in Port Vila in January 1998. At year's end, a Supreme Court review of the decision was pending.

Prison conditions are poor. The central prison in Port Vila is dilapidated and not reliably secured. There are approximately 40 prisoners, all men. Inmates are treated humanely, to the extent allowed by the meager resources of the prison service.

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and there were no reports of such arrests. Arrest is by warrant.

The constitutional provision that suspects must be informed of the charges against them and given a speedy hearing before a judge is observed in practice.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the courts are normally free of military or executive interference. However, in 1996 the Government dismissed the foreign Chief Justice prior to the end of his appointment. In 1998 the Acting Chief Justice, who argued that his predecessor's dismissal constituted unconstitutional interference with the judiciary, sponsored a "joint declaration" of judges and magistrates on "the basic principles on the independence of the judiciary" to remind the executive branch of the principle of judicial independence. There were no reports of interference with the judiciary by the present Government.

Magistrates' courts deal with most routine legal matters. There is also a Supreme Court, and above the Supreme Court an Appeals Court with three judges, two of whom are appointed by the President and chosen from among Supreme Court judges in other South Pacific nations as required.

The judicial system is based on British law. The courts uphold constitutional provisions for a fair public trial, a presumption of innocence until guilt is proven, a prohibition against double jeopardy, a right of judicial determination of the validity of arrest or detention, and a right of appeal to an appellate court.

Judges, prosecutors, and the police all complain about large backlogs of cases in the courts due to a lack of resources. For example most of the members of the VMF accused of kidnaping public officials in the course of a mutiny in 1996 still are awaiting trial. Procedures were changed during the year to allow the public prosecutor to present new cases to the magistrates more frequently, but the limited number of qualified judges and prosecutors remains a serious problem.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—There were no reports of arbitrary interference with privacy, family, home, or correspondence.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respected these provisions in practice.

The Government controls much of the country's media, including a weekly newspaper, one AM and one FM radio station, and a limited-service television station confined to the capital, Port Vila, which provides English and French news service three times a week. There is one independent newspaper published semiweekly and another weekly newspaper published by a political party.

Throughout the year, both the government-owned and the independent press reported criticisms of political leaders freely and apparently without hindrance. Some individual politicians and their supporters are sensitive to public criticism and sometimes threatened the media, but without any apparent effect on press freedom. Correspondents for international media also are allowed to report without interference.

The Government respects academic freedom. Vanuatu has three institutions of higher education—a teachers college, an agricultural school, and an annex of the University of the South Pacific.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government respects these rights in practice. Permits must be obtained to hold public demonstrations and rallies; they are granted routinely.

The Government does not restrict the formation of political parties or other groups.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government respected it in practice. Missionaries of various Christian denominations work without restriction. The 1995 Religious Bodies Act, which requires religious organizations to register with the Government, was never signed by the President and was never enforced, although some churches registered under the act voluntarily. Although the act has not been repealed by Parliament, and technically remains in force, it remains dormant and its constitutionality is in question.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—All citizens are free to travel internally and to leave and return to the country without restrictions.

The Government has not formulated a policy regarding refugees, asylees, or first asylum. The issue of the provision of first asylum has never arisen.

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

The Constitution provides for parliamentary elections every 4 years, through which citizens can freely change their government. Parliamentary majorities have been unstable, with legislators spending much time and energy accumulating support for votes of confidence. The last national elections were held in March 1998. In November 1999, Barak Sope of the Melanesian Progressive Party assembled a parliamentary majority and formed the Government.

Outside observers consider the 1998 elections to have been generally free and fair. A total of 216 candidates contested 52 seats. Voter turnout was 63.6 percent.

Women are underrepresented in government and politics. Traditional attitudes, in which men are dominant and women frequently are limited to customary family roles, hamper women from taking a more active role in economic and political life. Six women, including the sole sitting female member, ran for Parliament in 1998; none were elected.

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

There are no restrictions on the formation of local human rights organizations. Some nongovernmental organizations (NGO's), such as the National Council of Women and the Family Health Association, include human rights education as part of their programs.

A new Ombudsman's Act was passed by Parliament in November 1998 in the wake of parliamentary anger over vigorous investigations of corruption by the Ombudsman under the previous act. Among other provisions it requires that members of the Ombudsman's staff be appointed by the Public Service Commission rather than by the Ombudsman and that persons interviewed by the Ombudsman may have legal representation present at the interview.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for fundamental rights and freedoms for all persons and prohibits discrimination on the basis of race, place of origin, religious or traditional beliefs, political opinions, language, or sex; however, women remain victims of discrimination in this tradition-based society.

Women.—Violence against women, particularly wife beating, is common, although no accurate statistics exist. Courts occasionally prosecute offenders using common law assault as a basis for prosecution, since there are no specific laws against wife beating. However, most cases of violence against women, including rape, go unreported because women, particularly in rural areas, are ignorant of their rights or fear further abuse. In addition police are frequently reluctant to intervene in what are considered to be domestic matters.

While women have equal rights under the law, they are only slowly emerging from a traditional culture characterized by male dominance, a general reluctance to educate women, and a widespread belief that women should devote themselves primarily to childbearing. During the year, in the course of a downsizing in the public service, a disproportionate number of women's positions were abolished. Policies to guide the Department of Home Affairs in protecting and furthering the rights of women currently are being drafted under the Government's reform program.

The majority of women enter into marriage through "bride-price payment," a practice that encourages men to view women as property. Women also are inhibited by tradition from owning land, and at least one women's advocate believes this limitation underpins their secondary status. Many female leaders view village chiefs as a major obstacle to attaining social, political, and economic rights for women. Women interested in running for public office get encouragement and help from an NGO, Vanuatu Women in Politics (VANWIP). Four of the six women who ran for Parliament in the 1998 election ran under the VANWIP banner.

Children.—Although the Government has made education a priority, access to education is limited, and school attendance is not compulsory. Children are protected within the traditional extended family system. Members of the extended family, particularly paternal uncles, play an active role in a child's development. As a result, virtually no children are homeless or abandoned. NGO's and law enforcement agencies report increased complaints of incest and rape of children, although no statistics are available.

People with Disabilities.—There is no known governmental or national policy on the disabled and no legislation mandating access for them. Their protection and care is left to the traditional extended family and to voluntary NGO's. Due to high rates of unemployment, there are few jobs available for the disabled.

National/Racial/Ethnic Minorities.—Most of the population is made up of Melanesians. Small minorities of Chinese, Fijians, Vietnamese, Tongans, and Europeans generally are concentrated in two towns and on a few plantations. Most of the land belongs to indigenous tribes that inhabit it, and it cannot be sold, although it sometimes is leased to others. However, within the limits of this system of land tenure, there were no reports of discrimination against noncitizens. There is no evidence to suggest a pattern of ethnic discrimination in the provision of the limited basic services that the Government provides.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to organize unions.

Approximately 25,000 persons participate in the formal economy as wage earners. There are five trade unions. The unions are grouped under an umbrella organization, the Vanuatu Council of Trade Unions (VCTU). The trade unions are independent of the Government.

The high percentage of the population still engaged in subsistence agriculture and fishing deters extensive union activity. In addition membership in the Vanuatu Public Servants Union fell dramatically following the Government's wholesale dismissal of hundreds of full-time public servants during a protracted general strike in 1994. The Supreme Court in 1994 ruled that the union had not complied with its own rules when it undertook the general strike and declared the strike illegal. Combined union membership in the private and public sectors is approximately 1,000.

The law prohibits retribution if a strike is legal. In the case of private-sector employees, violations would be referred to the Labor Department for conciliation and arbitration. In the public sector, the Public Service Commission would handle violations.

In 1995 Parliament passed a law requiring unions to give 30 days' notice of intent to strike, with a list of the names of intending strikers.

There was no significant strike activity during the year.

Unions may not affiliate with international labor federations without government permission. The VCTU is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—Unions exercise the right to organize and bargain collectively. Labor unions negotiate wages and conditions directly with management. If the two sides cannot agree, the matter is referred to a three-member arbitration board appointed by the Minister of Home Affairs. The board consists of one representative from organized labor, one from management, and the senior magistrate of the magistrate's court. While a dispute is before the board, labor may not strike and management may not dismiss union employees. However, unions and management generally reach agreement on wages without having to refer the matter to arbitration. Complaints of antiunion discrimination are referred to the Commissioner of Labor. While the law does not require union recognition, once a union is recognized, it does prohibit antiunion discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including forced and bonded labor by children, and there were no reports that either adults or children were subject to forced, bonded, or compulsory labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits children under 12 years of age from working outside of family-owned agricultural production, where many children assist their parents. There were no reports of forced or bonded labor by children, which is prohibited by law (see Section 6.c.). The employment of children from 12 to 18 years of age is restricted by occupational category and conditions of labor, that is, restrictions on employment in the shipping industry and on nighttime employment. The Labor Department effectively enforces these laws.

e. Acceptable Conditions of Work.—A legislated minimum wage is enforced effectively by the Labor Department. Since 1995 it has been a flat rate of approximately $143 (16,000 vatu) per month for both urban and rural workers. The minimum wage does not support an urban family living entirely on the cash economy. Most families are not dependent solely on wages for their livelihoods.

Various laws regulate benefits such as sick leave, annual vacations, and other conditions of employment, including a 44-hour maximum workweek, with at least one 24-hour rest period weekly. An Employment Act, enforced by the Labor Department, includes provisions for safety standards. However, the 1987 safety and health legislation is inadequate to protect workers engaged in logging, agriculture, construction, and manufacturing, and the single inspector attached to the Labor Department is hard pressed to enforce the act fully. Workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

f. Trafficking in Persons.—The Constitution does not specifically prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

VIETNAM

The Socialist Republic of Vietnam is a one-party state, ruled and controlled by the Vietnamese Communist Party (CPV). The CPV's constitutionally mandated leading role and the occupancy of all senior government positions by party members ensure the primacy of party Politburo guidelines and enable the Party to set the broad parameters of national policy. In recent years, the party has reduced gradually its for-

mal involvement in government operations and allowed the Government to exercise significant discretion in implementing policy. The National Assembly remains subject to party direction; however, the Government made progress in strengthening the capacity of the 450-member National Assembly and in reforming the bureaucracy. The National Assembly, chosen in elections in which most candidates are approved by the Party (only about 85 percent of delegates are party members) played an increasingly independent role as a forum for local and provincial concerns and as a critic of local and national corruption and inefficiency. The Assembly was more active in revising legislation, criticizing officials' performance, screening ministerial and other senior candidate appointments, and dismissing senior officers. The judiciary remains subservient to the CPV and to external pressure and influence by the Government.

The military services, including the border defense force, are responsible for defense against external threats. The military forces are assuming a less prominent role as the ultimate guarantor of internal security, which is primarily the responsibility of the Ministry of Public Security (MPS). However, in some remote areas, the military forces are the primary government agency, providing infrastructure and all public safety functions, including maintaining public order in the event of civil unrest. The Government continued to restrict significantly civil liberties on grounds of national security and societal stability. The MPS controls the police, a special national security investigative agency, and other units that maintain internal security. It enforces laws and regulations that significantly restrict individual liberties and violate other human rights. It also maintains a system of household registration and block wardens to monitor the population, concentrating on those suspected of engaging, or being likely to engage in, unauthorized political activities. However, this system has become less obvious and pervasive in its intrusion into most citizens' Daily lives. Members of the public security forces committed human rights abuses.

Vietnam is a very poor country of 79 million persons undergoing transition from a centrally planned to a marketoriented economy. Estimated annual gross domestic product (GDP) per capita is $375, continuing an improving trend through the 1990's. While the Asian financial crisis caused a significant slowdown, with trade and foreign investment declining markedly, economic growth officially was estimated at 6.7 percent in 2000. Agriculture, primarily wet rice cultivation, employs 70 percent of the labor force, and accounts for 24 percent of total output. Industry and construction contribute 34 percent, while services account for 42 percent. Disbursed official development assistance in 1999 was $970 million, roughly 4 percent of GDP. Particularly in Ho Chi Minh City and Hanoi, economic reforms have raised the standard of living and reduced party and governmental control over, and intrusion into, citizens' daily lives. Reforms have created a popular expectation in urban areas of continued social, legal, educational, and physical improvements. For many large rural populations close to larger cities, this is also true. However, many citizens in isolated rural areas, especially members of ethnic minorities in the northern uplands, central highlands, and the north central coastal regions continue to live in extreme poverty. Gains from agricultural reform in recent years have improved the lives of many farmers, but the rural poverty level is approximately 30 percent.

The Government's human rights record remained poor; although there was some measurable improvement in a few areas, serious problems remain. The Government continued to repress basic political and some religious freedoms and numerous abuses by the Government continue. Although the CPV continued its efforts to strengthen the mechanism for citizens to petition the Government with complaints, the Government continued to deny citizens the right to change their government. Prison conditions remain harsh, particularly in some isolated provinces. Police sometimes beat suspects during arrest and arbitrarily arrested and detained citizens, including detention for peaceful expression of political and religious views. The judiciary is not independent, and the Government denied some citizens the right to fair and expeditious trials. The Government continued to hold a number of political prisoners. Several political and religious prisoners were freed in two general amnesties during the yearjournalist and poet Nguyen Ngoc Tan, Catholic priest Mai Huu Nghi, and Hmong Protestant minister Vu Gian Thao in April and Cao Daiist Le Kim Bien and Protestant house church leader Nguyen Thi Thuy in September. The Government restricts citizens' privacy rights, although the trend toward reduced government interference in the daily lives of most citizens continued. The Government significantly restricts freedom of speech, the press, assembly, and association. The Government continued its longstanding policy of not tolerating most types of public dissent; however, it made exceptions in some instances. For example, a number of persons continued to circulate letters that were highly critical of senior leaders and called for political reform; these authors were subjected to close surveillance by public security forces. The Government allowed citizens somewhat greater free-

dom of expression and assembly to express grievances, including by delegates in the National Assembly, citizens in local forums with delegates, and small groups of protesters outside government offices. In Ho Chi Minh City, Hanoi, and other cities, several "sit-in" demonstrations, some involving dozens of protesters camped in front of government buildings for weeks at a time, were permitted. In Ho Chi Minh City, the Government stopped such demonstrations late in the year. The Government prohibits independent political, labor, and social organizations; such organizations exist only under government control. The Government restricts freedom of religion and significantly restricts the operation of religious organizations other than those entities approved by the State. Dissident groups of Buddhists, Hoa Hao, and Protestants, in particular, faced harassment by authorities. In June a festival gathering of up to 300,000 Hoa Hao in An Giang province took place with official permission, and in August an estimated 100,000 Roman Catholics attended the annual La Vang pilgrimage. The Government imposes some limits on freedom of movement. The Government does not permit local private human rights organizations to form or operate. Violence and societal discrimination against women remained problems. Child prostitution is a problem. Government and societal discrimination against some ethnic minorities is a continuing problem. The Government restricts worker rights, such as freedom of association, although the Government is cooperating with the International Labor Organization (ILO) and international donors to improve implementation of provisions of the Labor Law. Child labor is a problem. There were reports that children worked in exploitative situations and that prisons required inmates to work for little or no pay. Trafficking in women and children for the purpose of prostitution within the country and abroad continued to be serious problems, and there were reports of the trafficking of women to mainland China and Taiwan for arranged and forced marriages. The Government made efforts to combat these problems.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no known politically motivated killings. Little information was available on the extent of deaths in police custody or on official investigations into such incidents.

There were no reports of deaths of inmates due to prison conditions during the year.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits physical abuse; however, police beat persons, including suspects during arrests, and also beat street children in their attempts to get them off the streets. There were no known reports of torture of detainees. Little information is available on the extent of police brutality during interrogations.

Prison conditions are harsh. Conditions generally did not threaten the lives of prisoners. There were no reported differences in male and female death rates in prison. Overcrowding, insufficient diet, and poor sanitation remained serious problems. Prison guards sometimes treat prisoners badly and frequently beat them. Solitary confinement is a problem. Conditions in pretrial detention reportedly were particularly harsh, and there were credible reports that authorities sometimes denied inmates access to sunlight, exercise, and reading material. The pretrial detention system provides few amenities. Prisoners who await trial and remain "under investigation" sometimes experience harsher conditions than those convicted and sentenced. After trial, a prisoner is sent to a different location, and conditions often improve in instances in which a prisoner has money.

Most prisoners had access to basic health care and, for those with money, to supplemental food and medicine. However, some political and other prisoners were denied visitation rights, and there were reports that some prisons required inmates to work for little or no pay (see Section 6.c.). Prisoners sentenced to hard labor complained that their diet and medical care were insufficient to sustain health, especially in remote, diseaseridden areas. There were credible reports that three political and religious prisoners with serious medical conditions are held under harsh conditions in remote prisons, such as Xuan Loc prison z30a in an isolated part of Dong Nai province, with limited medical care.

The Government did not permit independent monitoring of its prison and detention system.

d. Arbitrary Arrest, Detention, or Exile.—The Government continued to arrest and detain citizens arbitrarily, including arrest and detention for the peaceful expression of their political and religious views. The Criminal Procedure Code provides for various rights of detainees, including time limits on pretrial detention and the right

of the accused to have a lawyer present during interrogation; however, in practice the authorities often ignored these legal safeguards. Moreover, a directive on administrative detention gives security officials broad powers if they believe that a suspect is a threat to "national security."

A revised Criminal Code came into effect on July 1 and with it a number of amendments to the Criminal Procedure Code to conform to the new code. The Criminal Procedure Code was amended to shorten the time for investigations and reinvestigation. It also places more strict limits (12 months) on the time allowed for the procuracy to end its investigation, and allows less time for the judge's panel to rule on a case. By shortening investigation and trial time, the procedure code also limits the time in which officials can interfere in the investigation process. Prior to formal charge, a detainee has a statutory right to contact with an attorney or to notify family members. However, in most cases, police inform family of the person's whereabouts.

The Government continued to utilize its 1997 decree on "administrative detention," which gives authorities extremely broad powers to place persons under surveillance and to monitor citizens closely. Government officials refer to this decree as the "administrative probation" decree. The decree allows the MPS to detain a person without trial. The regulations define administrative detention as an administrative penalty imposed on persons over the age of 18 who break the law and violate national security, as determined by the definition of crimes in the Criminal Code, but whose offenses are not yet at the level that warrants "criminal responsibility." The detention can last from 6 months to 2 years; persons under administrative detention must live and work in designated places, and remain subject to the "management and education of the local administration and people." The MPS is the lead agency in implementing the decree and uses these measures mainly against suspected political dissidents.

To put someone on probation, the chairperson of a district people's committee first collects dossiers on the persons recommended for detention, then submits the dossiers to the chairperson of the Provincial People's Committee for a final decision. The district police, people's committees, wards, and townships all help collect information for the dossier. The dossier includes a person's curriculum vitae, his or her past criminal record, as well as any comments from the people's committee, the Fatherland Front, and the district police. The chairperson of the Provincial People's Committee uses the information to make a final decision on the detention. The Government claims that the decree's restriction on movement does not constitute a detention, but merely puts a person on probation; however, by limiting a person's movement to his or her residence, and allowing travel outside that area only with government approval, the measure effectively constitutes detention without the benefit of trial.

The Supreme People's Procuracy approves the issuance of arrest warrants, but law enforcement officials appear able to arrest and incarcerate persons without presenting arrest warrants. Once arrested, detainees often are held for periods of up to 1 year without formal charges or trial. In general time spent in pretrial detention counts toward time served upon conviction and sentencing.

The MPS prohibits contact between a detainee and his lawyer as long as the procurator's office is investigating the case, which may be up to 1 year. In April police in Dalat confiscated the computer and writing materials belonging to dissident writer Ha Sy Phu (Nguyen Xuan Tu). Ha was required to remain in his home during investigation, although he was not charged with any crime by year's end. He remained isolated from outside contact throughout this period.

Persons arrested for the peaceful expression of views opposed to official policy were subject to charge under any one of several provisions in the Criminal Code that outlaw acts against the state.

At year's end, 3 Cao Dai believers remain imprisoned. In March An Giang province police detained eight Hoa Hao believers and blocked roadways and waterways to forestall incidents in connection with the death anniversary of the group's founder (see Section 2.c.).

Prisoners who are "under investigation" sometimes experience harsher conditions than those who have been convicted and sentenced to prison terms (see Section 1.c.). No official statistics are available on the percentage of the prison population that consists of pretrial detainees or the average period of time that such detainees have been held.

It is difficult to determine the exact number of political detainees, in part because the Government usually does not publicize such arrests and because the Government does not consider these persons to be detained for political reasons.

The Government continued to isolate certain political and religious dissidents by placing restrictions on the movements of some dissidents and by pressuring the sup-

porters and family members of others. For the past 6 years, Thich Huyen Quang, the Supreme Patriarch of the banned Unified Buddhist Church of Vietnam (UBCV), has been at a pagoda in Quang Ngai province under conditions resembling administrative detention. From 1981 until 1994, he was held at another pagoda in that province. In March 1999 he was visited by senior UBCV leader Thich Quang Do for the first time in 18 years, but after 3 days of meetings both were held for questioning by police, and Thich Quang Do was escorted by police to his pagoda in Ho Chi Minh City. Thich Huyen Quang has confirmed that he must request permission before leaving the pagoda and is not allowed to lead prayers or participate in worship activities as a monk. He is able to receive visits from sympathetic monks and lay person supporters relatively frequently. After meeting with him, visitors often are questioned by police. Thich Huyen Quang has called for the Government to recognize the UBCV. Government officials reportedly suggested that he move to Hanoi, where more modern medical facilities are available, but he has refused (see Section 2.c.).

Dissident Nguyen Dan Que and his family members in Ho Chi Minh City continued to be questioned by police. Their telephone service continued to be suspended periodically, and the family's Internet account was cut off following the publication abroad of several of his writings critical of the Government.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for the independence of judges and jurors; however, in practice the Party controls the courts closely at all levels, selecting judges primarily for their political reliability. Constitutional safeguards are significantly lacking. Credible reports indicate that party officials, including top leaders, instruct courts how to rule on politically important cases. CPV and government officials may exert influence over court decisions by pressuring both the lay assessors and the judges who sit on a panel together to decide cases. The CPV has strong influence over high-profile cases, or in cases where a person is charged with challenging or harming the CPV or the State. The National Assembly votes for judicial candidates that are presented by the President for Supreme People's Court (SPC) president and Supreme People's Procurator. The National Assembly also controls the judiciary's budget, including judges' salaries, while the executive branch pays judges' salaries at the local level. By contrast the procuracy, also a separate branch that reports to the National Assembly, has a unified line of command and controls its own budget. The President appoints all other judges.

The system of appointing judges and lay assessors also reflects the lack of judicial independence. Court panels at all levels include judges and lay assessors. However, while lay assessors help decide cases, they have no legal training. District and provincial people's councils appoint the lay assessors at the lower levels. The standing committee of the National Assembly appoints and discharges the SPC lay assessors. The Fatherland Front must approve candidates for SPC lay assessors. The President appoints the District People's Council and Provincial People's Council judges to 5year terms. The President also appoints SPC judges at the suggestion of the central selection council. The CPV's influence over the courts is amplified both because the people's councils appoint the lay assessors, and because the judges serve limited terms and are subject to review.

The judiciary consists of the Supreme People's Court, the local people's courts, military tribunals, and other tribunals established by law. Each district throughout the country has a district people's court, which serves as the court of first instance for most domestic, civil, and criminal cases. Each province has a Provincial People's Court, which serves as the appellate forum for district court cases, as well as courts of first instance for other cases. The SPC is the highest court of appeal and review. The Ministry of Justice administers most district and provincial courts, and the National Assembly administers the SPC. The judiciary also includes military tribunals, economic courts, labor courts, and administrative courts that resolve disputes in those specialized fields. Administrative courts deal with complaints by citizens about official abuse and corruption. The economic and administrative courts have addressed few cases since their creation in 1994 and 1995, respectively. Local mass organizations, such as those under the Fatherland Front, are empowered to deal with minor breaches of law or disputes. In addition the CPV and Government have set up special committees to help resolve local disputes.

The Supreme People's Procuracy has unchecked power to bring charges against the accused and serves as prosecutor during trials. A judging council, made up of a judge and one or more people's jurors (lay judges), determines guilt or innocence and also passes sentence on the convicted. The relevant people's council appoints people's jurors, who are required to have high moral standards but need not have legal training. The legal institutional framework and legal culture, which favor the procuracy over the judiciary and preserve a presumption of guilt in criminal cases,

constitute a major obstacle to free and fair trials. Although the Constitution asserts that citizens are innocent until proven guilty, in practice this principle often is ignored. A Western legal expert who analyzed the court system during the year found that more than 95 percent of the persons who are charged with a crime are convicted.

Many judges and other court officials lacked adequate legal training, and the Government conducted training programs to address this problem. A number of foreign governments and the United Nations Development Program provided assistance to the Government to strengthen rule of law and develop a more effective judiciary. However, the lack of openness in the judicial process and the continuing lack of independence of the judiciary undermined the Government's efforts to develop a fair, effective judicial system.

The July Criminal Code amendments define crime more precisely than the 1999 code. The new code provides two or three levels of punishment for each crime, depending on the crime's seriousness and circumstances. The new code provides punishment brackets for a larger percentage of the crimes; less than 10 percent have no punishment bracket at all. The changes were intended to discourage abuse by law enforcement officials, allow courts to render verdicts and punishments more appropriate to the particular offense, hinder arbitrary sentencing by judicial panels, and allow crime to be punished more uniformly.

There is a shortage of trained lawyers and judges and no independent bar association. At the Supreme Court level, there is a 10 to 20 percent shortage of qualified judges; at the provincial level, the shortage ranges from 30 to 40 percent, according to a U.N. official. Low salaries hinder development of a trained judiciary. The few judges who have formal legal training often have studied abroad in countries with Socialist legal traditions and are slow to change. Young educated judges have little influence within the system.

Although the Constitution provides for legal counsel for persons accused of criminal offenses, the scarcity of lawyers makes this provision impossible to enforce. With few qualified attorneys, the procurator often handles both the prosecution and the defense. With so few lawyers and so many defendants, legal counsel frequently is of little help to the defendant. Consistent with its Marxist-Leninist political system, the Government requires that the Vietnamese Bar Association be a subordinate part of the Vietnam Fatherland Front (VFF), the mass front organization controlled by the Communist Party. At the provincial level, the Bar Association is subordinate to representatives of the central Government, the VFF, the provincial people's council, and people's committee.

Trials generally are open to the public; however, judicial authorities sometimes closed trials or strictly limited attendance in sensitive cases. Defendants have the right to be present at their trial and to have a lawyer. The defendant or the defense lawyer have the right to cross-examine witnesses. However, in political cases, there are credible reports that defendants are not allowed access to government evidence in advance of the trial, to cross-examine witnesses, or to challenge statements. Little information is available on the extent to which defendants and their lawyers have time to prepare for trials. Those convicted have the right to appeal.

The December 1999 conviction of Nguyen Thi Thuy, a Protestant house church leader in Phu Tho province sentenced to 1 year in prison for "interfering with an officer doing his duty," was upheld on appeal despite claims by her defense lawyer that she had been arrested for her religious activities. She was released in September in a national prisoner amnesty.

The Government continued to imprison persons for the peaceful expression of dissenting religious and political views. There are no reliable estimates of the number of political prisoners, in part because the Government usually does not publicize such arrests, and sometimes conducts closed trials and sentencing sessions. Amnesty International stated that there are more than 20 prisoners sentenced for political reasons. Other sources estimated that as of October there were up to 150 political prisoners. However, many of the names included on these lists are difficult to verify. The number of confirmed political prisoners is much lower than the number publicized. For example, one prisoner released in April from Xuan Loc prison z30a in Dong Nai province circulated a list of 55 persons whom he described as political prisoners. While this report may be credible, there is not sufficient identification or information about these persons to confirm that they are in fact political prisoners. The Government claims that it does not hold any political and religious prisoners and that persons described as political prisoners were convicted of violating national security laws.

A total of more than 15,000 prisoners reportedly were granted amnesty during the year or released from their sentences early for good behavior. In April journalist and poet Nguyen Ngoc Tan was released. Most of those released were common criminals.

Among those believed to be imprisoned at year's end for peaceful political activities are: Political activists Nguyen Dinh Huy and Pham Hong Tho, Truong Van Thuc, Nguyen Chau Lan, Tran Van Be Cao, Tran Nguyen Hon, and Le Van Mong.

No current information is available concerning imprisoned dissidents Nguyen Van Thuan and Le Duc Vaong who were arrested in 1998.

The Government does not allow access by humanitarian organizations to political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right to privacy of home and correspondence; however, the Government restricts this right significantly. It operates a nationwide system of surveillance and control through household registration and block wardens who use informants to keep track of individuals' activities. The authorities continued to monitor citizens but with less vigor and thoroughness than in the past. The authorities largely focused on persons whom they regarded as having dissident views or views critical of the Government, or whom they suspected of involvement in unauthorized political or religious activities. Citizens formally are required to register with police when they leave home, remain in another location overnight, or when they change their residence (see Section 2.d.). However, these requirements rarely are enforced; many citizens move around the country to seek work or to visit family and friends without being monitored closely, and many families who sought employment moved to other locations without prior government permission. However, there were reports that some "spontaneous migrant" families have been unable to obtain household registration or residence permits in their new locations, causing them serious legal and administrative problems. In urban areas, most citizens were free to maintain contact and work with foreigners, but police questioned some individual citizens and families of citizens with extensive or close relations with foreigners. The Government also exerts control over citizens who work for foreign organizations by requiring that citizens be screened and hired through a government service bureau. However, many foreign organizations hire their own personnel and only "register" them with the service bureau.

The Government opened and censored targeted persons' mail, confiscated packages, and monitored telephone, electronic mail, and facsimile transmissions. However, this practice appears sporadic and is not applied consistently. Citizens' membership in mass organizations remained voluntary, but often is important for career advancement. Membership in the CPV remains an aid to advancement in the Government or in state companies and is vital for promotion to senior levels of the Government. At the same time, diversification of the economy has made membership in CPVcontrolled mass organizations and the CPV less essential to financial and social advancement.

Groups of protesters in Ho Chi Minh City claimed that local officials compensated them inadequately for land that the Government seized for various public purposes. The protesters had come from several Mekong Delta provinces and from Ho Chi Minh City.

The Government continued to implement a family planning policy that urges all families to have no more than two children; this policy emphasizes exhortation rather than coercion. In principle the Government can deny promotions and salary increases to government employees with more than two children, and local regulations permit fines based on the cost of extra social services incurred by a larger family. These penalties rarely are enforced. There is anecdotal evidence that party members are more likely to be penalized than nonparty members.

Foreign language periodicals are widely available in cities. The Government occasionally censors articles about the country in periodicals that are available for sale.

The Government monitors e-mail, searching the text for sensitive key words, and regulates Internet content (see Section 2.a.).

By law access to satellite television was limited to top officials, foreigners, luxury hotels, and the press. The law was not enforced uniformly, and some persons in urban and rural areas have access via home satellite equipment. The Government generally did not limit access to international radio; however, it jammed Radio Free Asia.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government significantly restricts these freedoms, especially concerning political and religious subjects. Reporters and editors practice selfcensorship concerning sensitive subjects. A new press law, passed by the National Assembly in May 1999, provides for monetary damages to be paid by journalists to individuals or organizations who are harmed by reporting, regardless of whether the reports are true or false. This law poses a threat to investigative re-

porting. For example, in September the Capital Youth newspaper in Hanoi was sued by the Haiphong Agricultural Materials and Transport Company for harming its prestige with a series of investigative articles about the company's operations. The case had not gone to trial by year's end. Several media continued to test the limits of government press restriction by publishing articles that criticized actions by party and government officials; however, the freedom to criticize the Communist Party and its highest leadership remains restricted.

Both the Constitution and the Criminal Code include broad national security and antidefamation provisions that the Government used to restrict such freedoms severely. The Party and Government tolerate public discussion and permit somewhat more criticism than in the past. In December 1999, the Government established a mechanism for citizens to petition the Government with complaints. Citizens could and did complain openly about inefficient government, administrative procedures, corruption, and economic policy. However, the Government imposed limits in these areas as well. Senior government and party leaders traveled to several provinces to try to resolve citizen complaints.

The Government requires journalists to obtain approval from the Ministry of Culture and Information before providing any information to foreign journalists.

Retired general and war hero Tran Do was expelled from the Communist Party in January 1999 after he refused to cease circulating writings critical of the party and the Government. Friends of Tran Do reported that they were able to visit him in his home, and police surveillance of him lessened by mid-year.

The Government continued to prohibit free speech that strayed outside narrow limits to question the role of the party, criticize individual government leaders, promote pluralism or multiparty democracy, or question the regime's policies on sensitive matters such as human rights. The few persons who dared to speak out on these matters in recent years, such as Nguyen Dan Que and Thich Quang do, were subjected to periodic questioning and close monitoring by security officials. There continued to be an ambiguous line between what constituted private speech about sensitive matters, which the authorities would tolerate, and public speech in those areas, which they would not. Several authors whose works attracted official censure in past years continued to be denied permission to publish, to speak publicly, or to travel abroad. Security forces continue to harass novelist Duong Thu Huong intermittently, and authorities would not allow her to travel abroad. However, Huong is allowed to meet with some foreigners and Vietnamese colleagues. Some persons who express dissident opinions on religious or political issues also are not allowed to travel abroad (see Section 2.d.).

The Party, the Government, and party-controlled mass organizations controlled all print and electronic media. The Government exercises oversight through the Ministry of Culture and Information, supplemented by pervasive party guidance and national security legislation sufficiently broad to ensure effective self-censorship in the domestic media. With apparent party approval, several newspapers published reports during the year on highlevel government corruption and mismanagement as well as sometimes-heated debate on economic policy. The Government occasionally censors articles about the country in foreign periodicals that are sold in the country. The Government generally did not limit access to international radio, except to Radio Free Asia, which it jammed (see Section l.f.). In July thousands of explicit comic books imported from Korea were destroyed by customs officials.

Foreign journalists must be approved by the Foreign Ministry's Press Center and must be based in Hanoi. A visiting Western freelance journalist was detained and expelled in April after seeking to interview political dissident Nguyen Dan Que at his home in Ho Chi Minh City. The number of foreign staff allowed each foreign media organization is limited, and most Vietnamese staff who work for foreign media are provided by the Foreign Ministry. The Press Center monitors journalists' activities and decides on a case-by-case basis whether to approve their interview, photograph, film, or travel requests, all of which must be submitted 5 days in advance. The Government censored television footage and sometimes delayed export of footage by several days, such as during coverage in April of the 25th anniversary of the end of war.

The Government allowed artists broader latitude than in past years in choosing the themes of their works, although artists are not allowed to exhibit works of art that censors regard as criticizing or ridiculing the Government or the Party. Many artists received permission to exhibit their works abroad, receiving exit permits to attend the exhibits and export permits to send their works out of the country.

The Government allows access to the Internet; however, it owns and controls the country's only Internet access provider, Vietnam Data Communications. Five Internet service providers compete for subscribers. The Government postal department reports that there are 82,000 Internet subscribers and an increasing number of

cyber cafes in major cities. High prices for owning computers and Internet access limit home usage, and the Government keeps access fees high to discourage Internet use. However, in cyber cafes and universities, students and many other persons have wide access to the Internet, although much self-censorship keeps many customers away from sensitive sites of a political nature. The Government uses firewalls to block access to some sites operated by Vietnamese exile groups abroad. Vietnam Data Communications is authorized by the Government to monitor the sites that subscribers access. Police suspended telephone service and thus Internet access for Nguyen Dan Que in Ho Chi Minh City and Nguyen Thanh Giang in Hanoi after they circulated articles critical of the Government (see Section 1.d.), but they have continued to communicate with friends and supporters through cellular telephones.

The French nongovernmental organization (NGO) Reporters Sans Frontieres, which monitors freedom of speech and treatment of the press worldwide, placed the country on its list of 20 countries that it deemed "enemies of the Internet."

The Government permitted a more open flow of information within the country and into the country from abroad, including the university system. Foreign academic professionals temporarily working at universities can discuss nonpolitical issues widely and freely in the classroom. Government monitors regularly attended, without official notification, classes taught by foreigners and citizens. Academic publications usually reflected the views of the Party and the Government and exhibited greater freedom for differing views on nonpolitical subjects than for political ones.

b. Freedom of Peaceful Assembly and Association.—The right of assembly is restricted in law and practice, and the Government restricts and monitors all forms of public protest. Persons who wish to gather in a group are required to apply for a permit, which local authorities can issue or deny arbitrarily. However, persons routinely gather in informal groups without government interference. During the year, there were a number of protests (from 10 to 25 persons) outside government and party office buildings and the National Assembly hall. These protests, which technically were illegal, usually focused on local land compensation grievances, and the authorities generally allowed them to run their course without interference. The protesters claimed, among other grievances, that local officials had compensated them inadequately for land seized by local governments for various purposes (see Section 1.f.). One group of 30 protesters demonstrated peacefully in public in Hanoi outside the home of a senior CPV official. From March until November in Ho Chi Minh City, there were demonstrations of up to 125 protesters. In general the Government does not permit demonstrations that could be seen as having a political purpose. The Government was more tolerant than in the past of occasional demonstrations by citizens about specific grievances against local officials and tolerated extended demonstrations in some cases. Several "sit-in" demonstrations in Ho Chi Minh City involved dozens of persons who remained on the sidewalks opposite government offices for weeks at a time. However, in midNovember, police removed these demonstrators and prohibited further demonstrations. On at least two occasions later in the year, police blocked attempts by protesters to reestablish themselves at that location. The Government allowed large gatherings of Roman Catholic and Hoa Hao religious believers for preapproved festivals (see Section 2.c.).

The Government restricts freedom of association. With a few exceptions, the Government prohibits the establishment of private, independent organizations, insisting that persons work within established, party-controlled organizations, often under the aegis of the Fatherland Front. Citizens are prohibited from establishing independent organizations such as political parties, labor unions, and religious or veterans' organizations. Such organizations exist only under government control.

c. Freedom of Religion.—Both the Constitution and government decrees provide for freedom of worship; however, the Government continued to restrict significantly those organized activities of religious groups that it declared to be at variance with state laws and policies. The Government generally allowed persons to practice individual worship in the religion of their choice, and participation in religious activities throughout the country continued to grow significantly. However, government regulations control religious hierarchies and organized religious activities, in part because the Communist Party fears that organized religion may weaken its authority and influence by serving as political, social, and spiritual alternatives to the authority of the central Government.

The Government requires religious groups to be registered and uses this process to control and monitor church organizations. Officially recognized religious organizations are able to operate openly, and they must consult with the Government about their religious operations, although not about their religious tenets of faith. In general religious organizations are confined to dealing specifically with spiritual and or-

ganizational matters. The Government holds conferences to discuss and publicize its religion decrees.

Religious organizations must obtain government permission to hold training seminars, conventions, and celebrations outside the regular religious calendar, to build or remodel places of worship, to engage in charitable activities or operate religious schools, and to train, ordain, promote, or transfer clergy. Many of these restrictive powers lie principally with provincial or city people's committees, and local treatment of religious persons varied widely. In some areas such as Ho Chi Minh City, local officials allowed religious persons wide latitude in practicing their faith, including allowing some educational and humanitarian activities. However, in other areas such as the northwest provinces, local officials allowed believers little discretion in the practice of their faith. In general religious groups faced difficulty in obtaining teaching materials, expanding training facilities, publishing religious materials, and expanding the clergy in training in response to the increased demand from congregations.

Buddhism is the dominant religious belief, and three-fourths of the population are at least nominally Buddhist.

The Government officially recognizes Buddhist, Roman Catholic, Protestant, Hoa Hao, and Muslim religious organizations. However, some Buddhists, Protestants, and Hoa Hao believers do not recognize or participate in the governmentapproved associations and thus are not considered legal by the authorities.

For example, the Government requires all Buddhist monks to work under a party-controlled umbrella organization, the Central Buddhist Church of Vietnam. The Government opposed efforts by the non-government-sanctioned Unified Buddhist Church of Vietnam (UBCV) to operate independently, and tension between the Government and the UBCV continued. Several prominent UBCV monks, including Thich Quang Do, were released in wide-ranging government amnesties in September and October 1998; however, the Government continued to harass members of the UBCV and prevent their conducting independent religious activities, particularly outside of their pagodas.

The Government continued to isolate certain political and religious dissidents by placing restrictions on the movements of some dissidents and by pressuring the supporters and family members of others. For the past 6 years, Thich Huyen Quang, the Supreme Patriarch of the UBCV, has been held at a pagoda in Quang Ngai province under conditions resembling administrative detention. From 1981 until 1994, he was held at another pagoda in that province. In 1999 he was visited by senior UBCV leader Thich Quang Do for the first time in 18 years, but after 3 days of meetings both were held for questioning by police, and Thich Quang Do was escorted by police to his pagoda in Ho Chi Minh City. Thich Huyen Quang has confirmed that he must request permission before leaving the pagoda and is not allowed to lead prayers or participate in worship activities as a monk. He is able to receive visits from sympathetic monks, sometimes several per week; UBCV monk Thich Khong Thanh visited in November 1999. After meeting with Thich Huyen Quang, visitors frequently are questioned by police. Thich Huyen Quang has called for the Government to recognize the UBCV. Local officials suggested that Thich Huyen Quang move to Hanoi where more modern medical facilities are available, but he refused. On July 5, the police and an official from the provincial committee for religion interrogated Quang concerning a letter that he wrote that criticized the Government and called on the Party and State to repent for their past mistakes. The letter was publicized on the Internet by the official information service of the UBCV based in France just before April 30, the 25th anniversary of national reunification.

Buddhist monks in Hue complained that petitions to local authorities for permission to repair or renovate pagodas go unanswered.

The local Catholic Church hierarchy remained frustrated by the Government's restrictions but has learned to accommodate itself to them for many years. A number of clergy reported a modest easing of government control over church activities in certain dioceses during the year. In some locales, local government officials allowed Catholic Church officials to participate in religious education and charitable activities. However, in many areas, officials strictly prohibited these activities. In recent years, the Government eased its efforts to control the Roman Catholic hierarchy by relaxing the requirements that all clergy belong to the government-controlled Catholic Patriotic Association. Few clergy actually belonged to this association.

The degree of government control of church activities varied greatly among localities. In some areas, especially in the south, churches and religious groups operated kindergartens and engaged in a variety of humanitarian projects. A priest, Pham Minh Tri, and a lay brother, Mai Huu Nghi, belonging to the Congregation of the Mother Coredemptrix reportedly remain imprisoned.

The Government allowed many bishops and priests to travel freely within their dioceses and allowed greater, but still restricted, freedom for travel outside these areas, particularly in many ethnic areas. The Government discourages priests as well as Buddhist monks from entering Son La, Lai Chau, and some other border provinces. Upon return from international travel during the year, citizens, including clergy, officially were required to surrender their passports; this law is enforced unevenly. Some persons who express dissident opinions on religious or political issues are not allowed to travel abroad (see Section 2.d.). Seminaries throughout the country have approximately 500 students enrolled. The Government limits the Church to operating 6 major seminaries and to recruit new seminarians only every 2 years. All students must be approved by the Government, both upon entering the seminary and prior to their ordination as priests. The Church believes that the number of graduating students is insufficient to support the growing Catholic population.

The network of Tin Lanh (Good News) churches, originally founded by the Christian and Missionary Alliance early in the 20th century, generally operated with greater freedom than did the house churches. The roughly 300 Tin Lanh churches in the country are concentrated in the major cities, including Ho Chi Minh City, Danang, Hanoi, and lowland areas. Some 15 Tin Lanh churches in the northern provinces are the only officially recognized Protestant churches. At year's end, the Government and Protestant church leaders in the south were engaged in discussions that could lead to future official recognition for their churches.

There were credible reports that up to a dozen Hmong Protestants continued to be imprisoned in Lai Chau and other northwestern provinces for religious reasons.

More than half the country's Protestants belong to a large number of unregistered evangelical "house churches" that operate in members' homes or in rural villages, many of them in ethnic minority areas. Members of Protestant house churches, particularly in the northwestern provinces, continued to face severe restrictions on religious freedom. There were multiple reports that local police beat Protestants during detention or questioning in the central highlands and central coastal provinces. Credible reports from multiple sources stated that up to a dozen Hmong Protestants were imprisoned, primarily in Lai Chau province, for "teaching religion illegally" or "abusing the rights of a citizen to cause social unrest." These included Va Sinh Giay, Vang Sua Giang, Phang A Dong, Ly A Cho, and Ma Van Chinh. A number of others were released during the year, including Vu Giang Thao, Sung Seo Chinh, Ho A Tong, and Giang A To, who were freed from prison in April. The Government also stated that Vang Gia Chua and Sinh Pay Pao were released (see Section 1.e.).

Cao Daist Le Kim Bien was released in September in a prisoner amnesty. Bien's Cao Daist colleague Pham Cong Hien was released in October after completing a 2-year sentence. The two had been imprisoned since October 1998, when they requested to meet with visiting U.N. Special Rapporteur Amor.

The December 1999 conviction of Nguyen Thi Thuy, a Protestant house church leader in Phu Tho province sentenced to 1 year in prison for "interfering with an officer doing his duty," was upheld on appeal despite claims by her defense lawyer that she was arrested for her religious activities. She was released in the September national day amnesty, 1 month prior to the scheduled end of her sentence.

Reports from believers indicated that Protestant church attendance grew substantially, especially among the house churches, despite continued government restrictions on proselytizing activities. The Government restricts Protestant congregations from cooperating on joint religious observances or other activities, although in some localities there was greater freedom to do so. Membership in house churches reportedly continued to grow.

The Government conferred legal recognition on Cao Daism in 1997 after a government-controlled committee wrote a new Cao Dai constitution and elected a new Cao Dai Executive Council. The governmentapproved Executive Council controls the affairs and manages the operations, the hierarchy, and clergy of the Cao Dai faith. However, numerous Cao Dai believers and clergy actively have challenged the edicts of the Executive Council, stating that they are not faithful to Cao Dai principles and tradition. Early in the year, the Executive Council and clergy came to an agreement on the modification of traditional rites that are performed during rituals for clerical promotion that had been banned by the Government. The compromise changed a part of the rite that the Government had deemed to be "superstitious," but maintained enough "spiritual direction" in the rite to be acceptable to Cao Dai principles. Many Cao Dai followers and clergy initially objected to the tradition, but later accepted it. The agreement resulted in the promotion of several hundred clerics, the first promotions in more than 25 years. However, the Government has prohibited ordination into the Cao Dai priesthood since 1975, and continued to do so throughout the year. Three Cao Daists, Lam Thai The, Do Hoang Giam, and Van Hoa Vui,

who were arrested several years ago, remain imprisoned in Xuan Loc prison in Dong Nai province.

Hoa Hao followers are concentrated in the Mekong Delta, particularly in provinces such as An Giang, where the Hoa Hao were dominant as a political and religious force before 1975. The Hoa Hao faced restrictions on their religious and political activities after 1975 because of their previous armed opposition to the Communist forces. After 1975 all administrative offices, places of worship, and social and cultural institutions connected to the faith were closed, thereby limiting public religious functions. However, believers continue to practice their religion at home. The lack of access to public gathering places contributed to the Hoa Hao community's isolation and fragmentation. In 1999 following official recognition of a Hoa Hao religious organization, up to 500,000 Hoa Hao believers gathered for a religious festival in An Giang province in the largest Hoa Hao gathering since 1975. The second of these traditional annual gatherings drew approximately 300,000 persons in June. The authorities continued to restrict the distribution of the sacred scriptures of the Hoa Hao, and believers say that a number of church leaders continue to be detained. Hoa Hao leader Me Minh Triet, who was arrested several years ago, remained in prison at year's end.

In March police in An Giang arrested eight Hoa Hao believers for planning to organize a commemoration of the death anniversary of the group's founder. Police also placed Hoa Hao elder Ha Hai under house arrest in An Giang province and blocked roads and waterways to prevent large numbers of persons from gathering at the founder's ancestral home and pagoda for the anniversary. This anniversary had not yet been approved as an official anniversary or commemoration day by the Government or the Hoa Hao Council. Many Hoa Hao believers consider this to be an important date, and because of this and other disputes have refused to recognize the Hoa Hao Council. Of the eight persons arrested, three subsequently were released. The remaining five were tried in September and received prison terms of from 1 to 3 years. One of the three who were released, Vo Van Buu, also known as Nguyen Van Buu, was arrested again in June together with his wife, Mai Thi Dung. In September Buu was tried and sentence to 30 months in prison. Dung was tried and sentenced to 18 months' house arrest. Later in the September, Dung slashed her stomach in protest. She was hospitalized, then released the following day.

A total of 13 other Hoa Hao followers were arrested in March in a separate incident unrelated to the founder's death anniversary. Eight of these persons subsequently were released. Three were tried in May and the other two were tried in June. All were convicted and received sentences of from 12 to 30 months' imprisonment.

In May police in An Giang province also arrested Hoa Hao followers Le Huu Hoa. He remained in prison at year's end.

In November five Hoa Haoists who reside in An Giang province were detained In Ho Chi Minh City for planning a demonstration there. Two of them, Ha Hai and Mai Thi Dung officially were under house arrest in An Giang province at the time. Three of the detainees subsequently were returned to An Giang province and released. Mai Thi Dung again was placed under house arrest in An Giang province. Ha Hai was returned to prison in An Giang province and awaited trial at year's end.

In December Le Quang Liem, a Hoa Hao elder who resides in Ho Chi Minh City, organized a group of from 400 to 500 persons to march in procession to the Hoa Hao founder's ancestral home and pagoda in commemoration of the founder's birth anniversary. When police blocked the procession, a fight ensued and a number of Liem's group were injured. The police made no arrests.

The Muslim Association of Vietnam was banned in 1975 but authorized again in 1992. It is the only official Muslim organization. Association leaders say that they are able to practice their faith, including daily prayer, fasting during the month of Ramadan, and the pilgrimage to Mecca, Saudi Arabia. The Government no longer has a policy of restricting exit permits to prevent Muslims from making the hajj. Small numbers have been able to participate in the hajj each year.

The Government does not favor a particular religion. In some respects, conditions for religious freedom improved over 1999. In many areas, religious activity and observance increased; however, at the same time, government restrictions remained. Worshipers in several Buddhist, Catholic, and Cao Dai centers of worship reported that they believed that undercover government observers attended worship services and monitored the activities of the congregation and the clergy. Protestant and Hoa Hao services occasionally were disrupted by local police.

Operational and organizational restrictions on the hierarchies and clergy of most religious groups remain in place. While there were releases of some religious prisoners, detention and imprisonment of other persons for the illegal practice of their religion continued.

In April 1999, the Government issued a new decree on religion that prescribes the rights and responsibilities of religious believers. Similar to the Government's 1991 decree on religion, the decree also states for the first time that no religious organization can reclaim lands or properties taken over by the State following the end of the 1954 war against French rule and the 1975 Communist victory in the south. The decree also states that persons formerly detained or imprisoned must obtain special permission from the authorities before they may resume religious activities.

There were credible reports in both 1999 and 2000 that Hmong Protestant Christians in several northwestern villages were forced to recant their faith. The Penal Code, as amended in 1997, established penalties for offenses that are defined only vaguely, including "attempting to undermine national unity" by promoting "division between religious believers and nonbelievers." In some cases, particularly involving Hmong Protestants, when authorities charge persons with practicing religion illegally, they do so using provisions of the Penal Code that allow for jail terms up to 3 years for "abusing freedom of speech, press, or religion." There were reports that officials fabricated evidence, and some of the provisions of the law used to convict religious prisoners contradict international covenants such as the Universal Declaration of Human Rights.

The Government bans and actively discourages participation in "illegal" religious groups, including the UBCV, Protestant house churches, and an unapproved Hoa Hao group. The Government restricts the number of clergy that the Buddhist, Catholic, Protestant, and Cao Dai churches may train. Restrictions are placed on the numbers of Buddhist monks and Catholic seminarians. Protestants are not allowed to operate a seminary or to ordain new clergy.

Police authorities routinely question persons who hold dissident religious or political views, such as UBCV monks and Hoa Hao leaders.

The Government restricts and monitors all forms of public assembly, including assembly for religious activities. On some occasions, large religious gatherings have been allowed, such as the annual celebrations at La Vang. Within the past 2 years, the Hoa Hao also have been allowed to hold large public gatherings.

Religious and organizational activities by UBCV monks are illegal, and all UBCV activities outside private temple worship are proscribed. In February a group of Hoa Hao believers led by Le Quang Liem established an association separate from the government-sanctioned Hoa Hao Committee. Their petitions to the Government for official recognition were unsuccessful. Protestant groups in central and southern provinces also petitioned for official recognition, but met with a favorable response from the Government. Serious discussions were underway at year's end regarding the drafting of a new charter that could lead to future official recognition.

Most evangelical house churches do not attempt to register because they believe that their applications would be denied, and they want to avoid government control.

The Government generally does not permit religious instruction in public schools. However, in some provinces, religious instruction is allowed outside regular classroom hours. Khmer Buddhists and Cham Muslims routinely hold religious (and language) instruction after regular school hours.

The Government restricts persons who belong to dissident and unofficial religious groups from speaking about their beliefs. It officially requires all religious publishing to be done by government-approved publishing houses. Many Buddhist sacred scriptures, Bibles, and other religious texts and publications are printed by government-sanctioned organizations and allowed to be distributed to believers. The Government allows and in some cases encourages links with coreligionists in other countries when the religious groups are approved by the Government. The Government actively discourages contacts between the illegal UBCV and its foreign Buddhist supporters, and between illegal Protestants, such as the house churches, and their foreign supporters. Contacts between the Vatican and the domestic Catholic Church are permitted, and the Government maintains a regular, active dialog with the Vatican on a range of issues, including organizational activities, the prospect of establishing diplomatic relations, and a possible papal visit. The Government allows religious travel for some, but not all, religious persons; Muslims are able to undertake the hajj, and many Buddhist and Catholic Church officials also have been able to travel abroad. Persons who hold dissident religious opinions generally are not approved for foreign travel.

The Government does not designate persons' religions on passports, although citizens' "family books," which are household identification books, list religious and ethnic affiliation.

The law prohibits foreign missionaries from operating in the country. Proselytizing by citizens is restricted to regularly scheduled religious services in recognized places of worship. Immigrants and noncitizens must comply with the law when

practicing their religions. Catholic and Protestant foreigners exercise leadership in worship services that are reserved for foreigners.

The Government's Office on Religious Affairs hosts periodic meetings to address religious issues according to governmentapproved agendas that bring together leaders of diverse religious traditions.

Adherence to a religious faith generally does not disadvantage persons in civil, economic, and secular life, although it likely would prevent advancement to the highest government and military ranks. Avowed religious practice bars membership in the Communist Party, although anecdotal reports indicate that a handful of the 2 million Communist Party members are religious believers.

The Government remained sensitive about international and nongovernmental organization investigations. In October 1998, U.N. Special Rapporteur on Religious Intolerance Amor visited Hanoi, Ho Chi Minh City, Hue, and Tay Ninh province. He met with government officials and representatives of the governmentsanctioned Central Buddhist Church, the Catholic Church, Cao Dai, a Protestant church, and the small Muslim community. However, security officials prevented Amor from meeting several senior representatives of the nongovernmentsanctioned UBCV, including Thich Huyen Quang and Thich Quang Do, despite his repeated requests to do so.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government imposes some limits on freedom of movement. Most citizens enjoyed freedom of movement within the country; however, some local authorities required members of ethnic minority groups to obtain permission to travel outside certain highland areas. Officially, citizens had to obtain permission to change their residence (see Section 1.f.). In practice many persons continued to move without approval, especially migrant or itinerant laborers moving from rural areas to cities in search of work. However, moving without permission restricted their ability to obtain legal residence permits. Holders of foreign passports must register to stay in private homes. In practice visitors of Vietnamese origin from overseas do not appear to have problems with this requirement and are allowed to stay with family and friends. Other foreigners complain that they are not allowed to do so.

The Government employs internal isolation to restrict the movement of political and religious dissidents (see Section 1.d.). The Government continued to use its 1997 decree on administrative detention to restrict where citizens live and work (see Section 1.f.).

Foreigners generally are free to travel throughout the country, except in some areas restricted on grounds of national security. The Government retained the right to approve travel to border areas, to some areas in the central highlands, and to some islands, but in practice foreigners can travel to most border areas without prior approval. However, on several occasions, local police detained and fined foreigners whom police found had ventured too close to international borders and other sensitive military areas.

Although the Government no longer required citizens traveling abroad to obtain exit or reentry visas, the Government sometimes prevents persons from traveling by refusing to issue passports to persons who wished to travel. Persons who depart the country using passports marked dinh cu or "resettlement" appear to need a reentry permit to return.

Some persons who publicly or privately have expressed dissident opinions on religious or political issues are not allowed to travel abroad (see Section 2.c.).

Citizens must demonstrate eligibility to emigrate to another country and show sponsorship abroad before the Government issues passports for emigration. Persons who emigrate under refugee status are required to have a letter of introduction from the Ministry of Public Security in order to obtain a passport. Citizens' access to passports sometimes was constrained by factors outside the law, such as bribery and corruption. Refugee and immigrant visa applicants sometimes encountered local officials who arbitrarily delayed or denied passports based on personal animosities or on the officials' perception that an applicant did not meet program criteria, or in order to extort a bribe.

Because citizens who live overseas are considered a valuable potential source of foreign exchange and expertise for the country but also a potential security threat, the Government generally encourages them to visit but monitors many of them carefully.

The United States continued to process immigrants and refugee applicants for admission and resettlement, including Amerasians, former reeducation camp detainees, and family reunification cases. There are some concerns that some members of minority ethnic groups, particularly nonethnic Vietnamese such as the

Montagnards, may not have ready access to these programs. The Government denied passports for emigration to certain Montagnard applicants.

The Government generally permits citizens who emigrate to return to visit, but it considers them Vietnamese citizens and therefore subject to the obligations of a Vietnamese citizen under the law, even if they have adopted another country's citizenship. The Government no longer requires reentry visas for citizens holding regular passports but who reside in another country. Holders of Vietnamese passports marked dinh cu or "resettlement" appear to need a reentry visa. However, emigrants are not permitted to use Vietnamese passports after they adopt other citizenship.

Vietnam and the United States continued to work together on the Resettlement Opportunity for Vietnamese Returnees Program (ROVR) in processing the residual ROVR persons who had returned from refugee camps elsewhere in southeast Asia. This program is nearing completion.

The Constitution allows consideration of asylum under certain circumstances for foreigners persecuted abroad. Otherwise, the country does not have provisions for the granting of asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. There were no reports of the forced return of persons to a country where they feared persecution.

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

Citizens do not have the right to change their government. Party control over the selection of candidates in elections for the National Assembly, the presidency, the prime ministership, and local government undermines this right. All authority and political power is vested in the CPV; political opposition movements and other political parties are not tolerated. The CPV central committee is the supreme decisionmaking body in the nation, with the Politburo as the locus of policymaking. A standing board, consisting of the five most senior members of the Politburo, oversees daytoday implementation of leadership directives. Senior advisors to the Party, including the former party general secretary, President, and Prime Minister, also continue to exert significant influence on Politburo decisionmaking. The Government limited public debate and criticism to certain aspects of individual, state, or party performance determined by the CPV itself. No public challenge to the legitimacy of the oneparty State is permitted; however, there were isolated instances of unsanctioned letters from private citizens critical of the Government that circulated publicly (see Section 2.a.).

Eligible citizens are required to vote in elections, although there is no penalty for not voting. Citizens elect the members of the National Assembly, ostensibly the main legislative body, but the Party must approve all candidates, most of whom are Party members. Most National Assembly members belong to the CPV; 15 percent do not. Three members of the assembly are selfnominated independents, not nominated by the partycontrolled Vietnam Fatherland Front, even though it approved their candidacies.

The National Assembly, although subject to the control of the Party (all of its senior leaders are party members), played an increasingly independent role, as a forum for the expression of local and provincial concerns and as a critic of corruption and inefficiency. However, the National Assembly generally does not initiate legislation and may not pass legislation that the Party opposes. Party officials occupied most senior government and National Assembly positions and continued to have the final say on key issues. During the year, the National Assembly continued to engage in vigorous debate on economic, legal, and social issues, including a business enterprise law and a press law. Legislators questioned and criticized ministers in sessions broadcast live on television.

The law provides the opportunity for equal participation in politics by women and minority groups; however, in practice they are underrepresented. Most of the top leaders are men. There is one woman in the Politburo. Women are better represented in the National Assembly, where more than onefourth of the 450 members are women. Women hold some important positions. The Vice President is a woman, as are several ministers and vice ministers.

The President of the National Assembly, who is also a Politburo standing committee member, is a member of an ethnic minority.

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

The Government does not permit private, local human rights organizations to form or operate. It generally prohibits private citizens from contacting international human rights organizations, although some dissidents were able to do so despite opposition from the Government. The Government permitted the UNHCR and international visitors to monitor implementation of its repatriation commitments under the Comprehensive Plan of Action (CPA) and carried on a limited dialog with foreign human rights organizations based outside the country.

The Government generally was willing to discuss human rights problems bilaterally with some other governments if such discussions take place under the rubric of "exchanges of ideas" rather than as "investigations." Several foreign governments held official talks during the year concerning human rights.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on gender, ethnicity, religion, or social class; however, enforcement of these prohibitions was uneven. Persons formerly interned in reeducation camps on the basis of pre-l975 association with the government of the former Republic of Vietnam continued to report varying levels of discrimination as they and their families sought access to housing, education, and employment. Some military veterans of the former Republic of Vietnam still face economic hardship as a result of employment restrictions and discrimination, but none are known to be incarcerated for their activities after 1975. These veterans and their families generally are unable to obtain employment with the Government. This prohibition is less restrictive than in past years because of the growth in private sector job opportunities.

Women.—International NGO workers and many women reported that domestic violence against women was common. The law addresses the problem of domestic violence, and officials increasingly acknowledge the problem; however, authorities do not enforce the law effectively. Many divorces reportedly are due to domestic violence, but many women likely remain in abusive marriages rather than confront the stigma and economic uncertainty of divorce.

Prostitution, although officially illegal, appears to be tolerated widely. Some women are forced to work as prostitutes. The Ho Chi Minh City people's committee recently has acknowledged that more than 10,000 women in the city engaged in prostitution. Hanoi, the port cities of Danang and Haiphong, and smaller cities such as Can Tho and Nha Trang also have large numbers of women engaged in prostitution. There are reports that some exploiters in Ho Chi Minh City addicted young girls to heroin and forced them to work as prostitutes to earn money for drugs. Many more women are compelled to work as prostitutes because of poverty, a lack of other employment opportunities, or because they are victimized by false promises of lucrative work (see Section 6.f.). The Vietnam Women's Union and Youth Union, as well as international and domestic NGO's, are engaged actively in education and rehabilitation programs to combat these abuses.

Trafficking in women for the purpose of forced prostitution, both domestically and internationally, is a serious problem (see Section 6.f.). Women and girls are trafficked from southern delta and highland provinces to Cambodia, and from northern provinces into China. There are reports that some women from Ho Chi Minh City and the Mekong Delta who married men from Taiwan were forced into prostitution after their arrival in Taiwan. Women and girls frequently are misled by promises of wellpaying jobs in those places.

While there is no legal discrimination, women face deeply ingrained societal discrimination. Despite extensive provisions in the Constitution, in legislation, and in regulations that mandate equal treatment, and although some women occupy high government posts, few women compete effectively for higher status positions. The Government has ratified ILO conventions on Equal Remuneration and Discrimination in Employment. The Constitution provides that women and men must receive equal pay for equal work; however, the Government does not enforce this provision. Very poor women, especially in rural areas but also in cities, perform menial work in construction, waste removal, and other jobs for extremely low wages. Despite the large body of legislation and regulations devoted to the protection of women's rights in marriage as well as in the workplace, and Labor Law provisions that call for preferential treatment of women, women do not always receive equal treatment. Nevertheless, women play an important role in the economy and are widely engaged in business and in social and educational institutions. Opportunities for young professional women have increased markedly, with greater numbers entering the civil service, universities, and the private sector.

The party-controlled Women's Union has a broad agenda to promote women's rights, including political, economic, and legal equality, and protection from spousal abuse. The Women's Union operates micro-credit consumer finance programs and other programs to promote the advancement of women. International NGO's and other international organizations regard the union as effective, but they and Women's Union representatives believe that much time is required to overcome societal attitudes that relegate women to lower status than men. The Government also has a committee for the advancement of women, which coordinates intraministerial programs that affect women.

Children.—International organizations reported that despite the Government's promotion of child protection and welfare, children increasingly were at risk of economic exploitation. While education is compulsory through the age of 14, the authorities did not enforce the requirement, especially in rural areas where government and family budgets for education are strained. Thousands of children work in exploitative child labor (see Sections 6.c. and 6.d.). These practices occur almost exclusively in private, small-scale, or family enterprises. The Government continued a nationwide immunization campaign, and the governmentcontrolled press regularly stressed the importance of health and education for all children. Reports from domestic sources indicate that responsible officials generally took these goals seriously but were constrained by severely limited budgets. According to the World Bank, despite growth in incomes over the past decade, severe malnutrition remains an entrenched problem; about 45 percent of children under 5 years of age suffer from stunted growth.

Widespread poverty contributed to continued child prostitution, especially of girls, but also some boys as well, in major cities. Many prostitutes in Ho Chi Minh City are girls between the ages of 15 and 17. One NGO advocate stated that some child prostitutes, such as those from abusive homes, are forced into prostitution for economic reasons, having few other choices available to them. There are reports that some exploiters in Ho Chi Minh City addicted young girls to heroin and forced them to work as prostitutes to earn money for drugs.

Some children are trafficked domestically, and others are trafficked to foreign destinations for the purpose of forced prostitution. Although statistics are not reliable, children are trafficked from southern delta and highland provinces to Cambodia, and from northern provinces into China. Government agencies were engaged in combating these abuses, and municipal and NGO groups organized publicity campaigns to warn of predatory child sex abusers in resort areas (see Section 6.f.). The Vietnam Women's Union and Youth Union are especially active in drawing attention to these problems and helping with education programs to warn vulnerable families of the dangers of deception by those who would lure young women and children into prostitution. Press reports documented the conviction and imprisonment of some traffickers (see Section 6.f.).

Street children are vulnerable to abuse and sometimes are slapped and harassed by police (see Section 1.c.).

People with Disabilities.—Government provision of services to the disabled is limited, and the Government provides little official protection or effective support for the disabled. Government agencies responsible for services to the disabled worked with domestic and foreign groups to "identify measures" to provide protection, support, and physical access for the disabled. Implementation is hampered by limited budgets. The 1995 Labor Law requires the State to protect the rights and encourage the employment of the disabled. It includes provisions for preferential treatment of firms that recruit disabled persons for training or apprenticeship and a special levy on firms that do not employ disabled workers. It is uncertain whether the Government enforces these provisions. The Government permitted international groups to assist persons disabled by war or by subsequent accidents involving unexploded ordnance and has developed indigenous prosthetics-manufacturing capabilities. There are no laws mandating physical access to buildings.

National/Racial/Ethnic Minorities.—Although the Government states that it is opposed to discrimination against ethnic minorities, societal discrimination against minorities is widespread. In addition there continued to be credible reports that local officials sometimes restricted ethnic minority access to some types of employment and educational opportunities. The Government continued to implement policies designed to narrow the gap in the standard of living between ethnic groups living in the highlands and richer lowland ethnic Vietnamese by granting preferential treatment to domestic and foreign companies that invest in highland areas. The stated goal of government resettlement policy in mountainous provinces is for disadvantaged minorities to relocate from inaccessible villages to locations where basic services are easier to provide; however, the effect of the policy sometimes has been to dilute the political and social solidarity of these groups. Moreover, large-scale gov-

ernment-sponsored as well as spontaneous migration of ethnic Vietnamese to the central highlands have diluted further the indigenous culture and traditional heritage of the minorities located there. The Government continued to repress some highland minorities, particularly the Hmong, for practicing their religion without official approval (see Section 2.c.).

In August about 150 members of the Ede ethnic minority attacked a village of ethnic majority Vietnamese (Kinh) who had migrated into the area where they lived; the Ede injured four ethnic Vietnamese and destroyed several homes. The attack underscored increased tensions that have resulted from the migration of ethnic Vietnamese to areas that traditionally were populated by ethnic minorities.

Section 6. Worker Rights

a. The Right of Association.—Trade unions are controlled by the Party and have only nominal independence; however, union leaders influence some key decisions, such as on health, safety, and minimum wage standards. Workers are not free to join or form unions of their choosing; such action requires approval from the local office of the Partycontrolled Vietnam General Confederation of Labor (VGCL), and any union that forms must affiliate with the VGCL. The VGCL is the umbrella organization under which all local trade unions must operate. It claims that it represents 95 percent of public sector workers and 90 percent of workers in state-owned enterprises. In 1999 the Government stated that trade unions had not fulfilled their role of protecting workers in foreigninvested companies, many of whom it claimed did not respect labor regulations. The VGCL asserted that authorities did not prosecute some violations of the Labor Law.

About 500,000 union members work in the private sector, including foreignbased enterprises. The vast majority of the work force live in rural areas, is engaged in small-scale farming, and is not unionized.

The 1994 Labor Law requires the federation of labor at the provincial level to establish unions within 6 months at all new enterprises with more than 10 employees as well as at existing enterprises that operate without trade unions. Management of those companies is required by law to accept and cooperate with those unions. In addition, while the Labor Law states that all enterprise level and professional trade unions are affiliated with the VGCL, in practice hundreds of unaffiliated "labor associations" have been organized in occupations such as those of taxi, motorcycle and cyclo drivers, cooks, and market porters. Foreign governments and international organizations, such as the ILO and other U.N. system organizations, provide technical assistance and training to the Ministry of Labor, Invalids, and Social Affairs (MOLISA) and the VGCL.

The Labor Law provides for the right to strike under certain circumstances. The law requires that management and labor resolve labor disputes through the enterprise's own labor conciliation council. However, many labor organizations failed to establish labor conciliation councils. In the case of the absence of a labor conciliation council or if one fails to resolve a labor dispute, it is referred to the provincial labor arbitration council. If the council's decision is unsatisfactory to the union or if the province does not have an arbitration council, unions have the right to appeal to the provincial people's labor arbitration council. However, such councils do not exist in some provinces. Labor courts, a division of the people's courts, heard approximately 500 cases between their inception in mid-1996 and mid-1999; most cited wrongful dismissal and matters of labor discipline. Since 1995 the Labor Ministry has organized hundreds of training courses on the Labor Law for its staff and for managers of large enterprises. The ILO and the U.N. Development Program are cooperating on a large multiyear technical assistance program to strengthen Labor Law implementation.

The government-controlled labor unions stipulate written procedures for managing labor disputes that permit unresolved disputes to be arbitrated before a court. Unions have the right to appeal a council decision to the provincial people's court and the right to strike.

There were 72 strikes during the year. Approximately 450 strikes have been reported since 1993, primarily against foreign-owned or joint venture companies, but some involved state-owned and private firms. The majority took place in Ho Chi Minh City, Dong Nai province, and other southern provinces. Most strikes are symbolic and last 1 or 2 days. Strikes are caused by disputes over wages and related problems, including late payment of overtime pay and inappropriate labor discipline. Although most of the strikes did not follow an authorized conciliation and arbitration process, and thus were of questionable legitimacy, the Government tolerated the strikes and did not take action against the strikers. Although the VGCL or its affiliate unions did not sanction these strikes officially, many were supported unofficially at the local and provincial levels of the VGCL. The Labor Law prohibits ret-

ribution against strikers, and there were no credible reports of such retribution. In some cases, the Government disciplined employers for illegal practices that led to strikes.

The Labor Law prohibits strikes at enterprises that serve the public and those considered by the Government to be important to the national economy and defense. A subsequent decree defined these enterprises to be those involved in: Electricity production; post and telecommunications; railway, maritime, and air transportation; banking; public works; and the oil and gas industry. The law also grants the Prime Minister the right to suspend a strike considered detrimental to the national economy or public safety. Strikes are prohibited in 54 occupational sectors and businesses.

Individual unions legally are not free to affiliate with, join, or participate in, international labor bodies, and they do not do so in practice. However, the VGCL has relations with 95 labor organizations in 70 countries, and the VGCL's president traveled internationally, including to Western industrial countries, on labor matters.

b. The Right to Organize and Bargain Collectively.—Workers must have the approval of the provincial or metropolitan branch of the VGCL in order to organize unions in their enterprises. The Labor Law provides that party-approved unions have the right to bargain collectively on behalf of workers. It also provides for collective labor agreements that cover employees and employers. Since 1999 collective bargaining became more important. Many contracts were negotiated that ended the practice of annual renewal, and multiyear contracts have become more common despite initial resistance from foreign companies. Labor leaders became more active in supporting their workers by agreeing in 1999 to place more workplace issues in collective bargaining agreements. Issues previously not covered in contracts, such as work on Sundays, have been spelled out so that companies cannot order workers to work a seventh day. As the country transitions away from central planning, market forces play a much more important role in determining wages. The Labor Law prohibits antiunion discrimination on the part of employers against employees who seek to organize.

The growing number of export processing zones and industrial zones are governed by the same labor laws as the rest of the country.

c. Prohibition of Forced or Compulsory Labor.—The Labor Law prohibits all forms of forced and bonded labor, including such labor by children; however, there were reports that thousands of children work in exploitative situations (see Section 6.d.). Some women are forced into prostitution, and trafficking in women for the purpose of forced prostitution is a problem (see Sections 5 and 6.f.). Children were trafficked both domestically and internationally and forced to work as prostitutes (see Sections 5 and 6.f.). A study of child labor in Ho Chi Minh City found cases in which poor families had entered into "verbal agreements" with employers, who put the families' children to work; their salaries generally are sent to their parents.

The Government denies the use of prison labor without compensation; however, prisoners routinely are required to work, producing food and other goods used in prisons for little or no pay. Officials state that juveniles in Education and Nourishment Centers, which function much as reform schools or juvenile detention centers do elsewhere, are assigned work for "educational purposes" that does not generate income.

Late in 1999, the Government issued an ordinance requiring all adult citizens between the ages of 18 and 45 for men and between 18 and 35 for women to perform 10 days of annual public labor. However, the ordinance permits citizens to excuse themselves from this obligation by finding a substitute or paying a fee. While some have alleged that such laborers were recruited to construct the Ho Chi Minh Highway, the Government issued a decree in October that gives the force of law to its existing policy that all labor on this project must be voluntary and paid. Foreign diplomats urged labor officials to consult with ILO experts as to whether the ordinance and its implementation constitute forced labor under internationally recognized standards. There is a long local tradition under which persons living along floodprone levees voluntarily help to build or repair the ubiquitous and centuriesold flood control system.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Law prohibits most child labor but allows exceptions for certain types of work. It sets the minimum age for employment at 18 years of age, but enterprises may hire children between the ages of 15 and 18 if the firm obtains special permission from their parents and the MOLISA. However, a widelypublicized MOLISA survey found that about 40,000 children between the ages of 8 and 14 years of age worked part-time or full-time in violation of the Labor Law. That estimate may be low, since most of these children worked in the informal sector. An employer must ensure that young workers do not undertake hazardous work or work that would

harm their physical or mental development. Prohibited occupations are specified in the Labor Law. Children may work a maximum of 7 hours per day and 42 hours per week and must receive special health care. Restrictions on working in hazardous operations apply to persons under the age of 18. However, authorities do not have sufficient resources to enforce these regulations; international donor assistance targets this problem.

The Labor Law permits children to register at trade training centers, a form of vocational training, from the age of 13.

There were no reports that state-owned enterprises or companies with foreign investors used child labor.

In rural areas, children work primarily on family farms and in other agricultural activities. They can begin working as young as 6 years of age and are expected to work as adults by the time they are 15 years of age. In urban areas, children also may work in family-owned small businesses. Compulsory education laws are not enforced effectively in rural areas, where children are needed to work in agriculture. However, the culture's strong emphasis on education leads parents who can send children to school to do so, rather than allow them to work. Many urban schools operate two sessions, allowing children to attend classes and to work.

In 1997 the U.N. Children's Fund (UNICEF) announced that children below the age of 16 faced increased risk of economic exploitation. In 1997 UNICEF cited evidence of children working in gold mines and as domestic servants, or working up to 14 hours per day in hazardous conditions for meager pay or no pay. The ILO stated that some street children both in Ho Chi Minh City and Hanoi participate in night education courses.

Government officials have the power to fine and, in cases of Criminal Code violations, prosecute employers who violate child Labor Laws. While the Government commits insufficient resources to enforce laws providing for children's labor safety, especially for children working in mines and as domestic servants, it has detected cases of child exploitation, removed the children from the exploitative situations and disciplined the employers. In a 1999 case in which children were working in a private sector gold mine, the Government prosecuted and convicted those responsible.

In November The Government ratified ILO Convention 182 on Worst Forms of Child Labor.

The Labor Law prohibits force and bonded labor by children; however, thousands of children work in exploitative situations, and children were trafficked both domestically and internationally for the purpose of forced prostitution (see Section 6.f.).

e. Acceptable Conditions of Work.—The Labor Law requires the Government to set a minimum wage, which is adjusted for inflation and other economic changes. The official monthly minimum wage for foreign-investment joint ventures is $45 (637,650 dong) in Hanoi and Ho Chi Minh City, and $40 (566,800 dong) elsewhere. The Government can exempt temporarily certain joint ventures from paying the minimum wage during the first months of an enterprise's operations, or if the enterprise is located in a very remote area, but the minimum wage in these cases can be no lower than $30 (425,100 dong). Stateowned enterprises consistently pay above the official monthly minimum wage of $13 (180,000 dong). These minimum wages are inadequate to provide a worker and family with a decent standard of living. A decreasing number of workers receive government-subsidized housing. However, many workers receive bonuses and supplement incomes by engaging in second-job entrepreneurial activities, and households often include more than one wage earner. The Government enforces the minimum wage only at foreign and major Vietnamese firms. A recent ILO study found that minimum wage requirements are well applied in all sectors, with the exception of smaller private sector enterprises.

In October 1999, the Government reduced the length of the workweek for government employees and employees of companies in the state sector from 48 hours to 40 hours. The Government encourages the private business sector and foreign and international organizations that employ Vietnamese workers to reduce the number of hours in the work week but has not made mandatory.

The Labor Law sets working hours at a maximum of 8 hours per day, with a mandatory 24-hour break each week. Additional hours require overtime pay at 1.5 times the regular wage and 2 times the regular wage on holidays. The law limits compulsory overtime to 4 hours per week and 200 hours per year. Annual leave with full pay for various types of work also is prescribed by the law. The ILO has pointed out that the limit of 200 hours a year of overtime work is too low, and that workers and employers should have the right to agree to a greater amount of overtime work. It is uncertain how well the Government enforces these provisions.

According to the law, a female employee who is to be married, is pregnant, is on maternity leave, or is raising a child under 1 year of age cannot be dismissed unless the enterprise is closed. Female employees who are at least 7 months pregnant or

are raising a child under 1 year of age cannot work overtime, at night, or in distant locations.

The Labor Law requires the Government to promulgate rules and regulations that ensure worker safety. The Ministry of Labor, in coordination with local people's committees and labor unions, is charged with enforcing the regulations. In practice enforcement is inadequate because of the Ministry's inadequate funding and a shortage of trained enforcement personnel. The VGCL reported that there are 300 labor inspectors in the country but that at least 600 are needed. There is growing evidence that workers, through labor unions, have been effective in improving working conditions. In 1994 the Government ratified ILO Convention 155 on occupational safety and health.

Some foreign companies with operations in the country have established independent monitoring of problems at their factories. In some instances, they used NGO's and other nonprofit organizations to monitor workplace conditions and report abuses to the Ministry of Labor.

The Labor Code provides that workers may remove themselves from hazardous conditions without risking loss of employment.

f. Trafficking in Persons.—The Penal Code prescribes harsh punishment for persons convicted of trafficking in women and children; however, some women are forced to work as prostitutes, and trafficking in women and children for the purpose of forced prostitution, both domestically and internationally, is a serious problem. The Government, international NGO's, and the press reported an increase in recent years in trafficking in women. Women and girls are trafficked from the Mekong Delta and highland provinces into Cambodia and from northern provinces into China. There are reports that some women from Ho Chi Minh City and the Mekong Delta who married men from Taiwan were forced into prostitution after their arrival in Taiwan. Women and girls are misled by promises of well-paying jobs in those places.

Prostitution, although officially illegal, is tolerated widely. The Ho Chi Minh City People's Committee recently acknowledged that more than 10,000 women in the city engage in prostitution. Hanoi and the port cities of Danang and Haiphong also have large numbers of women engaged in prostitution. There are reports that some persons in Ho Chi Minh City addicted young girls to heroin, then forced them to work as prostitutes to earn money to support their drug addiction. Many more women are compelled to work as prostitutes because of poverty, a lack of other employment opportunities, or because they are victimized by false promises of lucrative work. The government-affiliated Vietnam Women's Union and Youth Union, as well as international and domestic NGO's, are engaged actively in education and rehabilitation programs to combat these abuses.

The Government is working with international NGO's to supplement law enforcement measures and is cooperating with other national governments to prevent trafficking. In September it signed an agreement with the government of Australia stating a mutual commitment to combat trafficking in women and children.

Organized groups, including duplicitous job recruiters, lure poor, often rural, women with promises of jobs or marriage and force them to work as prostitutes (see Sections 5 and 6.c.). Press and NGO reports noted that some women were kidnaped and transported to China and other countries against their will, where they were sold into forced marriages. The Government and the Vietnam Women's Union addressed this problem by a program of public information to warn women and girls of these dangers and by repatriation programs to help female returnees. The Government also increased its efforts to prosecute traffickers.

There is reported trafficking in women to the Macau Special Administrative Region of China with the assistance of organizations in China that are ostensibly marriage service bureaus, international labor organizations, and travel agencies. After arrival women can be forced into conditions similar to indentured servitude; some may be forced into prostitution.

Children also are trafficked domestically and overseas to work as prostitutes. MOLISA, the Vietnamese Committee for the Protection and Care of Children, and the Vietnam Women's Union were engaged in efforts to combat this abuse. One NGO advocate has estimated that the average age of trafficked girls was between 15 and 17 years; many were trafficked to Cambodia and China.

Some traffickers have been convicted and imprisoned. The Vietnam Women's Union and Youth Union's programs, as well as state-owned media, publicized the problem. Women's Union advocacy and rehabilitation efforts help women and girls who have been trafficked.